From: Cathryn Konat
To: swlrt
Subject: Comments on SDEIS from LRT-Done Right
Date: Tuesday, July 21, 2015 2:16:18 PM

I want to state my endorsement of the comments submitted by the LRT-Done Right in response to the SDEIS. This response represents thousands of hours of work done by neighborhood volunteers. It is my hope that you will read their comments with careful consideration.
Best,
Cathy Konat

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Comment #148

Kenwood Isles Area Association

Southwest Light Rail Supplemental DEIS response

July 20th, 2015

Introduction to SDEIS Comments by the Kenwood Isles Area Association

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

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

This position was reversed in 2013, and the Metropolitan Council's policy is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the two following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor will be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured from a basis of no freight and no light rail.

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation will continue to grow as transport of oil, ethanol and other volatile materials expands and freight trains grow longer.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor – and included "co-location" making the temporary freight rail permanent – they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. KIAA does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: In Short-Term Acquisition and Displacement Impacts, the Council states "[s]hort-term occupancies of parcels for construction would...change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see:
http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf.
In the case that the MPRB decides against owning these properties, KIAA expects that the spirit of the agreement be upheld, i.e., that any remnant parcels remain publicly held.

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office, an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that may be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

These items will not avoid, minimize or mitigate the long term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS. Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The bridges over the Lagoon will have an adverse impact because of their the size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure will alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation and avoidance/minimization/mitigation measures to be identified. The possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific

mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need to ensure that plans are in place to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction as well as an agreement that specifies how these potential impacts will be monitored. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction.

The SDEIS also lists "station area development" as an item to be addressed through continued consultation. Numerous statements have been made that development is not anticipated at the 21st Street Station. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station...."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station
The discussion of development potential at the Penn Station does not relate to the Kenwood Parkway side:
http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf
The Council must explain what development is being referred to in Table 3.4-5.

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS response.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect the environmentally sensitive parkland, recreation areas, and open spaces along the Kenilworth Trail and adjacent parks. During construction, how can the safety of park and trail users (East Cedar Lake Beach, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed? Please also explain how emergency vehicles will maintain access to East Cedar Lake Beach and Cedar Lake Park.

Section 3.4.1.5 Visual Quality and Aesthetics

> ***Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:***
>
> ***Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.***
>
> ***Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.***

Comment: While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial." (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor.

Throughout this area, the SWLRT project will remove a large amount of green space and trees, and replace them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the degree of change in the visual resource will be great, and, with well over 600,000 annual visitors to the Kenilworth Trail, the exposure to viewers will be high. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

It appears that the consultant determining the visual qualities of the corridor relied entirely on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). If this is true, it is very discouraging that the area was not visited in person by the evaluator, nor were any stakeholders consulted.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent

neighborhood. The 21st Street Station – a slab of concrete and metal with fencing and catenaries – will certainly "create a focal point," but it is not credible to assert that this will positively impact the visual qualities of a place that is now adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. **We assert that the Council must recognize this and identify robust and meaningful mitigation measures for incorporation into the project. In fact, many feel that the adjacent parkland and the park-like environment of the Kenilworth Trail will be forever disrupted, and this alignment was selected when other, better alignments exist.**

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: Given its history as a marshy area that in many places was made solid by landfill, and its former use as an active freight corridor, KIAA is very concerned that so much remains unknown about the soil and groundwater conditions in the Kenilworth Corridor under which the SWRLT tunnel and other elements will be built.

On page 3-170, the SDEIS notes, "the amount of settlement below and in the vicinity of the tunnel would be negligible." KIAA urges the Met Council to consult with the builders and managers of Calhoun Village about settling. Our understanding is that the buildings in Calhoun Village are built on pilings; the parking lot has settled and been raised, perhaps more than once, so the step from the walkway in front of the stores to the asphalt remains within reach. KIAA has no engineering data, but we have been told that an underground flow from Cedar Lake to Lake Calhoun is believed to be responsible for the parking lot sinking. With the longer, heavier freight trains that have begun to use the Kenilworth Corridor – which will likely increase with the upgraded rail facilities that the Met Council plans to build as part of the SWLRT project – and the frequent LRT trains, KIAA is not confident that "construction and operation of the light rail system would not affect the performance of the proposed tunnel or the other structures located in the vicinity of the tunnel, such as roadways, utilities, and nearby buildings."

Regarding groundwater, the SDEIS further points out that "in areas with high groundwater elevations and granular soils, there is an increased potential for groundwater contamination as a result of previous hazardous and contaminated materials spills" (page 3-168). We appreciate the Council's plan to create a system of filtration tanks and infiltration basins to accommodate a 100-year storm event during construction, but urge the Council to fully understand the nature of the contaminants in the soil before digging begins. The Council assumes that it will obtain permits from all local, state, and federal agencies for impacts to wetlands and other aquatic resources, but it would, of course, be irresponsible for these agencies to grant permits if unknown contaminants cannot be safely managed. We also urge the Council to understand the costs of dealing with this contamination before proceeding with construction, as we understand these cost are not currently known.
KIAA requests that there be a much more significant and transparent presentation regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially potential for damage to the Kenilworth Channel and Cedar Lake.

While a permit application is required, the SDEIS identifies that there will be damage done to Minneapolis' aquatic resources but does not specify the level of damage that may be done during construction and operation of the SWLRT. The further impairment of these resources is a violation of the EPA Clean Water Act. The Minneapolis Chain of Lakes is a vital recreational and natural resource; while we appreciate that the Council will apply for a Section 404 permit, to knowingly degrade the Chain of Lakes is unacceptable.

Further, KIAA is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. The Kenilworth Corridor north of 21st Street is a former rail yard that housed up to 58 rail lines during its peak and was in service for decades. The SDEIS specifies the numerous toxic contaminants in the area due to this former use. Much of the rest of the Kenilworth area was constructed through landfill when standards for waste disposal were not stringent. When disturbed, contaminants from freight operations and landfill could enter the nearby lakes and groundwater.

In a June, 2015, Community Advisory Committee meeting, Southwest Project Office staff told the committee that contamination beyond what was identified in the SDEIS is likely to be found. Advancing the project without thorough knowledge of the type and degree of contamination elevates the risk to our water resources. The SPO staff further stated that measures to address the additional contamination are to be covered by contingency monies from the overall project budget. The SPO admits it does not fully understand the scope of the contamination nor does it know whether there will be adequate funds to address the potential

contamination of soil and water resources due to the construction and operations of the SWLRT. KIAA finds this approach to be irresponsible both financially and environmentally.

Noise 3.4.2.3

The SDEIS simply states that the noise issues described below will be addressed in the Final EIS and that they will be mitigated. We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.

Comment: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT through Kenwood and CIDNA will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Kenilworth Corridor. This proposed SWLRT route is not comparable to the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue), which are immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**.

A **National Scenic Byway** is *a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. The program was established by Congress in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).* The Kenilworth Corridor accommodates pedestrian and bike traffic, along with a slow moving freight train – two to five times per 24 hour period – which was intended to occupy the corridor only on a temporary basis.

The noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the Kenilworth Corridor and the adjacent neighborhood with near-constant noise and vibration.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet, 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT 3 - car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, critically increasing the noise generated. This holds true even if the only noise increase resulted from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

The result of LRT noise is the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, to a severely noise disrupted, highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise, a research review published in the December 2014 edition of Sleep Science, summarizes:

> emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article goes on to review that:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased

mortality....during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [1]

Further, there is growing evidence that the opportunity for experiences in greenspace and nature supports social and psychological resources and recovery from stress. [2] The perpetual and repetitive noise from SWLRT would interrupt the current experience of the Kenilworth Corridor, nearby beaches, parks, the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Opportunities for experiences in natural environments, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally if not more critical for the mental health of urban residents.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be simply ignored.

A. Existing Conditions (p. 3-180)

Fundamental defect with baseline noise measurements

Comment: The SDEIS uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] ***This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.***

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS. KIAA requests that the SW Project Office contact CIDNA to obtain a copy of this report.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted that "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise every 5 minutes is measured as having a lower impact than actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as 51 - 64 dBA in Tables **3.4-11, 3.4-12**. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non -existent, moderate or severe. This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.

Repetitive bell noise does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations.

The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

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[1] Sleep Science, Volume 7, Issue 4, December 2014, Pages 209-212).

[2] British Journal of Sports Medicine 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG."

[3] http://metrocouncil.org/swlrt/sdeis

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel

KIAA strongly questions the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material..."

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word -- the term "passive" to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Most significantly, that the consequence of placing the Kenilworth Channel in Category 3 is that both the obligation to mitigate impacts is lowered, and the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Breaks the *System* of Minneapolis Parks.

Horace Cleveland's visionary masterplan, Suggestions for a System of Parks and Parkways for the City of Minneapolis, proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a Minneapolis Park System.

The scenario of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area breaks the larger *system* of the Minneapolis Parks.

Site N 17 (p. 3-182)

21st Street Noise Impacts

We strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

As we currently understand the SWLRT project, crossing and station bells will generate a noise level of 106 dBA and LRT bells generating 88 dBA for 22 hours; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents be able to sleep uninterrupted.

Further, freight trains, which were supposed to have been relocated out of the Kenilworth Corridor to make way for LRT, may need to use bells and horns to safely cross 21st Street. This noise impact, which we regard as *new* since the status of the freight rail is going from temporary to permanent, does not seem to have been considered in the SDEIS.

We disagree with the assessment that the SWLRT project will create only 22 moderate noise impacts and one severe impact within the 21st Street station area. With appropriately robust measurement of the existing conditions (*without* freight), many of the residences with noise impacts deemed "moderate" would likely experience severe impacts. In addition to the residences identified in the SDEIS, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least moderate noise impacts. It's clear that although measurements may not rise to the "moderate" or "severe" level as defined in engineering manuals, noise from the 21st Street station will degrade a large portion of the Kenwood neighborhood. We underscore the need for the highest level of noise management and mitigation.

NB: It appears that the SDEIS may misidentify some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses may actually be on Sheridan Avenue South.

LRT Horns are Likely

According to the federal Train Horn Rule[4], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it may not be safe to silence LRT horns at this crossing. That does not mean that KIAA welcomes the horns being sounded due to the prestated tranquility of the corridor and the severity of the noise impacts. If they were reinstated for safety reasons, the noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood. KIAA has no evidence that there is a viable solution to the conflicting imperatives of safety vs. quality of life.

Not addressed: Impacts near Portals

Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS.

First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be identified and made public prior to the final DEIS.

Not addressed: Tunnel Ventilation System

Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building, among other things, before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations

The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment*, the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[5]

The SDEIS says that 54 residences[6] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". The impact of vibration of the freight rail, which the SW LRT is making into a permanent condition, should be included in this analysis.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed in this SDEIS. The FDA manual states: [7]

> ...the degree of [ground-borne vibration and noise] annoyance can not always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

SHORT TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within a month of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The project had to be halted (the piles were extracted), since going forward was deemed to be catastrophic. The pile-driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Tryg's site incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile-driving for SWLRT is planned.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the project cost estimates. There is a "contingency" line item in the budget, but it should be used for truly "unpredictable" costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.

Note that KIAA submitted concerns about building conditions during the 2012 DEIS scoping period. During this period, Kenwood residents showed that new construction in the 2500 block of Upton Avenue South required extra deep footings due to the unstable nature of the soil. Architects' drawings and technical information were submitted to Hennepin County.

KIAA requests that the nature of the building conditions be better understood before proceeding with the tunnel and bridge construction. Further study is needed of:

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[5] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*

[6] All of them are Category 2 receivers: "residences and buildings where people normally sleep."

[7] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-6*

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION

The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

KIAA understands that an online search of MPCA and MDA databases was conducted to identify documented hazardous and contaminated soils in the Kenilworth Corridor (page 3-189). While we appreciate that several sites were located with this method, people who have lived in Kenwood for many years have reported that undocumented disposal of hazardous waste formerly occurred in the Kenilworth Corridor area. KIAA has only anecdotal evidence, but we urge the Met Council to thoroughly investigate the possibility of undocumented contamination prior to commencing construction.

The SDEIS does not make clear whether the contamination risks throughout the corridor, including those areas of potential groundwater contamination or contamination that may infiltrate groundwater when disturbed, will be subject to Phase II evaluation prior to construction. Permanent pumping of an average of up to 520 gallons per day of water that has seeped into the tunnel would, if contaminated with the residue of freight operations or landfill, directly pollute the Chain of Lakes. We request that this risk and valid mitigation measures be identified before it is determined that a tunnel is environmentally safe and appropriate to build. The SDEIS states:

"Over the short term, four of the high-risk sites have the potential to directly affect LPA-related construction activities in the St. Louis Park/Minneapolis Segment (see Table 3.4-15). As previously noted, the high-risk sites would be investigated prior to construction using a Phase II ESA, which would include preliminary soil and groundwater investigations."

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts include:

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad. KIAA does not believe that the general public is even aware of the amount of wiring and electrical current and sparking in the LRT infrastructure, and we request that the Met Council make a public statement informing the general public of such. Below is a photo of a green line junction of a power tower that will be in very close proximity to the ethanol trains. KIAA strongly objects to this alignment and the risk to those families living in the "blast zone."

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the SWLRT project budget.

The SDEIS comment, however, seems to say that the cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they could become a Superfund site, requiring significant and expensive remediation.

Several members of the public requested budget information that would indicate what amount of the May 2015 increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in the Kenilworth Corridor. The SW Project Office provided only the highest level of information, and indicated that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project. KIAA is disappointed in this low level of transparency and is left to wonder if remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: KIAA disputes the statement that SWLRT will positively impact property values, especially around the 21st St station and Kenilworth Channel. The current freight alignment in the Kenilworth Corridor, which was supposed to be temporary, is already a negative and permanent defect on property values, and this becomes magnified as a negative defect on properties along the line with co-location of SWLRT. The threat of a collision and derailment as such incidents gain increased attention in the news media will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Much of Kenwood is within the half mile "blast zone." Currently there is no viable plan to contain the effect of a derailment and crash in any urban area other than to let the blast "burn out" for the safety of the overwhelmed first responders. Further, the increased noise, vibration, and light without the previously promised removal of freight rail is an exponential increase in the disturbance in an area that is well known for its park-like feel and "up north" atmosphere. The increased adverse effects of co-location will be a permanent defect to homes within earshot and sight of the line; auditory adverse effects would reach as far as Lake of the Isles Parkway based on the audible sounds of the current freight line, but as a much more disruptive cacophony of LRT bells and horns versus the current infrequent "low rumble" of freight.

Further, while studies such as *rtd-fastracks.com* and others show that the access to light rail increase property values in high density, transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor is not representative of those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods do not see the positive impact on property values, as they do in lower to middle income neighborhoods that more regularly use public transit.

While the projected 1600 ride/daily boardings and alightings appear unrealistic, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing on street parking in front of their homes. This will create a parking lot feel to the low density neighborhood and be a detractor from potential buyers, negatively impacting home values.

Finally we do not support denser development in Kenwood, nor would it be feasible on any meaningful scale due to the mature and stable nature of the neighborhood. Any development would further denigrate the existing green space in the corridor, especially around the 21st St station.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

Short-Term Direct and Indirect Economic Impacts

Comment: The SDEIS addresses only short-term economic impacts related to freight movements in the corridor. We assert that property owners in Kenwood would experience adverse economic impacts during construction; we are concerned that there will be a severe temporary degradation of property values due to the noise, traffic, vibration and uncertainties of the construction period, and we request that property assessments be reconsidered with the purpose of providing tax relief such as what was seen and acted upon during the upgrade of Highway 12 to Interstate 394. We request that a standard preconstruction survey be conducted on the route of construction vehicles or within the construction zone. We also request that there be a plan to ensure that school hours at the Kenwood School be respected – noise and activity should not take place in a manner that interrupts learning. Further, we request specification on what daily clean up and street sweeping would occur to minimize impact on the neighborhood.

3.4.4.2 Roadway and Traffic

As summarized in Table 3.4-1, there would be three new at-grade light rail crossings of roadways within the segment (Wooddale Avenue, Beltline Boulevard, and West 21st Street). At each crossing, light rail operations would impede vehicular traffic for approximately 50 seconds approximately 12 times per hour (six times per hour in both directions).

Comment: KIAA is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS. Police frequently need immediate access to the beach and park for the purpose of public safety and criminal matters; Water emergencies, fire, or medical emergencies would be exacerbated with each moment of delay. We see no possible way to mitigate this impact.

KIAA is concerned about the short-term impact on neighborhood roads that would be used for construction of the Kenilworth Corridor segment, including, but not limited to Penn Ave S, 21st St W. KIAA requests that funding be set aside for road repair

during and at the conclusion of construction to ensure that the burden of the cost of repair is not tendered to Kenwood residents via an assessment.

KIAA requests that passage of construction vehicles and materials through the neighborhood are limited to normal business hours to minimize neighborhood disruption. Please see Addendum #2 for the referendum passed by KIAA regarding the importance of this issue and we request some acknowledgement and plan for such mitigation during construction and repair post construction to any damage sustained to neighborhood housing or infrastructure.

3.4.4.3 Parking

Indirectly, the LPA could affect the supply of and demand for off-street parking in the St. Louis Park/ Minneapolis Segment due to development new light rail station areas. Any development occurring within the segment would, however, be required to comply with the City of St. Louis Park's and the City of Minneapolis' parking requirements, which would tend to ensure a long-term balance of parking supply and demand.

Comment: KIAA is concerned that there is complete disregard in the SDEIS for the impairment of on-street parking availability in its neighborhoods near the proposed 21st St Station for residents and their guests, as well as emergency access to those homes, especially in winter when streets are narrowed due to snow buildup. KIAA continues to oppose a park and ride lots at 21st St.

3.4.4.4 Freight Rail

Comment: Contrary to 15 years of previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (SDEIS page 1-1). The public, policy makers, and funders are generally unaware of this new "need" – one that has directed approximately $200 million of the Southwest light rail budget to improving *freight* rail and making it permanent in the Kenilworth Corridor.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. Despite public agreements and related state funding, none of the responsible parties secured appropriate legal documentation to ensure that freight would be moved to make way for light rail. Many of the parties responsible for this serious and politically tainted "mistake" have been, and continue to be, deeply involved in the SWLRT planning process.

Since the Alternatives Analysis assumed that "freight would be relocated to make way for light rail," the financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered at this critical juncture. Neither Hennepin County nor the Met Council has ever conducted an honest and unbiased analysis of alternative ways to serve the southwest suburbs' transit needs.

When the City of Minneapolis was required to vote on alignment 3A as the proposed Locally Preferred Alternative (LPA), the City Council members were told that freight rail would be relocated and that LRT would run at-grade in Kenilworth. The costs and concerns of freight relocation were again ignored.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

When the City of Minneapolis was pressed to accept co-location in 2014, the City Council lacked critical information to make an informed decision because freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS.

The present SDEIS does little to further the knowledge of risks to the environment and public safety of co-location of freight and SWLRT. It is remarkable more for what is not included than what is included.

Not addressed in this SDEIS are the following issues related to making freight permanent in the Kenilworth Corridor:

1) The current freight operator, TC&W, transports hazardous freight through Kenilworth, in very close proximity to homes, trails and parks. This freight includes such flammable and explosive products as ethanol, fuel oil, propane, and anhydrous ammonia. Should a derailment occur, the consequences could be catastrophic. The need for containment and evacuation plans in nowhere acknowledged in the SDEIS. The federal Freight Rail Administration (FRA) expects at least 10 to 20 oil or ethanol derailments annually. Nationwide, over 7000 train derailments occurred in 2014. These concerns are not just theoretical.

It is troubling that even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the

relocation of freight proposed the 2012 DEIS, the current SDEIS does not contain one word acknowledging the presence or dangers of high hazard freight through the Kenilworth Corridor. There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

2) TC&W is a private business and is free to operate as it deems appropriate. Since 1998 when freight was temporarily reintroduced, TC&W has significantly expanded the number of cars shipped through Kenilworth. The contents of these cars has also changed and will continue to do so as ethanol production increases – unit trains of 100 ethanol tankers have replaced short configurations of soybean and farm equipment carriers. Furthermore, the owners of TC&W are free to sell the company at any point to any one of the major railroads. This would cause an even greater expansion of traffic and movement of hazardous products in close proximity to homes. Upgrading the freight rail infrastructure at public expense and making it permanent increases the value of TC&W and thus increases the likelihood that it will be sold. Nowhere has this been made public.

3) Currently, TC&W trains voluntarily operate at a speed of 10 miles per hour through the Kenilworth Corridor. Our understanding is that they are under no legal obligation to do so. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. A long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.

4) The Met Council has requested waivers from the Federal Rail Administration in order to put the jurisdiction of the co-located freight and light rail under the FTA. We see no evidence that the FTA or the Met Council have the capacity to oversee the co-location of hazardous freight and passenger rail in a narrow urban corridor.

5) The distance between the newly permanent freight rail and the light rail with its overhead electrical wires does not appear to respect industry standards or best practices. Even with crash walls, the proximity of electrified freight rail to passenger rail adds to safety risks. Catenaries can and do spark, which could be disastrous if it occurs when an ethanol tanker is passing. The risk may be low, but the consequences would be extreme.

6) Heavy freight rail obviously causes vibrations that travel through the ground. We see no evidence that the potential for long-term damage to either LRT structures or to residences and other buildings from freight vibrations has been considered in this SDEIS. Upgrading and making freight permanent increases the risks that freight vibrations will damage homes; KIAA therefore requests a pre-construction assessment of potentially affected properties and long-term monitoring with agreements that damage to residences will be compensated.

7) The SDEIS does not explore public sector liability if SWLRT or freight causes damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor, this insurance liability assessment should be done prior to building SWLRT, made public, and included in construction and operating cost estimates.

3.4.4.5 Bicycle and Pedestrian

Comment: The Minneapolis Park and Rec board reported in 2010 the Kenilworth Corridor receives 600,000 discrete unique visits per year. And the current "north woods" feel of the area enhances those visits. That experience would be significantly impacted by the addition of light rail, especially co-located with freight rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users. KIAA asserts that this clearly constitutes a long-term adverse impact on bicycle and pedestrian experience in the Kenilworth Trail and must be mitigated to the greatest extent possible.

There is also a concern for safety at crossings, and a poor precedent set by previously constructed light rail lines on what we might expect. We find this photo to be an example of an unacceptable measure of safety:

As previously stated, is there any concern of having live wires for light rail within 25 feet of an active ethanol freight line? We ask for consideration on this matter per Rep Hornstein's statement at the Dunwoody SWLRT hearing.

3.4.4.6 Safety and Security

Comment: KIAA is concerned about the difficulty of providing emergency services to LRT users and freight trains throughout the Minneapolis portion of the corridor. There is limited operational infrastructure in the corridor (e.g., lack of hydrants), and few access points for emergency vehicles. In particular, we expect that the 21st Street access point will have to be used by police cars, fire engines, and ambulances to service points between the Kenilworth Lagoon and the Penn Avenue station. We request and urge the Council to design access in a minimally intrusive way, and consider mitigation that will limit the impact of these public services on the neighborhood.

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Comment: Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior. To reduce the risk of such behavior we request that the Met Council study whether it be appropriate for service at 21st St station cease at 10PM, which coincides with the normal evening closure of Cedar Lake Park.

SHORT-TERM IMPACTS

Cedar Lake Parkway is a critical artery for Kenwood residents and others. Currently, rush hour traffic produces backups that sometimes extend from Lake Street, along Dean Parkway and Cedar Lake Parkway. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.) The closing of Cedar Lake Parkway at the Kenilworth Trail would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period. Especially important are routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed.

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction.

Appendix - Addendum #1

Addendum: Kenwood Isles Area Association Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position is reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January, 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December, 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the

Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of space for light rail and the existing trails.** Currently, rails and trails safely coexist in more than 60 areas of the United States.

End of Addendum

Appendix: Addendum #2

January 5, 2015

Resolution to Recommend Review of Metropolitan Council's Policy Regarding Project Administration and Accountability to Property Owners

WHEREAS, It has come to the attention of the Kenwood Isles Area Association (KIAA) that a number of homeowners in the Cedar-Isles-Dean neighborhood apparently suffered damage to their properties as a result of the Metropolitan Council's Cedar-Lakes Sewer Improvement Project (MCES Project No. 804122), and

WHEREAS, Neither the Metropolitan Council's contractor nor the Metropolitan Council Environmental Services have taken responsibility or satisfactorily addressed CIDNA homeowners' documented property damage claims, and

WHEREAS, This lack of accountability leads to legitimate concerns about this and all other projects the Metropolitan Council administers, especially the construction and operation of the proposed Southwest Light Rail Transit (SWLRT), and

WHEREAS, This dereliction of responsibility with regard to property damage will potentially affect all properties – public, park or private property alike - along the 16-mile proposed SWLRT route.

THEREFORE BE IT RESOLVED, That the KIAA Board of Directors urgently requests that the Metropolitan Council review its policies for resolving property damage disputes resulting from its construction projects and its role in administering projects;

BE IT FURTHER RESOLVED, That based on this review and before construction begins on the SWLRT, the KIAA Board of Directors urges the Metropolitan Council to put clear and reasonable processes in place to resolve damage disputes and fairly compensate property owners who experience damage as a result of Metropolitan Council projects.

Kenwood - Isles Area Association

Nani Jacobson
SWLRT Project Office
6465 Wayzata Blvd Suite 500

Re: SDEIS Response

From: Susu
To: swlrt
Subject: Comments on the Southwest LRT SDEIS
Date: Tuesday, July 21, 2015 8:09:53 PM
Attachments: SWLRT Comments on the SDEIS 7-21-15.docx

FRIENDS OF COLDWATER

1063 Antoinette Avenue Minneapolis MN 55405-2102 612-396-6966
www.friendsofcoldwater.org info@friendsofcoldwater.org

July 21, 2015

Nani Jacobson, Assistant Director
Environmental and Agreements
Metro Transit—Southwest Light Rail Transit Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park MN 55426
SWLRT@metrotransit.org

Dear Ms. Jacobson,

Please see the attached Comments on the Southwest LRT SDEIS.

Friends of Coldwater is a Minnesota non-profit, non-governmental organization founded in 2001 to educate citizens to protect our water commons.

Sincerely,
Susu Jeffrey

Attachment: Comments on the Southwest LRT SDEIS

FRIENDS OF COLDWATER

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July 21, 2015

Nani Jacobson, Assistant Director
Environmental and Agreements
Metro Transit—Southwest Light Rail Transit Project Office
6465 Wayzata Boulevard, Suite 500
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SWLRT@metrotransit.org

Comments on the Southwest Light Rail Transit Project SDEIS

The Southwest Light Rail Transit (SWLRT) public process by Hennepin County Commission and Metropolitan Council has been an exercise in pretend democracy. From the beginning the LRT was presented by elected and appointed government officials as a fait accompli.

Although design plans have morphed since 2014 no new municipal consent procedure appears to be planned. With an estimated cost approaching $2-billion, half the funds from federal sources, SWLRT is the most expensive tax-payer program ever imagined for Minnesota.

Co-Location

The off and on again co-location of heavy and light rail traffic was a bait-&-switch tactic. To illustrate the intent to deceive the public about the safety of co-location no "blast zone" map of ethanol rail cars next to the SWLRT was produced for citizen inspection and comment.

From St. Louis Park to the baseball stadium, through the Chain of Lakes, the half mile wide residential and park land remains menaced. The manipulation of promises and threats reifies citizen mistrust of government powers.

The "Equity Train"

The "equity" argument for the SWLRT was a brilliant public relations maneuver to silence guilt-prone white people. Equity is P.C. The pitch was that underserved black

Northsiders would get transportation to jobs in the southwest suburbs. Like the promise to move heavy freight with dangerous ethanol traffic out of the urban zone, the equity promise lapsed.

SWLRT was never planned to move the densely populated Minneapolis black Northside or white Uptown populations. In addition to being a construction jobs program the SWLRT was apparently designed as infrastructure for workers to get to suburban cubical factories.

Urban vs. Suburban

The wealthy southwest suburbs pitted their financial clout against urban public parklands and people—and money won. Furthermore the outcome was assured ahead of time since the elected Hennepin County Commission and the appointed Metropolitan Council are dominated by white suburbanites. Apparently black economic lives do not matter here.

Reducing Cars and Auto Emissions

The Draft EIS predicted no reduction in automobile greenhouse gas emissions with SWLRT until after 2050.

Water

Destruction of parkland is the hallmark of recent transportation development in Minneapolis. Our famous parks, the only undeveloped urban land, are actually lakes, creeks and wetlands previously too wet for development

The Great Medicine Spring and Glenwood Spring

The Interstate-394 corridor is dewatered daily at the rate of 2.5-million gallons. Plastic drain tile pipes with little holes where groundwater infiltrates funnel the water into a series of ponds from the Highway 394/100 intersection to Sweeney Lake and out Bassett Creek, under downtown Minneapolis, to the Mississippi. A sign at the mouth of Bassett Creek used to warn pregnant women and children under six not to eat fish caught there.

Two springs dried up with Highway 394 permanent dewatering: Glenwood Spring, formerly sold as commercial spring (now well) water and the Great Medicine Spring in Theodore Wirth Park. Indian people "came hundreds of miles to get the benefit of its medicinal qualities" Col. John H. Stevens, first white Minneapolis resident, said of the Great Medicine Spring in 1874.

The place is still there but no water runs. Treated city water is now piped into Wirth Park. The Minneapolis Park and Recreation Board waited 10-years for the spring to recharge. In 1999 a 150-foot well was drilled with negligible results.

Coldwater Springs

The Hiawatha LRT project reduced the flow to Coldwater by more than 35-percent. Coldwater is the last natural spring in Hennepin County, is a federally recognized Dakota sacred site, it furnished water to Fort Snelling 1820-1920, and is considered the birthplace of Minnesota where the first Euro-American community developed to service the fort.

MnDOT offered to pump treated city water into the Coldwater reservoir before it was forced to redesign the Hwy 55/62 interchange. Nevertheless Hiawatha LRT and Highway 55 reroute construction resulted in the loss of 46,000 gal/day—from 130,000 down to 84,000. The Hwy 55/62 interchange pipes out 27,500 gal/day but a mysterious 18,500 gallons is simply gone.

“How could your professionals be so far off in their hydrology? What facts were not available to you,” Judge Franklin Knoll asked MnDOT attorneys in Hennepin County court 9/13/01. “MnDOT is one of the largest and most well-staffed departments in Minnesota. Your engineers, geologists and water specialists all signed off on this design,” Knoll said.

MnDOT attorney Lisa Crum said “MnDOT (design) standards were based on reasonable estimates.” Coldwater supporters were repeatedly told that the groundwater would "just flow around" sunken highways built into the water table. The inference was that the water would just flow around and return to its former paths. It did not.

Removing groundwater results in dirty water and dry land. The land dries out when groundwater is prohibited from running through nature's slower filtration system. The water gets dumped into the lakes, creeks and the Mississippi with contaminants adhering to dirt particles. Think of mercury poisoning from fish taken in our northern lakes far from the coal-fired power plants that vented into the air.

Dry soil does not easily absorb the increasingly heavy storms events experienced with climate change. Storm water runs off quickly with top soil, fertilizers, air and road impurities, and goose and duck poop.

Tunnel Through the Chain of Lakes

A half-mile tunnel would be inserted (after tree removal) between Cedar, Lake of the Isles and Calhoun. Solid steel walls would be sunken 55-feet down for the length of the tunnel to anchor the 35-foot wide structure. Otherwise it would float up or down with fluctuating underground water levels.

According to the Burns and McDonnell Engineering Company water study for the Metropolitan Council as much as 24,000 gallons per day from inside and around the tunnel would be pumped out. Less groundwater flow into and out of the lakes would

allow more contaminants and particulate matter to fill in and remain in our public waters, our water commons.

Again citizens are being assured that the groundwater will "just flow around" a half mile long "shallow" tunnel—built into the already saturated land between the lakes. In fact the very same expert consultants in hydrology and geology are employing the very same language to assure Metropolitan Council appointees, Hennepin County Commissioners, Minnehaha Creek Watershed District staff and managers, and concerned citizens that groundwater will "just flow around" a huge underground tunnel in the land between the Minneapolis Chain of Lakes.

The idea that people can "manage" water is being sold like comfort food. Hydrologists, geologists, architects and engineers are hired to plan waterproof structures. Sure—in a virtual world. In our world infrastructure is I-35W falling into the Mississippi or a brain-eating amoeba in Lake Minnewaska.

The US business model did not evolve to plan sustainably. Public works programs are funded on a formula of minimum cost because cost is somehow limited to the cost of construction.

Although SWLRT is the most expensive public works program ever proposed in Minnesota wet soil conditions along the proposed route would multiply costs. "Reasonable estimates" versus digging down into a saturated landscape will become obvious if this project makes it through the legal hurtles set up to protect citizens from government-business collusion.

Conflict of Interest

The last hurtle before golden shovels break the soil is normally a permit from the Minnehaha Creek Watershed District (MCWD). The district purchased 17-acres of land across the street from the proposed SWLRT station at Blake Road with a $15-million tax payer bond.

Odds are the appointed MCWD Board of Managers would vote to permit SWLRT.

When developers take over a watershed the mandate to protect the water commons is compromised. So ownership of a $15-million parcel of land at the proposed SWLRT Blake station appears to have influenced MCWD's favorable study of the proposed shallow tunnel plan.

Below are transcribed legal audio minutes of the May 8, 2014 regular meeting of the Minnehaha Creek Watershed District Board of Managers (appointed by the Hennepin and Carver County Board of Commissioners).

The discussion centers on the SWLRT and 17-acres at Blake Road and West Lake Street, south of Knollwood Mall, in Hopkins, across the street from the proposed Blake

SWLRT station. The station location is now part of a strip mall, just south of the railroad tracks and Pizza Luce at 210 North Blake Road.

The parcel includes a large cold food storage warehouse, and borders Minnehaha Creek and the Cedar Lake bike trail which is next to the RR tracks. The land was purchased about four years ago for $15-million for redevelopment investment, for storm water ponds (water storage) and Minnehaha Creek restoration.

At a MCWD Board of Managers meeting the question of interest payments on the $15-million bond was posed by SWLRT opponent Bob Carney. Managers skirted the question. Approximately $100,000 per year in interest payments would be expected.

The players in this 2014 audio transcription include MCWD Board of Managers:
--Sherry Davis White, president, Orono, term expired 3/15 (wife of former Orono mayor, Jim White who organizes housing developments), reappointed until 3/18
--Brian Shekleton, vice president, St. Louis Park, term expires 3//16 (works for Hennepin County Commissioner Peter McLaughlin)
--Richard Miller, treasurer, Edina, 3/17 (former Wells Fargo employee who arranged bonding, government finance)
--Jeff Casale, secretary., Shorewood, 3/15 (realtor) Kurt Rogness of Minneapolis, architect, was appointed for a three-year term replacing Casale. Minor felony charges against Casale for using MCWD staff in his private real estate business were dropped because "the alleged embezzlement occurred outside the statute of limitations."

Three managers were absent:
--Jim Calkins, Minnetonka, 3/16 (PhD, professor Horticultural Science UMN)
--Pamela Blixt, Minneapolis, 3/17 (MA public administration, City of Minneapolis emergency services)
--Bill Olson, Victoria, 3/16 (engineer Rockwell International)

--Richard Miller "…the worst could be that LRT didn't get approved…we've got to do a quiet plan if LRT doesn't go through and it (the land) doesn't have its commercial value at its highest and best use as a train station site....We've got to build in our budget someplace (for) the losses we're going to absorb on disposing of that site, because we always know [sic] we've got more in it than we'll get from it but the benefits of the (Minnehaha) creek frontage, and the (storm water) storage capacity, etc. you know it had certain value to us and so that could cover the, but you know, if we do have a problem in 2 or 3 years or 4 years you know let's not have it in a situation where we're in a disaster with no plan. And I don't think it would take much of an effort to plan it out, you know, how we're going to pay for the costs.

[The bonding loan to be paid back with tax money comes due in 2017]

--James Wisker, MCWD staff Director of Planning, Projects & Land Conservation: "By the end of July we should have a lot more clarity…worst case scenario planning we should revisit like, July 24th by then all municipal consent should have occurred."

[In a 6/16/14 email Wisker wrote to the author: "Regarding (SWLRT) dewatering. I referenced that there would be no system in place to perpetually dewater following construction completion."

--Richard Miller: "We can't be naked when that $15-million comes due (in) 2017….We're planning for the best but we're ready for the worst".

--unidentified male voice: "When we started on this…we had very strong interest in senior housing…there's no question it's going to be more valuable with light rail…

--Brian Shekleton: "And I will offer that light rail will happen...
--Jeff Casale: (interrupts) "That's going in the minutes I think."
-- (laugh)
--Brian Shekleton continues: "and by every indication I get that commitment from (Minneapolis) city council members."

Jeff Casale: If we're going to have this on the record…disaster is nothing like I would have considered it as. I think the property has been improved significantly from the work that we've done surrounding it…whether or not LRT goes in that property will have significant real estate value and I would not characterize it at all as disaster planning.

Richard Miller: "Well, you can call it what you want but it will be (a disaster) when the note comes due and we got a third of the value of the note."

The rhetorical questions are: who's watching out for the water and is this land purchase a conflict of interest for MCWD managers who would be voting to permit the SWLRT?

It appears that citizens, not officials or paid experts or politicians or white suburban developers, care about the sustainability of keeping Minneapolis waters clean enough for human recreation.

Clearly the voting managers of a permitting agency should be leery of the appearance of a conflict of interest regarding public money and political power. It certainly appears to be conflict of interest, legally actionable or not.

The Minnehaha Creek Watershed District deciders have violated public trust with their ambitious financial scheme that supersedes the preservation and protection of the water commons.

Water Standards Enforcement

Neither the MCWD nor the state Department of Natural Resources (DNR) has enforcement powers. The state legislature did not grant permitting agencies police powers.

It took the DNR three years to win a court order to stop illegal pumping of groundwater from 1800 West Lake Street into the lagoon. Some 240,000 gallons per day of water from a sub-sub basement parking garage was piped into a city sewer emptying into the lagoon between Lake of the Isles and Calhoun.

Two kinds of pollution flowed into the lagoon and Calhoun and down the chain: a temperature differential and garage drippings including grains of heavy metals from cars mixed with oil products. The temperature change was noticed by Loppett organizers when parts of the lagoon failed to freeze which could have allowed skiers to fall through rotten ice.

The problem was "solved" by moving the discharge pipe. Before the 1800 West Lake Street upscale apartment construction the Minneapolis Park Board spent a quarter million dollars on Lake Calhoun clean up.

Calhoun and Cedar lakes have six of the city's dozen swimming beaches. Lake Hiawatha at the butt end of Minnehaha Creek accumulates all the flowing pollutants from much of Hennepin County and most of Minneapolis since water obeys gravity.

The Park Board plans to close the beach at Hiawatha, remove the sand and build an "open pavilion." While the beach is a neighborhood treasure the shallow lake is a pollution catch basin. A new $7-million natural filtration public swimming pool at Webber Park in north Minneapolis seems to be the future of safe swimming.

Small Scale Flexibility

Nobody is disputing the need for transportation.

LRT is 20th century technology—big, clunky, really pricey and fixed. We need to have smaller, more numerous and flexible transport choices. The greater Twin Cities are growing in an expanding circumference with multiple "centers." People commute from a 27-county radius.

The push to build big rather than to decentralize is less efficient in both time and money, does not provide jobs and sabotages our water. The current SWLRT proposal is a dinosaur.

Sincerely,
Susu Jeffrey
for Friends of Coldwater
susujeffrey@msn.com

From: BLUMENTHALAL@aol.com
To: swlrt
Subject: comments
Date: Tuesday, July 21, 2015 3:47:42 PM

We were born and raised in Minneapolis over 70 years ago. We now reside in Florida and spend summer months on vacation in Golden Valley. We are appalled at what we understand is the planned SWLRT routing.

It seems to us that THE MOST IMPORTANT element of any transit system is to first provide reasonably priced public transportation to THOSE WHO NEED IT THE MOST. Things have not changed that much since we left the northside of Minneapolis. We do not see any public transportation benefit from the current SWLRT routing to those living anywhere north or northwest of Minneapolis. We do see an incredible amount of disruption planned for areas adjacent to our chain of lakes and the recreational areas around them. We believe the route serves middle and upper-middle income individuals/families.

The outcome will not affect our lives personally. But we a very concerned that the greatest living city in America will be transformed into another city that pours it's money into a failed transit system that will not benefit the people who need it the most - thus taking money from a park and recreation system that is second to none.

Allen & Shirley Blumenthal
250 Turners Crossroad So.
Apt. 314
Golden Valley, Mn 55416
and
897 Collier Court
Apt. 302
Marco Island, Fl 34145

From: Haworth, Brooke (DNR)
To: swlrt
Subject: DNR comments-Supplemental DEIS- SW Light Rail Transit
Date: Tuesday, July 21, 2015 5:30:58 PM

Dear Ms. Jacobson,

The Minnesota Department of Natural Resources (DNR) has reviewed the Supplemental Draft EIS for the Southwest Light Rail Transit. We offer the following brief comments.

For the most part we agree with document statements regarding Environmental Effects (the "no effect" determination in the DEIS) for Biota and Habitat, including Threatened and Endangered Species.

- As project designs move forward, we request that consideration be given to identification of high profile areas for wildlife crossings (wetlands, public waters, open park spaces), and that wildlife fencing and turn-back structures be incorporated to minimize wildlife mortality.
- We request that wildlife friendly erosion materials (natural materials, no welded webbing) be used throughout the project, especially around wetland and open water areas, to minimize mortality to small mammals and herpetofauna.
- Before construction begins, we request that an updated DNR Natural Heritage Inventory (NHIS) data review be requested to determine if any new records of rare species have been identified within the project footprint. An NHIS review is considered valid if performed within one year.

Design of public water crossings identified in the document should avoid impacts below the ordinary high water level; if this is not possible, steps to minimize impacts will be required during consideration of DNR public water permits. Unavoidable impacts may be waived to WCA at the DNR's discretion if deemed appropriate. DNR will continue to follow the progress of the project and provide guidance as needed.

We appreciate the attention given to control of potential groundwater contamination in the document, as well as consideration of groundwater flow and withdrawal. A DNR dewatering permit is required for withdrawals in excess of 10,000 gallons/day. Groundwater models and management plans will be reviewed by DNR staff during the application process.

Thank you for the opportunity to review this document. Please feel free to contact me with any questions.

Sincerely,

Brooke Haworth
Environmental Assessment Ecologist, Central Region
MnDNR Division of Ecological and Water Resources
1200 Warner Road, St. Paul, MN 55106
Phone: 651-259-5755
Email: Brooke.haworth@state.mn.us

From: squinlivan@comcast.net
To: swlrt
Cc: Lori Home Lewis
Subject: Endorsement of Light Rail Transit Done Right Comments on SDEIS
Date: Tuesday, July 21, 2015 2:53:23 PM

I endorse and support the comments submitted by Light Rail Transit Done Right (LRTDR). Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Steve Quinlivan
3141 Dean Court #704
Minneapolis, MN 55416

From: Jennifer Labovitz
To: swlrt
Subject: Endorsement of LRT Done Right"s comments to the SDEIS
Date: Tuesday, July 21, 2015 11:32:41 PM

Dear Met Council,

I fully endorse the response submitted by LRT Done Right. I hope critical assessment of what's been done so far and the potential cost of fulfilling the current proposal will yield cool heads and more rational decision making.

Best,

Jennifer

Jennifer Labovitz
jennifer.labovitz@comcast.net

From: Asad Aliweyd
To: swlrt
Subject: Environmental Comment from New American Academy
Date: Tuesday, July 21, 2015 10:34:30 PM
Attachments: EP_DevGuide102913-2-3-3.pdf

New American Academy (http://www.newamericanacademy.org/) is a community organization that serves the primarily Somali immigrant community in Eden Prairie and other southwest suburbas. New American Academy has been active partners with the Southwest LRT Project Office in engaging their community members (http://www.newamericanacademy.org/community.html) in decisions related to alignment, station area planning, and developing the Eden Prairie Town Center development guidelines.

Eden Prairie Alignment:

AMS supports the Eden Prairie alignment: Adjustments to the proposed light rail alignment and LRT stations, generally from the intersection of Technology Drive and Mitchell Road to the intersection of Flying Cloud Drive and Valley View Road.

Yet with the July 8th, 2015 Metropolitan Council Southwest LRT budget decision to defer the Eden Prairie Town Center Station, on opening day a significant environmental justice community in Eden Prairie will be delayed the benefits of this $1.7 billion public infrastructure investment.

Using EJView, the mapping tool of the Environmental Protection Agency, AMS found that within a 3 square mile area at the Eden Prairie Town Center Station:

- 40% minority
- 42% households under $50,000
- 65% renters
- 23% under 17 years of age
- 10% 65 years and older*

* American Community Survey 2006 - 2010

We chose to look at a broader area than the ½ mile station area circumference to include residential areas south because of the medium density in this suburban city.

Equitable Development:

New American Academy in partnership with Twin Cities Local Initiatives Support Corporation as a Corridors of Opportunity Initiative funded by FTA/EPA/HUD Sustainable Communities developed Eden Prairie Town Center Development Guidelines. See http://www.corridorsofopportunity.org/activities/LIC/CDI-Plus for a description of this project. These development guidelines represent the economic opportunities and potential of the Southwest LRT station at Eden Prairie Town Center that would provide great benefits to the significant communities of color in this station area.

New American Academy presented these Eden Prairie Town Center Development Guidelines March 2014 to city council. This guideline was endorsed by the city staff as well as other community developers such Twin cities Lisc. It took almost 6 months to plan, execute and print the final guidelines for the Town Center housing development. The city of Eden Prairie has yet to respond or endorse these development guidelines. Without a station at Eden Prairie Town Center the opportunities to increase affordable housing and jobs for the communities of color will not be realized.

Finally, the RFP of Southwest LRT project include to have affordable housing, jobs and economic development for low-income and people of color. unfortunately, We don't see the possibility of that here in the Southwest.

Sincerely
Asad Aliweyd, MBA
Executive Director

New American Academy
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Edina, MN 55439
952-212-7446
www.newamericanacademy.org

https://www.facebook.com/NewAmericanAcademy?bookmark_t=page
Building better and sustainable future for our communities

EDEN PRAIRIE TOWN CENTER DEVELOPMENT GUIDELINES

August, 2013

INTRODUCTION

Eden Prairie is a vibrant city known for its desirable housing, excellent business climate, quality schools and outstanding parks. It has been named one of Money Magazine's "Best Places to Live" in America since 2006; the city earned a first place ranking in the 2010 survey. Comprising many large lakes and ponds, the city has more than 170 miles (270 km) of multi-use trails, 2,250 acres (9 km2) of parks, and 1,300 acres (5 km2) of open space. Previously a bedroom suburb in the 1960s, the city is now home to more than 2,200 businesses and the corporate headquarters. Regionally known for the Eden Prairie Center, it is also the hub for the proposed Southwest Transit corridor. Population has increased 13.4% since 2000, with 62,258 residents in 2012. Part of that growth stems from an increase of Somali and East African families (2010 census data indicates 5.6% black or African American).

One of the proposed Southwest light-rail transit stations will be located in the Town Center area, a primarily commercial district that offers a mix of higher density housing, office and retail space, in close proximity to the Eden Prairie Center. The Town Center area is bordered by Regional Center Road to the south, Flying Cloud Drive to the east, Technology Drive to the north, and a proposed north/south roadway to the west between Costco and Emerson Rosemount. In 2005 - 06 the City of Eden Prairie commissioned a Major Center Area (MCA) study to examine and plan for the future of the area surrounding the Eden Prairie Center. The study was approved by the City Council in as an advisory tool for future redevelopment and public improvements, which recommended developing detailed design guidelines for future buildings, parking ramps, streetscape amenities, pedestrian/bicycle connections and other public spaces for the Town Center area.

With the advent of the light-rail transit investment, the City of Eden Prairie partnered with New American Academy, a community-based organization of Somali and East Africans, and the Twin Cities LISC / Corridor Development Initiative to lead a series of community workshops to explore development options and scenarios to enhance the area, and to elevate the potential for a more transit-oriented and walkable neighborhood. Although the CDI community workshops were open to the general public, special recruitment was made to engage the Somali community, many of whom live in the Town Center vicinity. These development objectives are the result of the community workshops, and serve to inform the future development of the Town Center area.

ASSETS

The City of Eden Prairie:

- Maintains and enjoys a strong residential market;
- Is home to many businesses that provide quality jobs;
- Offers renowned regional and municipal parks, conservation areas, trails, and recreational facilities that are community centerpieces that attract people of all ages and abilities
- Provides a great place to raise a family, run a business, age in place, and recreate;
- Maintains a strong and diversified tax base, a healthy by a vibrant local business climate with high-quality jobs that provide families with economic security;
- Values diversity and opportunity for its residents; and
- Takes pride in its strong school district.

Above: Examples of the housing, trails, and green space in Eden Prairie.

GUIDELINES: TOWN CENTER NEIGHBORHOOD

As a future station area along the Southwest Light Rail Transit corridor, the Town Center area is ideal to explore how transit-oriented development could enhance the area by addressing accessibility, livability, and strengthening the pedestrian environment. It will take a strong will by the City of Eden Prairie to set principles for sustainable redevelopment going forward, to guide investment, and measure every project against these principles.

The redevelopment of the area must complement the existing uses in the area, that are largely commercial, residential, and office space. Because there is a large population of Somali families that have located in the area, there was strong interest in the preservation of affordable housing that can accommodate larger families, and to offer economic opportunities for small business entrepreneurs, as well as access to jobs and opportunities throughout the region through close proximity to the regional light rail transit system. The Eden Prairie Major Center Area Study calls for a retail and housing core with a walkable mainstreet, which could incorporate affordable housing for families, seniors, and the growing need for multi-generational housing (http://www.eden-prairie.org/modules/showdocument.aspx?documentid=359).

There is a shared value around the preservation of young families to preserve the high quality of the Eden Prairie schools, and to offer housing options to accommodate all stages of life. The Town Center area offers an important opportunity to create a more concentrated development pattern that would allow for a mix of uses, a mix of incomes, and greater pedestrian access to transit, goods, and services.

Town Center District - Block Exercise Site

RECOMMENDATION FOR REDEVELOPMENT INCLUDE:

I. Enhance Opportunities for Mixed-Use and Mixed-Income Projects

A. Promote mixed-use development that incorporates retail, office, and residential uses;
B. Provide for a mix of housing options that could accommodate different household sizes (e. g. 3 – 5 bedroom units), configurations, incomes, homeownership and rental, as well as generational diversity;
C. Incorporate affordable workforce and family housing and affordable commercial space where ever possible to create opportunities for diversity and local small business entrepreneurs.
D. If government resources are required to fill financial gaps, focus on affordable housing that serves a mix of housing needs (e.g. size of family, seniors), and supports local multi-cultural businesses.
E. Identify and address existing housing gaps through development opportunities presented through investments along the Southwest LRT corridor (e.g. age, mix of owner and rental, family size, income level, etc.)
F. Blend into and complement the existing neighborhood.
G. Consider elements that enhance "indoor-outdoor" experience, such as balconies and screened porches, and courtyards to create open spaces;
H. Encourage underground parking or structured parking to enhance pedestrian experience;
I. Ensure economic development opportunities including home ownership opportunities that are culturally appropriate

II. Create a destination

J. Enhance the livability of the area for residential uses by strengthening the pedestrian orientation to create greater access to transit, goods, services, and regional amenities (e.g. create a pedestrian overlay to enhance walkable connections throughout the area);
K. Strengthen or link to natural amenities and places for outdoor recreation;
L. Include opportunities for youth and family recreation, such as centers that attend to gender specific needs and opportunities;
M. Incorporate green spaces;
N. Consider and minimize the ecological impact;
O. Utilize CPTED (Crime Prevention Through Environmental Design)

principles to promote safety through design of building and public spaces, and engage the community to inform strategies for greater safety and other design features;

P. Prioritize transit and housing accessibility to accommodate people with disabilities;
Q. Seek to create alternative education and job training opportunities (e.g. alternative schools, job training for public sector employment, etc.) for young people, families, and adults;
R. Provide opportunities for intercultural interaction to build stronger community ties;
S. Incorporate signage and way-finding in multiple languages;
T. Attract a variety of food and entertainment options;

III. Create commercial spaces for small business entrepreneurs to build assets and job opportunities for the local community

U. Explore ideas like the Midtown Global Market, Suuqa Karmel, and Urban Bazaar (in San Francisco) to provide opportunities for small business entrepreneurs to locate in the area, serving the local community with culturally specific goods and services.
V. Consider locations for a farmers market or grocery store that would provide access to healthy foods for people that live in the area.
W. Encourage a mix of commercial spaces that include small, mid, and large scale commercial users.

From: Kathleen Fix
To: swlrt
Cc: kathleen.fix@comcast.net
Subject: Endorsement of LRT-Done Right"s comment on the SDEIS for the SWLRT
Date: Tuesday, July 21, 2015 10:19:25 PM

To the Met Council:

I am a resident and home owner in Minneapolis and I fully endorse the comments submitted by LRT-Done Right on the SDEIS for the SWLRT.

Kathleen Fix

From:	Jacobson, Nani
To:	swlrt
Subject:	FW: HC Comments to SWLRT Supplemental DEIS
Date:	Tuesday, July 21, 2015 5:10:46 PM
Attachments:	HC Comments Southwest SDEIS July 2015 FINAL.xlsx

From: David J Jaeger [mailto:David.Jaeger@hennepin.us]
Sent: Tuesday, July 21, 2015 3:16 PM
To: Jacobson, Nani
Cc: John Q Doan; Debra R Brisk; Alene G Tchourumoff
Subject: HC Comments to SWLRT Supplemental DEIS

Nani.

Attached are comments from Hennepin County's internal review of the SWLRT's SDEIS report.

We appreciate the chance to provide this input and appreciate all of your hard work on the very important project.

Regards, Dave.

David Jaeger
Planning, Policy and Land Management | Hennepin County Public Works
701 Fourth Ave. South, Suite 700, MC L606| Minneapolis, MN | 55415-1842
direct: 612-348-5714 | cell: 763-478-7319
david.jaeger@hennepin.us

Southwest LRT Supplemental Draft EIS - Review Form

Reviewed by:

John Evans, Chuck Darnell, Kim Zlimen, Kerri Pearce Ruch, Kristy Morter, Katie Walker, Dave Thill, Ali Durgunoglu, Jim Kujawa, Stacey Lijewski, Dave Jaeger

Date: 7/15/2015

Organization: Hennepin County Public Works

Contact Info: david.jaeger@hennepin.us

Ch./Sec. Number	Page	Comment	Recommendation
3.1.2.12	3-17	The forecast year for modeling should be updated to 2040 as it is expected to be for the FEIS. This should be made clear and reflected as needed throughout the SDEIS.	
		Due to scope and budget reduction, discussion on segments from Southwest Station to Mitchell Station is no longer applicable - will this document be updated or will that be addressed in the FEIS?	
3.2.1.5	3-55	Ensure that mitigation measures for substantial adverse impacts are fully identified and addressed in the FEIS, as stated that they will be in this section of the SDEIS.	
3.2.2.2	3-60	In the first paragraph under "Agency Coordination", "Hennepin County Conservation District" should be changed to "Hennepin County".	
3.2.2.2	3-59 thru 61	4.70 acres of various types of wetland impacts are proposed in 16 wetlands. WCA Rule 8420.0544 specifies that wetlands impacted by public transportation projects in the seven-county metropolitan area must be replaced in the seven-county metropolitan area or in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one-to-one must be replaced within the seven-county metropolitan area.	Hennepin County recommends that the one-to-one portion of the replacement should be done in Hennepin County.
3.2.2.2	3-61	Floodplain elevations at Purgatory Creek at Technology Drive have not been established. The floodplain is classified by FEMA as Special Flood Hazard Area (SFHA) Zone A.	Floodplain elevations at SFHA Zone A should be estimated through model studies to determine the exact volumetric impact (not by area) in floodplains.
3.2.2.2	3-63	As shown on Exhibit 3.2-5, approximately 13.4 acres of floodplain within the proposed Eden Prairie improvements would be filled by the proposed improvements. The floodplain impact should be estimated in volume.	Mitigation measures are also explained on page 68. Mitigation must be done according to the local government unit's floodplain ordinance. Mitigation usually requires one-to-one volume replacement and should be hydrologically connected to the impact area.
3.2.2.2	3-65	Public Waters and Stormwater Management	Per new state stormwater treatment gudelines, up to 1.1" of runoff originating from all new impervious surfaces must be abstracted.

3.2.5-B, 3.3.5-B & 3.4.5-B	3-93, 3-129, & 3-212	Outreach to Minority and Low-income Populations references the composition of Community Advisory Committee (CAC). It should be noted that CAC membership includes both Met Council and Southwest Community Works, but could then also include policymakers from cities and Hennepin .	
Table 3.2-18	3-96	Parking Impacts are noted at 250 displacements throughout this section. This suggests correlating parking impacts to better understand actual parking impact as is done in subsequent sections.	
3.2.5	3-98	In Parking section, 4th sentence, LPS should be LPA	
3.3.1.1	3-102	The county disagrees with the statement that the OMF would not "influence growth patterns and neighborhood characteristics on adjacent land". The OMF could be within sightlines of the station and future redevelopment along 17th Avenue in Hopkins and Minnetonka, which would have an indirect impact on these areas.	
3.3.1.1	3-104	Under "Mitigation Measures" - visual impacts of OMF and its operations should be addressed. Mitigation should include measures similar to those being used at other identified locations such as landscaping, visual treatments, and continuity with LRT structure designs.	
3.3.2	-	While technically part of the Shady Oak station and not the Hopkins OMF site, what, if any, additional environmental impacts might be realized by the addition of 300+ temporary parking stalls on the property to the east of the OMF?	
3.3.2.2	3-111	0.7 acres of type 3 wetland will be impacted.	Hennepin County recommends that the one-to-one portion of the replacement should be done in Hennepin County.
3.3.2.2	3-112	Approximately 0.61 acre of MnDNR-mapped floodplain would be filled as a result of the proposed Hopkins OMF. Type of floodplain designation needs to be specified, the impacts must be measured in terms of volume and replaced according to MDNR and local regulations.	Mitigation should be hydraulically connected to the impact area.
3.3.2.2	3-112	Public Waters and Stormwater Management	Per new state stormwater treatment gudelines, up to 1.1" of runoff originating from all new impervious surfaces must be abstracted.
Table 3.3-9	3-130	Table lists acquisitions and displacements. Will this number be updated to reflect additional acqusitions disclosed in Spring 2015? And if so, does that change the finding of no impact on EJ populations?	

3.3.2.3	3-117	1st paragraph, last sentence - add petroleum waste to list, since this is a separate category pursuant to federal statutes.	
3.3.2.3 B.	3-117	Given the contamination issues and the proximity of the methane source (landfill), vapor mitigation features may need to be incorporated into the OMF buildings.	
3.3.2.3 B.	3-119	Soil vapor samples, analyzed for volatile organic compounds, should be a part of Phase II investigations since the landfill and other high risk sites could be sources of these compounds as well.	
3.3.2.3 C.	3-120	Vapor barriers and venting systems may need to be part of the Mitigation Measures depending on soil vapor sampling results.	Given the proximity of the potentially significant methane source (landfill), it may be prudent to install a vapor mitigation system as part of the building, regardless of soil vapor sampling results, should vapor conditions change over time. It is cheaper to incorporate such as system during building construction than to retrofit an existing building.
3.3.4.1		In Existing Conditions section Excelsior Avenue should be changed to Excelsior Boulevard.	
3.4.1.5	3-168	Ensure that mitigation measures for substantial adverse impacts are fully identified and addressed in the FEIS, as stated that they will be in this section of the SDEIS.	
3.4.2	3-181	Figure 3.4-6, moderate and severe noise impacts north of the Kenilworth channel are overlapping on the map and difficult to read at this scale.	Perhaps an inset could be provided since this doesn't appear to be addressed in greater detail in Appendix H: Noise and Vibration Memoranda either?
3.4.2.2	3-173	0.5 acres of various types of wetlands will be impacted.	Hennepin County recommends that the one-to-one portion of the replacement should be done in Hennepin County.
3.4.2.2	3-176,177	Public Waters and Stormwater Management	Per new state stormwater treatment gudelines, up to 1.1" of runoff originating from all new impervious surfaces must be abstracted.
3.4.2.1 B.	3-170	Since the impact to lake levels has been raised as a concern with regard to the tunnel, it may be worthwhile to compare the 190,000 gallons/year pumping rate to the overall lake volumes, which should demonstrate that the pumping rate is miniscule compared with lake volumes. Another approach would be to compare the tunnel area to the recharge area for the lakes.	

From: sbull10152@aol.com
To: swlrt
Subject: I endorse the comments by LRT done right!
Date: Tuesday, July 21, 2015 8:20:48 PM

The project has been a waste of tax payer money. Its time to walk away and spend the federal and state taxes in a way that benefits the tax payer. The project should be scuttled.

Stephen Bullard
Minneapolis

From: Brian Gaiser
To: swlrt
Subject: Just don"t do it
Date: Tuesday, July 21, 2015 2:27:40 PM

I live in Bryn Mawr just north of 394 and use the Kenilworth Corridor almost every day commuting by bike to work in Bloomington. I recreate in the corridor as well on the numerous lakes and trails. The disgraceful decisions that have have been made to this point allowing a) co-location of freight and the b) irreversible environmental impacts of the Kenilworth corridor need to be reckoned with.

I moved to Minneapolis from Portland, Oregon because of this city's unsurpassed park system. This project **WILL DESTROY** the SINGLE BEST PART of the Minneapolis Park System.

Whatever you need to do to change the current chain of events - then do it. Including putting a **full-scale stop to the SWLRT until agreements can be made to move it out of the corridor.**

Brian Gaiser
621 Queen Avs S
Minneapolis

From: Susu
To: swlrt
Cc: STUART CHAZIN; Mary (LRTDR) Pattock; George Puzak
Subject: Letter supporting LRTDR comments on SDEIS
Date: Tuesday, July 21, 2015 6:30:18 PM

FRIENDS OF COLDWATER

10,000-year-old Sacred Spring—GREEN MUSEUM—Birthplace of Minnesota
1063 Antoinette Avenue Minneapolis MN 55405-2102 612-396-6966
www.friendsofcoldwater.org info@friendsofcoldwater.org

July 21, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426
SWLRT@metrotransit.org

Dear Ms. Jacobson,

I am contacting you as a spokesperson for Friends of Coldwater, a Minnesota non-profit NGO dedicated to educating citizens to protect our water commons.

In addition to the Friends of Coldwater comments on the SWLRT SDEIS we endorse and support the comments submitted by Light Rail Transit Done Right (LRTDR).

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,
Susu Jeffrey

Before it was a historic site, Coldwater was a sacred site.
Friends of Coldwater is a Minnesota Non-Profit Organization

From:	John Harvey
To:	swlrt
Subject:	Letter to be included in in SDEIS Comments for the SWLRT Project
Date:	Tuesday, July 21, 2015 4:59:56 PM
Attachments:	Response for the record on the SDEIS for SWLRT proposal 7-21-15.pdf
Importance:	High

Dear Ms. Jacobson and other members of the SWLRT Project Office.,

I've attached a PDF of my endorsement which I request you include in the Public Comments concerning the proposed SWLRT project

Thank You,

John H Harvey

Please let me know that you've received this comment endorsement.

J.H.

From: John H Harvey
2837 west 28th Street
Minneapolis, MN 55416

July 21st, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Via email: swlrt@metrotransit.org

Dear Ms. Jacobson,

I am writing to you as a Citizen and a Resident of the Cedar Isles Neighborhood to let you know that I've read the Supplemental DEIS for the proposed Southwest Light Rail plan and must agree with the comments submitted by **Light Rail Transit Done Right (LRTDR)**.

Please *add my letter* to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

John H Harvey

P.S. I'd also appreciate it if you would make available all the other Public Comments submitted to you over the years at and after "Listening" Meetings sponsored by the Met Council concerning all aspects of this project.

J.H.

P.P.S. Please let me know via Email that you've received this Comment indorsment.

J.H.

From: Jody Strakosch
To: swlrt
Subject: LRT Done Right - SDEIS Comments
Date: Tuesday, July 21, 2015 5:11:37 PM

To Whom It May Concern,

As a Minneapolis resident, I am writing to let you know that I fully endorse and support the comments submitted by LRT Done Right. Our neighbors have spent hours working on these comments and I hope you will take them into full consideration.

Sincerely,

Jody Strakosch
2200 Newton Ave South
Minneapolis, MN 55405

From: Heather Haakenson
To: swlrt
Subject: LRT done right
Date: Tuesday, July 21, 2015 7:48:04 PM

Met council,
As a proud Minneapolis citizen I endorse the LRT done right comments regarding the SDEIS. Protecting our green space and iconic chain of lakes is vital to the long term beauty and health of our city. Our forefathers had amazing foresight in planning and protecting these spaces. Let's not destroy what they worked so hard to create.

Sincerely
Heather Haakenson

Sent from my iPhone

From: Lisa Nankivil
To: swlrt
Subject: LRT Done Right
Date: Tuesday, July 21, 2015 4:30:02 PM

As a Kenwood resident and trail user for recreation and work commute I support the objections brought to the current status of co-location. This alignment is ill planned and potentially dangerous. No co-location! Move LRT to a different route that doesn't disturb the environment!

Thank you for your attention to this matter,

Lisa Nankivil

From: David M. Lilly, Jr.
To: swlrt
Subject: LRT Done Right Comments to SWLRT SDEIS
Date: Tuesday, July 21, 2015 3:29:41 PM

Dear Ms. Jacobson,

I wish to inform you that I fully support and endorse the comments about the SDEIS covering the SWLRT submitted by *LRT Done Right* under cover of letter from Mary Pattock dated today. Having participated in the drafting of this document I am fully informed about the details of these highly informed comments.

Sincerely,

David M. Lilly, Jr.
612 280-2755
dlilly@danburygroup.com

From: Barb Rasmus
To: swlrt
Subject: LRT Done Right comments
Date: Tuesday, July 21, 2015 8:28:43 PM

I would like to go on record for endorsing the Comments submitted by LRT Done Right regarding the SDEIS in reference to the SWLRT. It is unconscionable to continue to pursue this path in the face of all that is known (and not yet known). PLEASE be responsible, do the right thing, and suspend this commitment to endangering and likely destroying one of the most treasured areas of the Cities.
Barb Rasmus

Sent from my iPad

From: Marion Collins
To: swlrt
Subject: LRT done right statements
Date: Tuesday, July 21, 2015 9:59:09 PM

I endorse and agree with the statements made by LRT Done Right. I live with 4 small children about 5 yards from the tracks, and am in the Blast Zone. Our house is by a crossing where no mitigation for bells/horns has been made. I hope you will sincerely look at these statements and take a step back from the project to consider what is really best for the environment and Minneapolis citizens. This route does not go through dense areas where there are lower-income families, nor close to businesses that would benefit from mass transit. And this route is environmentally detrimental and dangerous with co-location of freight.
Our family sincerely hopes you will take into account the facts put before you by LRT Done Right and listen to the citizens you are suppose to represent.

Sincerely,
Marion Collins

From: Charles Gribble
To: swlrt
Subject: LRT done right
Date: Tuesday, July 21, 2015 10:02:37 PM

We support the comments sent to your attention.

Chuck Gribble
Edith Black
1988 Sheridan Av. S
Mpls 55405

Sent from my iPad

From: Shelley Fitzmaurice
To: swlrt
Subject: LRT Done Right"s Comments to the SDEIS
Date: Tuesday, July 21, 2015 11:01:58 PM

I have read and fully endorse the comments submitted today by the grassroots organization, LRT Done Right, especially the concerns about the safety issues that would result from co-location of freight rail and light rail in the Kenilworth corridor.

The SWLRT should not go forward with co-location! Remove the freight or reroute the SWLRT!,

Shelley Fitzmaurice

Sent from my iPad

From: Saario, Terry (MIN-CML)
To: swlrt
Subject: LRT-Done Right comments on the SDEIS
Date: Tuesday, July 21, 2015 3:11:50 PM

My husband, Lee Lynch, and I are writing to endorse the comments submitted by the LRT-Done Right citizen group. This group has seriously examined the SDEIS and respectfully submits its comments for your critical examination and consideration. Terry Saario, 34 Park Lane, Minneapolis, MN, 55416

From: Allwood, Paul (MDH)
To: swlrt
Cc: Kelly, James (MDH); Bell, David (MDH); Ehlinger, Ed (MDH)
Subject: MDH Comments
Date: Tuesday, July 21, 2015 5:10:02 PM
Attachments: MDH Comment Letter_South West LRT SDEIS.pdf

MDH comments are hereby submitted on the SW LRT SDEIS. Please contact David Bell if you have questions. Regards,

Paul Allwood
Assistant Commissioner
Minnesota Department of Health
Phone: 651-201-5711

Administrative Assistant
Toni Gillen
651-201-4817
Toni.Gillen@state.mn.us

MINNESOTA MDH DEPARTMENT OF HEALTH

Protecting, maintaining and improving the health of all Minnesotans

July 21, 2015

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

Dear Ms. Jacobson,

Thank you for providing the Minnesota Department of Health (MDH) with the opportunity to comment on the Supplemental Draft Environmental Impact Statement (SDEIS) for the Southwest Light Rail Transit project (SW LRT).

Health begins in the environments where we live, learn, work, and play. Transportation projects, such as highways, public transit and sidewalks, shape these environments. The Southwest Light Rail Transit project offers real potential to improve health for communities living near transit stations. People from all over the region who travel on the light rail line could also benefit. The new transitway could have health benefits for communities by improving physical activity levels, job access, housing and transportation costs, traffic safety, education access, and access to healthy food.

The following comments highlight these areas of potential health improvement and MDH also wants to stress that a project of this magnitude must be planned carefully so as to maximize these potential benefits.

Health Equity

- Research indicates that 60% of our health status is influenced by social and environmental conditions and only 10% is influenced by health care[1]. Access to transportation is one of the social and environmental conditions that influence health. Ensuring equal access to the SW LRT for all people will help maximize the potential health benefits resulting from this project.

- In Hennepin County, low-income communities and communities of color have higher rates of preventable health problems such as obesity and type II diabetes than do

[1] Schroeder, S. A. (2007). We can do better—improving the health of the American people. *New England Journal of Medicine, 357*(12), 1221-1228.

whites and higher income populations. These differences in health are the result of a wide set of forces: economics, social policies, politics, and our built environment. It is important that the health-promoting benefits of the transitway reach low income communities and communities of color. This is particularly important along the Eden Prairie segment of the SW LRT where these communities are more concentrated along the proposed route than in greater Eden Prairie and Hennepin County. The health impacts of the SW LRT on these populations will depend on efforts to ensure that these communities have a healthy environment in which to live, learn, play, and work and this includes ensuring their access to light rail.

- Transportation planning and land use regulations need to be designed carefully to ensure that everyone benefits, including low income people and people of color. However, if planned poorly, research has shown that transit investments can result in more expensive housing, more wealthy residents, and higher vehicles ownership, all of which can price out core transit users, such as renters and low-income households.

Economics and Jobs

- Land use changes toward higher density and mixed-use development promotes job growth and economic opportunity along the SW LRT route. When people have quality jobs that provide a living wage they tend to live longer and have better physical and mental health. Many factors affect whether a person is employed and what type of job they have. One of those factors is transportation.

- The SW LRT should help make transportation more affordable because neighborhoods with access to transit, walkable streets, and a variety of services have lower transportation costs. Households that have lower transportation costs have more left over in their budgets for resources that promote health like nutritious food and health care. Budgets that are less burdened by transportation costs can also help to reduce stress and prevent homelessness.

Housing

- New fixed rail transit investments tend to lead to greater housing demand and increased land values around revitalized transit stations. While this can lead to an increase in housing options and economic benefits, it also creates the potential for rents and housing costs to rise, potentially leading to the involuntary displacement of low-income residents. This may disproportionately affect persons of color along the transit route, who are statistically more likely to be low-income than whites. Displacement can have several negative health outcomes, including increases in infectious disease, chronic disease, stress, and impeded child development.

- Increases in rent and home costs along the SW LRT route could lead to a decrease in racial diversity. Due to the racial income gap in the Twin Cities, incoming households that will be able to afford higher home prices along the route will likely be white. Preserving existing affordable housing and supporting the development of new affordable and mixed-income housing near transit locations could help ensure transit-dependent, minority and low-income communities have access to the new SW LRT line and ultimately experience improved health. This appears to be particularly important along the Eden Prairie segment of the SW LRT as both minority communities and low-income communities are higher here than in greater Eden Prairie and Hennepin County.

Education Access

- The SW LRT will bring riders close to Dunwoody College of Technology and Minneapolis Community and Technical College as well as other educational and vocational training institutions in the project area. When people have more education they have better chances of securing jobs that pay well and do not expose them to dangerous or unhealthy conditions. They also gain knowledge and skill that help them access health information and resources. The Health Impact Assessment for the Bottineau Transitway[2] reported that some students living in Hennepin County find that limited car access and high transportation costs are barriers to attending college. The SW LRT could assist by eliminating this barrier for some prospective students living or attending schools along this proposed route.

Accessibility/Physical Activity

- Exercise is vital for good health; however, about half of adults and three-quarters of children living in Hennepin County do not get recommended levels of exercise[3]. Research shows that streets that are safe and comfortable for pedestrians and bicyclists encourage people to get exercise as part of their daily routine.

- Transit accessibility is especially critical for lower-income residents and other transit dependent populations who rely on transit to access their basic needs including work, groceries, and medical care. In Hennepin County it is estimated that people of color are twice as likely as whites to rely on public transportation for their work commute[4].

- The SW LRT could lead to increases in ridership, residents, and commercial destinations along this new route. This increase in density along the route could cause vehicular traffic to surge and, when combined with the increase in ridership, these factors could

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[2] 2013 Hennepin County Bottineau Transitway Health Impact Assessment: http://www.hennepin.us/~/media/hennepinus/residents/transportation/bottineau-transitway/HIA%20Full%20Report%20Final%2012192013.pdf

[3] From Hennepin County 2010 SHAPE survey: http://www.hennepin.us/SHAPE

[4] Combined from commuting statistics for race/ethnicity of individuals in the 2009-2013 American Community Survey 5-year Estimates for Hennepin County: http://factfinder.census.gov/faces/nav/jsf/pages/guided_search.xhtml

put pedestrians and cyclists at a greater risk for injuries related to collisions. Therefore, pedestrian infrastructure and bicycle connection improvements are an important consideration throughout the SW LRT route. Such improvements not only help ensure ease of use but also provide health benefits by encouraging people to be active and through improved safety.

- A new light rail line is only one piece of a neighborhood transportation system and it is also necessary to promote the use of, and access to, successful bus service and bicycle and pedestrian infrastructure for a truly sustainable transportation system.

General Comments

- Two Health Impact Assessments (HIAs) have been completed for other sections of the Twin Cities metro transit light rail lines. These HIAs provide valuable information about transportation projects of this scale and scope and describe how light rail transit contributes to the health and well-being of many different populations. The Bottineau Transitway HIA[5] and the Central Corridor HIA[6] can both be accessed on-line and MDH encourages the Metropolitan Council to consult these resources when making project decisions for the SW LRT.

- Transit oriented development, such as light rail transitways, can benefit communities by providing opportunities for people to live, work, and play without having to get into a car. This can reduces roadway congestion and air pollution, it can increase physical activity and provide access to jobs and other opportunities for transit dependent households.

- Investments in station areas and an increase in residents along the SW LRT route could encourage the placement of grocery stores nearby. When people have access to healthy food options they are better able to include healthy food in their diets. Good nutrition is vital to health, disease prevention, and childhood development.

Health starts where we live, learn, work, and play. To create and maintain healthy Minnesota communities, we have to think in terms of health in all policies. Thank you again for the opportunity to provide comments on this Supplemental Draft Environmental Impact Statement for the Southwest Light Rail Transit project. Feel free to contact David Bell at (651) 201-4907 or david.bell@state.mn.us if you have any questions regarding this letter.

[5] 2013 Hennepin County Bottineau Transitway Health Impact Assessment: http://www.hennepin.us/~/media/hennepinus/residents/transportation/bottineau-transitway/HIA%20Full%20Report%20Final%2012192013.pdf

[6] 2011 Healthy Corridor for All: http://www.policylink.org/sites/default/files/HEALTHYCORRIDOR_SUMMARY_FINAL_20120111.PDF

Sincerely,

Paul Allwood
Assistant Commissioner
Minnesota Department of Health
PO Box 64975
Saint Paul, MN 55164-0975

From: Jacobson, Nani
To: swlrt
Subject: FW: Minneapolis SDEIS comments
Date: Tuesday, July 21, 2015 5:05:38 PM
Attachments: DOC071715-07172015154842.pdf

-----Original Message-----
From: Pflaum, Donald C. [mailto:Donald.Pflaum@minneapolismn.gov]
Sent: Tuesday, July 21, 2015 3:13 PM
To: Lamothe, Craig; Jacobson, Nani
Cc: Miller, Paul D.; Hager, Jenifer A; Jack Byers
Subject: Minneapolis SDEIS comments

Craig/Nani,

Please see the attached SDEIS comments from the City of Minneapolis. You should also be receiving the attached letter via US mail.

Thanks

-Don
612-673-2129

Minneapolis
City of Lakes

Public Works
350 S. Fifth St. - Room 203
Minneapolis, MN 55415
TEL 612.673.2352
www.minneapolismn.gov

7/16/2015

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

Dear Ms. Jacobson,

The City of Minneapolis appreciates the ability to comment on the Supplemental Draft Environmental Impact Statement 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 July 14, 2015 and will be approved by the full City Council on July 24, 2015. Please let our staff know if you have any questions regarding the comments.

Sincerely,

Steven A. Kotke
Director of Public Works

D. Craig Taylor
Director of Community Planning and Economic Development

Attachment #2 - SW LRT
Supplemental Draft Environmental
Impact Statement Comments
City of Minneapolis
June 2015

City of Minneapolis comments pertaining to the SW SDEIS are split into two categories; general comments that highlight the City of Minneapolis position on a particular topic and specific comments that include more technical detail. Specific comments pertain to a given chapter or page within the SDEIS document.

City of Minneapolis comments on the Supplemental DEIS are based on three principles:

1. Comments are based on unresolved topics and the need to clarify, correct, or mitigate an issue in preparation for the FEIS. Comments are also intended to inform the final design, project specifications, construction means/methods, and long-term operation of the line. The City will not be commenting **again** on past decisions such as LRT alignment, freight alignment, or scope/budget. **The City's perspective has been captured in previous council actions including the municipal consent resolution adopted on August 29, 2014.**
2. Comments are based on the SDEIS, but also reflect the city's understanding of recent changes to the scope and budget recommendations made by the July 1, 2015 Corridor Management Committee meeting and adopted by the Metropolitan Council on July 8, 2015.
3. 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**. Comments are intended to lessen the negative impacts to residents and businesses near the corridor and to improve the quality of the project.

It should be noted that these comments are supplemental to the previously submitted December 2012 City of Minneapolis DIES comments and to the August 2013 City of Minneapolis SDEIS scoping letter to the Southwest Project Office.

The city appreciates the work of the Metropolitan Council to address the concerns that the city has raised to date. The City of Minneapolis will continue to work closely with the Southwest LRT Project Office and with other partnering agencies to help make this project a long-term success.

General Comments:

Below are several general comments pertaining to the SDEIS. These topics require further analysis, clarification, or detail and need to be addressed prior to the completion of the FEIS:

Ridership – It is difficult to understand station ridership data in this document. It is very time consuming to cross-reference data between the original DEIS and the SDEIS. Data is often

presented, compared, and contrasted in different baseline and forecast years. It would be helpful for the document to include a large table that shows accurate ridership values for each station. The data needs to be based on the latest regional model and the table needs to include opening day (2020) projected ridership, 2040 projected ridership, reverse commute ridership, new transit trips, and transit dependent user ridership.

Construction Impacts – Construction impacts pertaining to the shallow tunnel design such as noise and vibration are discussed in the SDEIS. The SDEIS states that "Construction noise impacts are expected to be localized, temporary, and transient." While in general this may be true, the document minimizes and understates impacts of the shallow tunnel to residents. While the City of Minneapolis recognizes that additional design work and construction methods will better inform the extent of these impacts, the known impacts should be better identified in the SDEIS. These impacts will increase with proximity to the physical improvements. It is understood that additional details regarding potential short-term noise impacts will be evaluated further and provided in the forthcoming FEIS, based on the equipment, duration, and type of work effort. These details and the respective short-term impact determinations need to be provided when additional design and construction information is available not when the FEIS is published.

Given the close proximity of homes and townhomes to the construction work, effort must be made to dampen or minimize the noise and vibration caused by sheet pile driving. There will also be tree loss along the corridor. The means and methods for removing trees are not defined in the DEIS. It should be noted that there is concern about potential noise created by chain saw activity in addition to wood chipping. Hours of construction operation must be limited to ensure that residents are not disrupted at night; the City of Minneapolis Noise Ordinance will be enforced restricting hours of operation on week nights, weekends, and Holidays.. In addition to noise and vibration, light pollution must be considered when securing the project at night. An effort must be made by the project and its contractors to control dust, to maintain safe truck routes, to comply with truck weight limits, and to follow jake breaking laws.

The project needs to identify proper mitigation for properties impacted by construction. The project needs to develop and implement a construction management plan that addresses hours of operation, access routes, BMPs for mitigating dust and debris on public streets and private property. The City of Minneapolis would like to be consulted in the development of this plan.

Shallow Tunnel; Environmental Issues – Mitigation will be required for adverse impacts to City of Minneapolis surface waters, storm drains, storm tunnels, sanitary sewers, and surface drainage, including but not limited to physical conflicts, pollutant loads, surface water levels, increased stormwater runoff, changes to surface drainage impacting public or private properties, or degradation of hydraulics, condition, capacity, or operational/maintenance access. There needs to be a section in the FEIS on the impact to the tunnel on existing utility infrastructure and what mitigation will be provided.

Freight Rail Safety - There must be coordination between the SPO and the railroad to minimize the risk of a derailment, especially if trains are carrying hazardous materials. Emergency vehicle access of the construction site must be coordinated prior to construction. The SPO shall include

both the Minneapolis Fire Department and the Police Department in future Emergency Response planning for both the construction period and long term operations. Members of the public have expressed great concern regarding the risks of a train derailment during construction. The SDEIS needs to address these risks.

LRT Operation - The document states that there will be emergency vehicle delays of approximately 50 seconds, 12 times per hour at 3 at-grade locations within Minneapolis and St. Louis Park once the LRT opens for service. Alternate routes for emergency vehicles may need to be suggested. The SPO shall include both the Minneapolis Fire Department and the Police Department in future Emergency Response planning for both the construction period and long term operations. The City of Minneapolis is pleased that improvements to the tunnel ventilation system will be made to ensure passenger safety. As previously stated in the DEIS comments, it is important that noise from LRT bells, whistles, and horns be evaluated and minimized. While some warning devices are required by federal law, policies and procedures regarding some rail operations are local (at the discretion of the Metropolitan Council).

Visual Impact - The City of Minneapolis agrees that the project will result in a substantial level of visual impact in the Kenilworth corridor. The impact must be mitigated and the corridor improved in the manner described in the memorandum of understanding between the Metropolitan Council and the City of Minneapolis. The City looks forward to continued conversations with the project office and the community regarding the restoration of the corridor, and expects these measures to be included in the FEIS and implemented by the project.

Regional Transit Connections – A significant amount of work has occurred within the region to advance other transit projects since the DEIS was published in 2012. This includes the Midtown Greenway Corridor, which was the subject of an Alternatives Analysis document. This project needs to be discussed more within the SDEIS since track accommodations at the West Lake Street station have been made for that project. The Lake Street ABRT project was also identified as part of that study and makes a direct connection to the Green Line at West Lake Street. The C-Line along Penn Avenue has also advanced to the design phase. As proposed, customers using the C-Line can transfer to the Green Line at the proposed Royalston Avenue Station. Proposed bus connections at the Van White station and improved sidewalks near the Penn Station will also help transit dependent riders get to destinations along the entire Green Line travelshed. Mention of these projects within the SDEIS would be helpful.

Specific Comments (By Chapter):

Executive Summary
Table ES-1 on page ES-15 states that there are 67 moderate and 3 severe noise impacts. More information is needed on how these properties will be mitigated.

Table ES-1 on page ES-16 states that 6 high-risk environmental sites could require remediation prior to construction, that there could be potential spills during construction, and that sites with existing contamination could be encountered during construction. More information is needed regarding the identified sites and what will be done (and how long it takes) to remediate a site or situation.

Chapter 1 –Purpose and Need

Page 1-1 – "The Southwest LRT Project will improve access and mobility to the 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." When looking at the FTA's 2014 response to the SW Corridor scope, suburban land use was one of the areas identified for improvement. By increasing corridor density, the project will become more competitive at the federal level. As mentioned in the general comments, calculating the number of reverse commute riders is an important equity measurement that needs to be shown in a table station by station.

Chapter 3 –Affected Environment, Impacts, and Mitigation

Section 3.4.1.5 (Visual Quality and Aesthetics) analyzes the anticipated changes to visual quality from six viewpoints between the West Lake Street and 21st Street stations. The SDEIS assigns a substantial level of impact for three of these:

- Viewpoint 2, looking north near Lake Street
- Viewpoint 3, looking north toward the tunnel portal south of the canal crossing
- Viewpoint 4, view from the bike trail at the south side of the channel crossing

The City of Minneapolis agrees that the project will result in a substantial level of visual impact in these areas. The impact must be mitigated and the Kenilworth corridor improved in the manner described in the memorandum of understanding between the Metropolitan Council and the City of Minneapolis. The City looks forward to continued conversations with the project office and the community regarding the restoration of the corridor, and expects these measures to be included in the FEIS and implemented by the project.

The City of Minneapolis has the following concerns about visual quality and aesthetics not covered in the SDEIS:

- The drawings and discussion of the tunnel portal near the channel do not acknowledge that among the substantial visual impacts are a six-foot concrete crash wall adjacent to the freight tracks and an eight-foot fence between the portal and the bike trail. The FEIS should state these facts explicitly and include a level of mitigation that is commensurate with the substantial level of impact.
- While the SDEIS includes an analysis of the area around the tunnel portal near the channel, it does not discuss the tunnel portal near Lake Street. The City of Minneapolis expects that equal attention will be given to the mitigation of visual impacts at both tunnel portals.
- The project will substantially impact visual quality and aesthetics between the 21st Street and Penn Avenue stations, but an analysis of that impact is not included in the main body of the SDEIS. Previous work by the Metropolitan Council quantifies the anticipated tree loss in the Kenilworth corridor under the since-discarded two-tunnel option. Tree loss and a change to aesthetics will remain an issue with the construction of LRT at grade in this segment, and the City of Minneapolis expects the same level of restoration and improvement in this segment as the West Lake to 21st segment.

Section 3.4.2.3 (Noise) and Section 2.4.2.4 (Vibration) identifies both severe and moderate noise and ground-borne noise impacts in the Kenilworth corridor. The City of Minneapolis expects both severe and moderate noise and ground-borne noise impacts to be mitigated. We look forward to working with the project office on the development of these mitigation measures.

Page 3.12- It is not clear whether all relevant noise issues will be covered in the FEIS document. It is important to be clear about what studies are remaining in addition to what has been done to date.

Page 3-17- The SDEIS uses 2030 model information when the CMC and staff have been using projected 2040 model numbers to make decisions. It is important that the SDEIS include the 2040 data to help justify the context of these decisions.

Page 3-18- The operating assumption has always been that 7.5 minutes headways will be used. It is clear now that 10 minute headways will be used to match Central Corridor frequency. The SDEIS needs to state whether or not 7.5 minute headways will work in the future.

Page 3-20 - "As noted in Section 2.5 of this Supplemental Draft EIS, the LPA would result in short-term and long-term shifting of the freight rail tracks prior to tunnel construction in the Kenilworth Corridor. Changing the physical operations of freight railroads can result in community impacts such as running freight trains at night. While TCW is allowed to operate at night; they currently choose to run during the day. They also choose to run at 10 mph instead of 25 mph. It is important that the agency partners continue to work with the railroad to try to minimize the number of night trains they run and the frequency and speed of those trains to maintain quality of life for residents.

Page 3-21 Freight Table 3.1-5 - It should be noted that noise and vibration analysis modeling was done using 10mph vs 25mph. We support that assumption since that is the current operating speed of trains in the corridor.

Pages 3-23 Table 3.1-6 – This table identifies many upcoming mitigation elements not included in the SDEIS. The City of Minneapolis is very interested in reviewing and commenting on all future plans and mitigation efforts identified in the DEIS and SDEIS prior to the issuance of the FEIS, these include but are not limited to:

- Construction Communication Plan
- "Forthcoming aesthetic guidelines"
- Groundwater Management Plan
- Noise Mitigation Plan
- Vibration Mitigation Plan
- Section 106 review

Page 3-26 Bicycle & Pedestrian - "Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified" Given that the Cedar Lake Trail Bridge has been eliminated from the project scope, it is important to mitigate any risks associated with crossing three rail tracks (two light rail tracks

and one freight rail track). It is recommended that gate arms be considered at the trail crossings give the high trail counts.

Page 3-27 Environmental Justice. The DEIS used 2000 Census data and the SDEIS uses the American Community Survey (ACS) from 2007-2011 to identify low income populations. More recent ACS data is available 2009-2013. The City of Minneapolis suggests that the most recently available data is used to determine environmental justice compliance.

Page 3.135 – Table 3.4-1, Summary of Findings: For the Public Waters and Stormwater Management Sub-category of the Water Resources Category, please add, Stormwater runoff would be treated to meet local requirements.

Page 3-136 Section 3.4.1.1 Land use . The list of planning documents consulted to inform the Land Use section does not include The Minneapolis Plan for Sustainable Growth (2009), the City's Comprehensive Plan. It also does not include the Midtown Greenway Land Use and Development Plan (2007). These plans provide general and site specific guidance for land use and development intensity in Minneapolis. The City of Minneapolis is concerned that the oversight in listing the plans equates to an oversight in reviewing the plans and understanding their relevant recommendations. This impacts the Land Use and Economic impacts analysis in the SDEIS. The City of Minneapolis requests that these documents and their relevant guidance be reviewed and considered where relevant in the FDEIS.

Page 3-138 – The City of Minneapolis does not support park and rides within the city limits. The City of Minneapolis appreciates the attention the SPO staff has given to bicycle and pedestrian infrastructure approaching each of the Minneapolis stations. Careful attention to this detail will increase transit ridership and will promote TOD.

Page 3-139 Section 3.4.1.1, Long Term indirect Land Use Impacts. The SDEIS makes the following statement regarding redevelopment potential and land use changes: "While some redevelopment within the West Lake 21st Street, and Penn Station areas would be possible, land uses surrounding the stations would be expected to generally remain unchanged because of the relatively high level of existing development in those areas." The West Lake Street station is adjacent to nearly 14 acres of single story shopping center development. The City has adopted policy direction (Midtown Greenway Land Use and Development Plan -2007) that calls for mixed use transit oriented development of five or more stories. Additionally, at the Penn Station along Madeira Avenue and Wayzata Boulevard there is approximately 3.5 acres of low scale commercial and industrial development. The Bryn Mawr Land Use Plan, adopted by the City in 2005, calls for mixed use development. For both the West Lake and Penn stations, these are significant areas of potential changes and intensification of the uses which the SDEIS does not recognize.

Page 3-168 – 3.4.2.1 It is stated, "Construction activities and potential light rail-related improvements both have the potential to affect groundwater by potentially changing the flow of or contaminating groundwater within the project vicinity." Please REPHRASE to add the potential of changing the flow of previously contaminated groundwater, such as, ". . . by

potentially changing the flow of groundwater (including previously contaminated groundwater if present), or contaminating groundwater, within . . ."

Page 3.169 – 3.4.2.1 - It is stated that groundwater removal would be required during construction of the light rail. Please identify if groundwater removal is expected to be required after completion of the tunnel in order to keep it functional. Other sections of the document appear to indicate this.

Page 3.169 – It is highly recommended that more accurate methods be utilized to determine the high groundwater elevation in the location of the tunnel. Typical soil borings may not be very reliable in this regard. If any post-construction groundwater discharges are proposed to the City of Minneapolis sewer systems, the City of Minneapolis will require the discharges be quantified based on the anticipated high groundwater elevation on the site.

Page 3.170 – Discharge of groundwater from the internal tunnel to the City of Minneapolis sanitary sewer will require additional review. Any proposed groundwater discharges will need to be quantified and testing of the groundwater for the presence of contaminants will be required. It should not be assumed that discharge to the City of Minneapolis sanitary sewer system will be granted.

Page 3.170 – It is the expectation that any waterproofing that is necessary in order to limit groundwater infiltration into and, in turn, groundwater discharges from the tunnel be maintained for the life of the improvements. It is recommended that the maintenance of any waterproofing proposals be thoroughly evaluated and selected with this in mind.

Page 3-170 – Footnote 34 addresses discharge as a result of a larger than 100-year storm event from tunnel portals. The proposed location(s) and rate(s) would need to be reviewed and approved by the City of Minneapolis.

Page 3.172 – The filtration tanks, infiltration basins or other means identified in The Risk of Groundwater Contamination during Construction section would also need to be reviewed and approved by the City of Minneapolis. The discharge as a result of a larger storm event would also need to be approved by the City of Minneapolis.

Page 3.172, C. Mitigation Measures – The groundwater management plan must also be reviewed and approved by the City of Minneapolis.

Page 3.177, list of potential BMPs, bullet 7 – straw bales are not allowed as BMPs in Minneapolis.

Page 3.179, C. Mitigation Measures – add that Stormwater runoff (long-term) will need to be in compliance with MPCA NPDES General Construction Permit Section III.D., PERMANENT STORMWATER MANAGEMENT SYSTEM, and will need to be reviewed and approved by the City of Minneapolis under Minneapolis Code of Ordinances Chapter 54, Stormwater Management.

Page 3-184 – The SDEIS makes the following statement regarding short term noise and vibration "Construction noise impacts are expected to be localized, temporary, and transient. These impacts would increase with proximity to the physical improvements. Additional details regarding potential short-term noise impacts will be evaluated further and provided in the forthcoming Final EIS, based on the equipment, duration, and type of work effort. These details and the respective short-term impact determinations will be provided when additional design and construction information is available." While it is recognized that substantially more design work is ahead, many areas of major infrastructure, such as a shallow tunnel, are known and should be listed in the SDEIS.

Page 3-186 – The SDEIS concludes that "the results of ground-borne noise impacts for residential land use are presented in Table 3.4-14. There would be no vibration or ground-borne noise sensitive institutional land uses in the St. Louis Park/Minneapolis segment." This statement needs to be substantiated or clarified.

Page 3-200 - Among the potential strategies for improving traffic operations at intersections is the modification of light rail at-grade crossings from preemption to a priority strategy. It is the understanding of the City of Minneapolis that priority signalization (not preemption) will be the standard for all Minneapolis intersections.

Chapter 4 –Public and Agency Coordination

Page 4.21 – Table 4.5-2, Preliminary list of Required Permits/Approvals and Reviews (by Agency Jurisdiction)
Under City of Minneapolis, add Stormwater Management – Approval. (Per Minneapolis Code of Ordinances Title 3 Chapter 54 Stormwater Management)

Comment #172

Lakes and Parks Alliance of Minneapolis, Inc.
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, MN 55416

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Via email: swlrt@metrotransit.org

Dear Ms. Jacobson,

I am contacting you as a board member of the Lakes and Parks Alliance of Minneapolis, Inc. Our organization endorses and supports the comments submitted by Light Rail Transit Done Right (LRTDR).

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

George Puzak
Lakes and Parks Alliance of Minneapolis, Inc., board member

Kenilworth Preservation Group (KPG)
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, Minnesota 55416-5392

Via email: swlrt@metrotransit.org

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

RE: Supplemental DEIS

Dear Ms. Jacobson,

I am contacting you as chair of the Kenilworth Preservation Group (KPG). KPG endorses and supports the comments submitted by LRT Done Right.

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

Stuart A Chazin
Chair - Kenilworth Preservation Group

LRT-Done Right

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

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

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail.*

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable.... Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would...change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see: http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

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[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001

[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station...."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

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

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:

Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:

Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

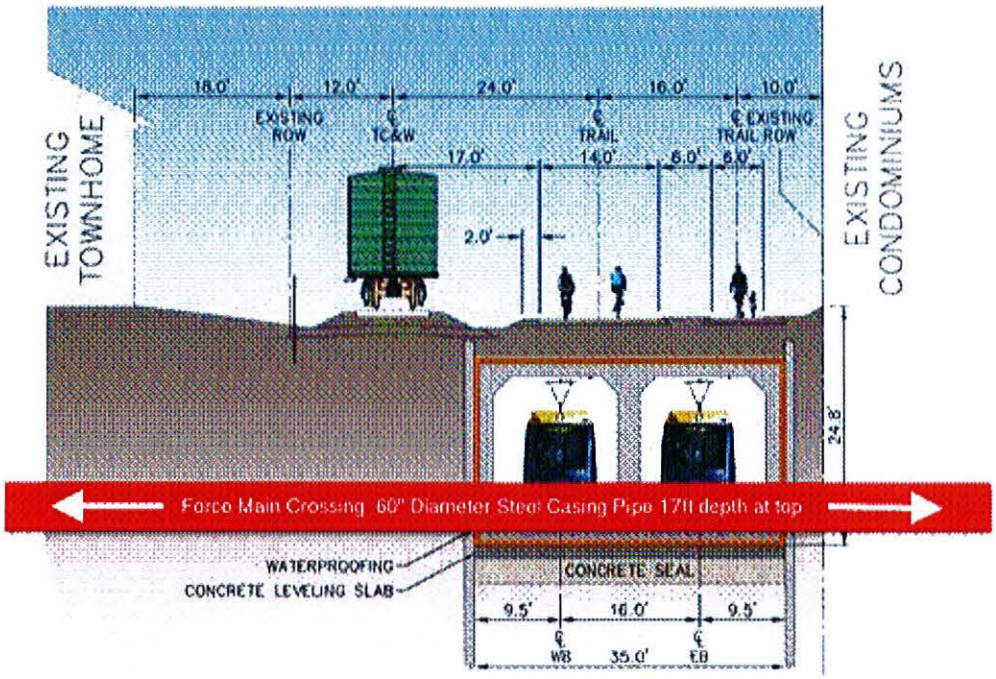


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

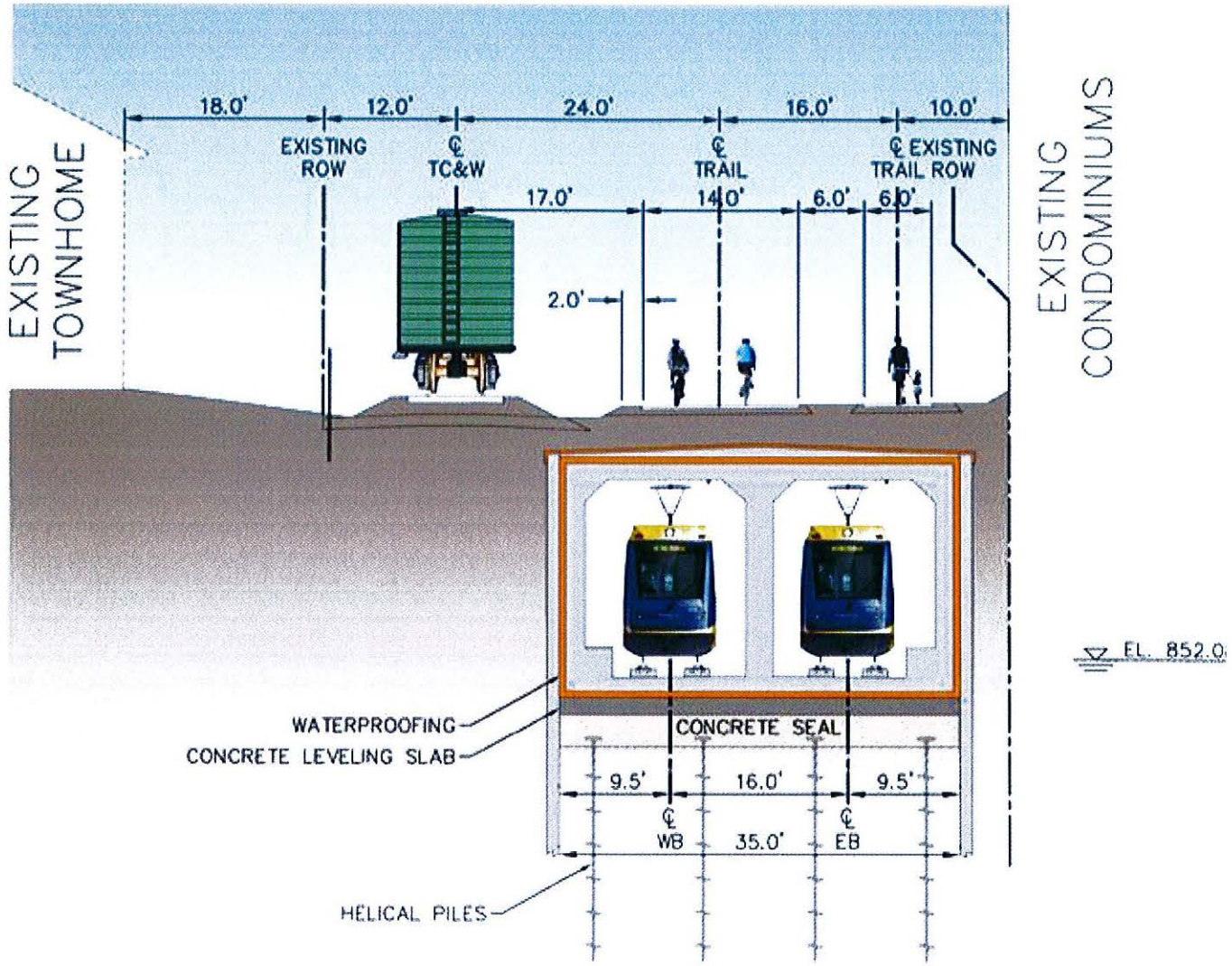
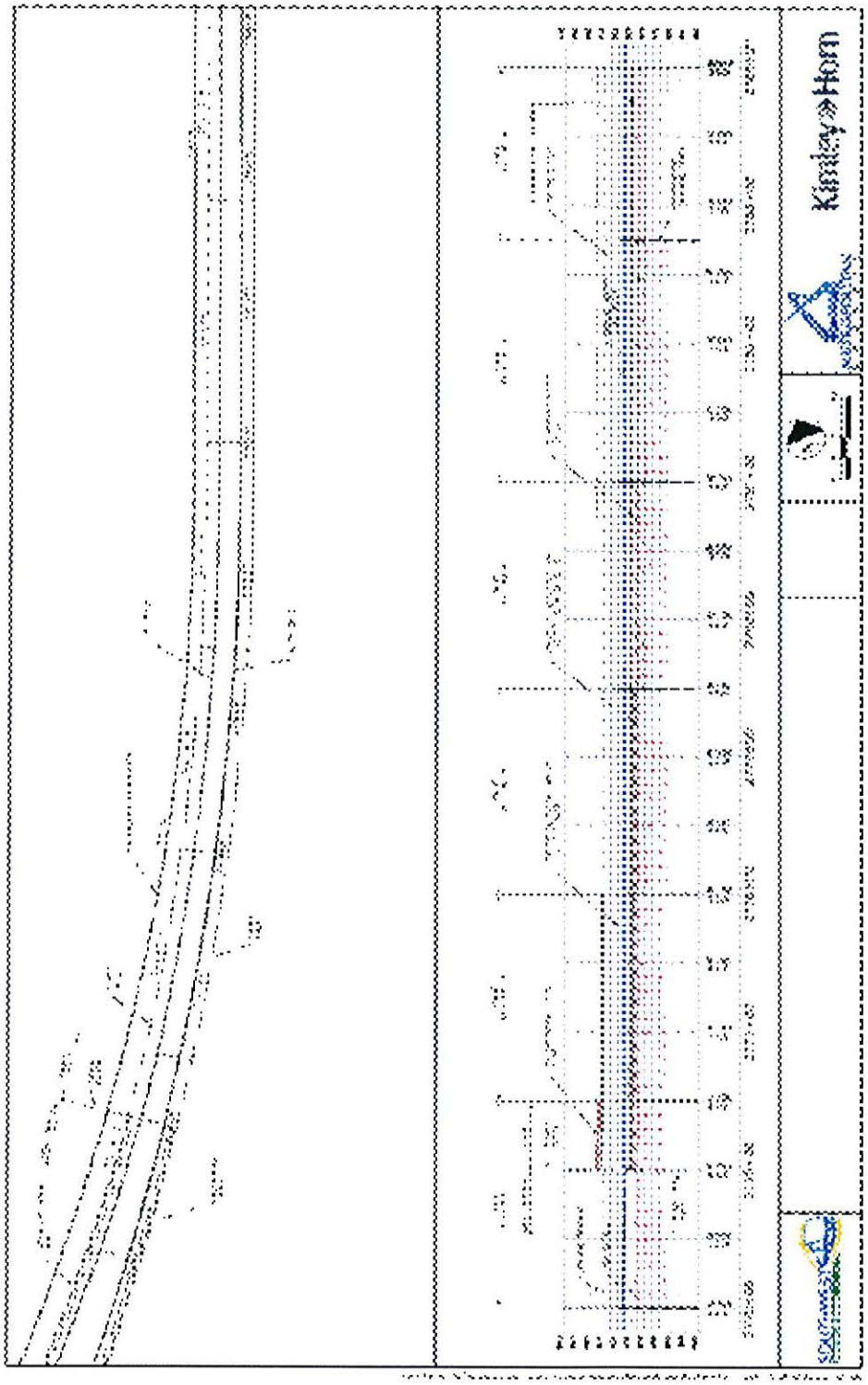


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**.[4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

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[3] http://metrocouncil.org/swlrt/sdeis

[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations –– once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train every 5 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA , plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise.*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals 12 to 16 trains per evening between 9 PM and 11 PM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals 2 trains per night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25-plus seconds of bells ((5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals 2 to 4 trains per day, between 12 AM and 2 AM

- This means 1 SWLRT train every 30 to 60 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 to 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total equals 211-220 SWLRT three-car trains per weekday

WEEKENDS

Early morning 4:30 AM to 9 AM

- 6-8 trains per hour equals 26 to 36 trains per day between 4:30 AM and 9 AM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour equals 120 trains per day between 9 AM and 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor would consist of bell noise at 88dBA and 106 dBA
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA

Evening 7 PM to 9 PM

- 8 trains per hour equals 16 trains per day between 7 PM and 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour equals 12 to 16 trains per day, 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds 106 dBA, unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour equals 4 trains per day between 11 PM and 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to 12 AM weekend train frequency is double the weekday frequency of 11 AM to 12 AM
- Would entail 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to 2 AM

- 2 to 4 trains per hour equals 4-8 trains per day between 12 AM and 2 AM
- This means 1 SWLRT train every 15 to 30 minutes
- 12 AM to 2 AM weekend train frequency is double the weekday frequency of 12 AM to 2 AM
- 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 to 30 minutes

Very early morning 2 AM – 4 AM

- No trains — equals current existing conditions

Total equals 180 -195 SWLRT three-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality....during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental*

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[5] *Sleep Science*, Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non-existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

[7] http://metrocouncil.org/swlrt/sdeis

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material..."

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment*, the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

> ...the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

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[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION

The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or

groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

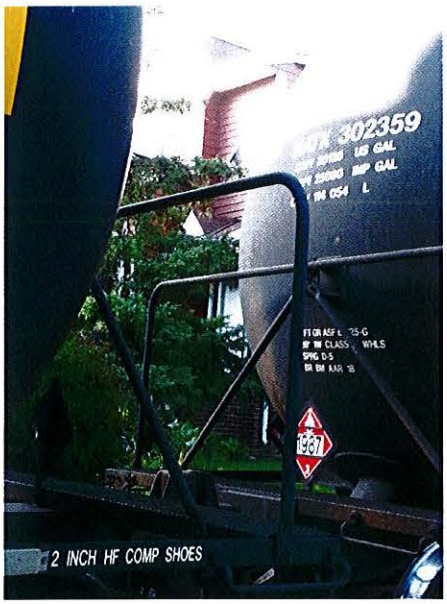
The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."

Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

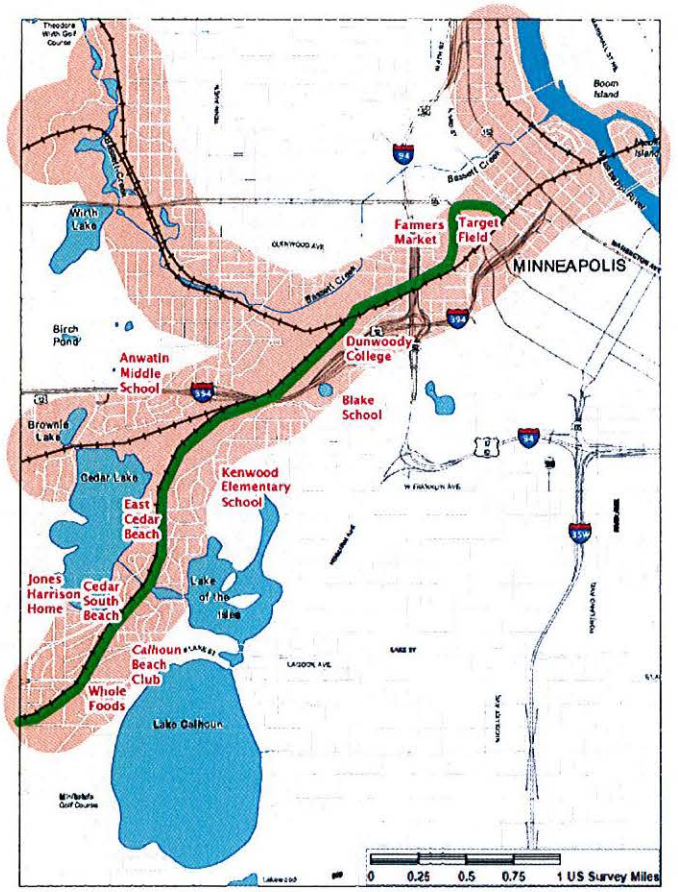
The Kenilworth corridor is a high-risk evacuation blast zone.



Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.

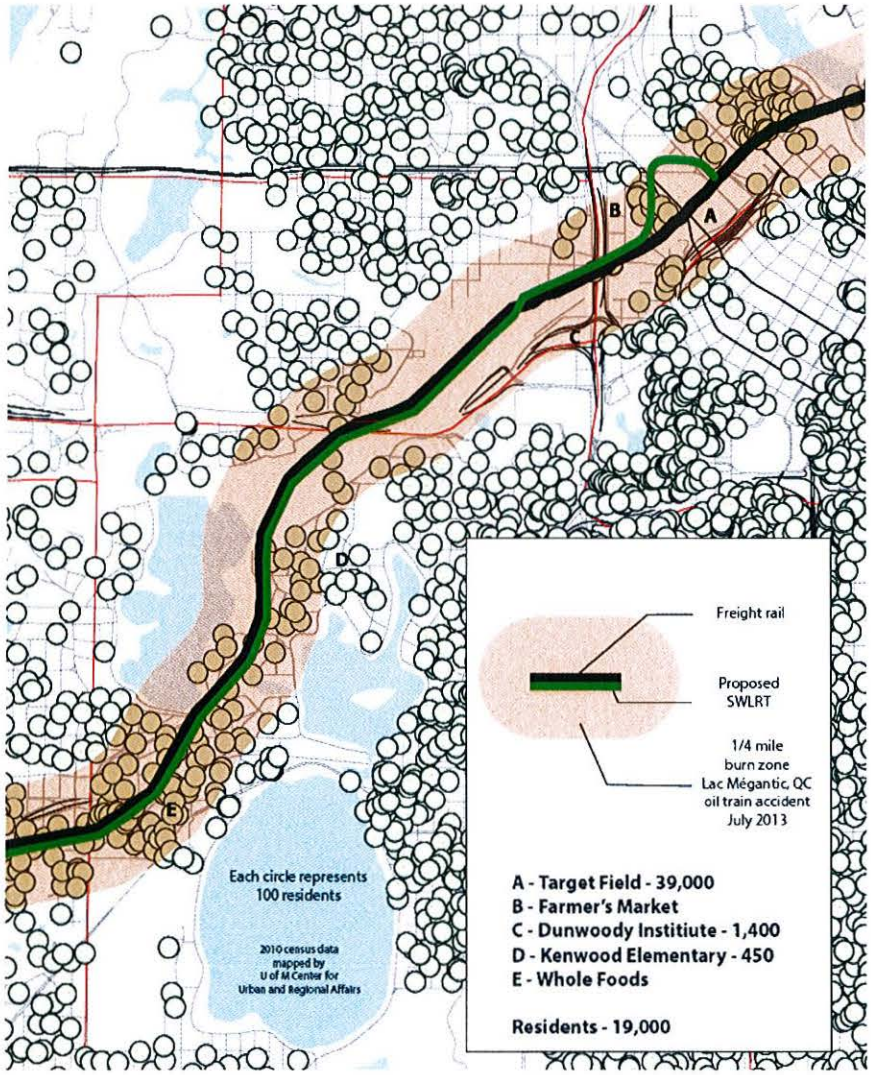
- THIS IS THE BLAST ZONE -

SWLRT co-location with high hazard freight trains in the Kenilworth corridor



Ethanol and Oil Train Disasters:

Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

However, TC&W, which is a Class III rail carrier (a short line with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in DOT-111s and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from two-person crews to one- or two-person crews. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not even apply to TC&W due to their Class III status.* Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with approximately 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol,* a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rail* in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-

hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor, *this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there had only been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

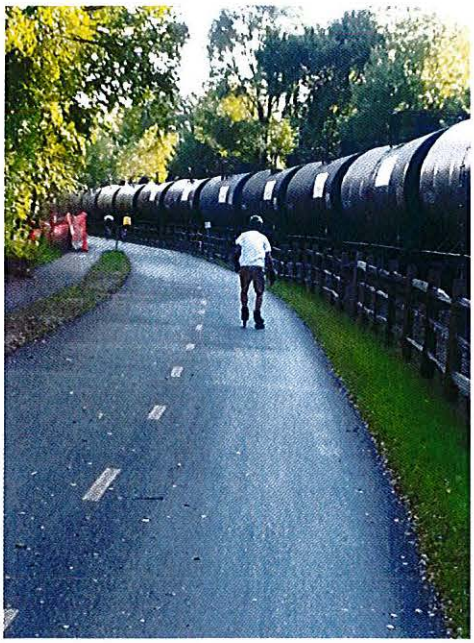
Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.



3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis.*

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis.*

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modify the definition of a high-hazard flammable train provided in Section 171.8 to read as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. The PHMSA and FRA rules must apply to all trains conveying Class 3 flammable liquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. The PHMSA and FRA safety rules should apply equally to HHFTs that are conveying oil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. Ban the use of DOT-111 tank cars now for transporting any amount of hazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111 cars should not be used for the transport of any crude oil or fossil fuels, regardless of classification.

6. Retrofitted cars that fail to meet every standard of the most protective new tank car design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., ClassI -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

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LRT Done Right
2781 Dean Parkway
Minneapolis, MN 55416

Nani Jacobson
Assistant Director, Environmental + Agreements
Metro Transit - SW LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

From:	amy sheldon
To:	swlrt
Cc:	Amy Sheldon
Subject:	Objections to SWLRT plan. Support of the SDEIS response document from LRT-Done Right.
Date:	Tuesday, July 21, 2015 3:02:57 PM

To:
Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit - Southwest LRT Project office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

I write to add my whole-hearted support of the SDEIS response document to the current SWLRT plan that was submitted by Mary Pattock on behalf of the LRT-Done Right organization on July 21, 2015.

A comprehensive and sobering set of environmental and other objections to the co-location route through the Kenilworth corridor have been carefully documented in that letter and are beyond question.

Therefore, please give this well-research document your careful consideration. The environmental impact of the current SWLRT has not been sufficiently thought through. We have not reached convincing, sustainable and effective solutions to real potential environmental damage and runaway financial costs due to poor (inappropriate) location of the SWLRT in the Kenilworth corridor. The hidden costs and environmental dangers of co-location on this particular route will be far greater than acknowledged, into the forseeable future. The ridership will be lower than projected because of the existence of Southwest transit buses that already meet the need for faster, wi-fi enabled, commuter service into Minneapolis. The expected jobs have not materialized, so we do not know what parts of the local population will benefit or if jobs will materialize in proportion to the expense of LRT. There are numerous other objections to the current SWLRT plan that make a convincing case that it is premature, environmentally hazardous, too costly, and in the end, an ineffective pipe dream.

It is, frankly, an embarrassment to the reputation of the Twin Cities that the *possibility* (not even guarantee) of federal money is driving the decision to go with a plan with such clear dangers and unsolved problems. This is poor, short-sighted public policy.

Instead, let's take time to thoroughly and convincingly compare the benefits of safer, more equitable locations for a SWLRT route. Let's make a better decision for the future of people and neighborhoods that will really benefit from a light rail extension, without the current heavy, unnecessary, and rueful environmental cost.

We want light rail, but not at these costs. Please do not support the Kenilworth route for SWLRT; consider better alternatives, such as the Brunswick route.

Sincerely,
Amy Sheldon
Bryn Mawr resident, citizen, tax payer, voter, grandparent, educator.

From: bryceham
To: swlrt
Subject: Proposed SWLRT
Date: Tuesday, July 21, 2015 4:23:18 PM

Friends---

We strongly endorse the comments and extensive research on the proposed Southwest Light Rail system done by LRT-Done Right. Please take all elements of their report into serious consideration.

Thank you,

Bryce and Donna Hamilton
4033 Linden Hills Blvd
Mpls MN 554120

From: Patricia Benn
To: swlrt
Subject: questions about route
Date: Tuesday, July 21, 2015 4:37:31 PM

Dear Nani Jacobson, SWLRTProject Office,

As you are taking public comments on the project, I would like to know why the route does not follow Highway 100 from a Beltline Station to downtown, thereby serving a lot of new high density housing at 36th St. & 100 and a vibrant business and housing area at 100 & 394. From there the route might follow the rail line into Minneapolis, although there may be the same environmental difficulty between Cedar and Brownie Lakes.

I protest strongly the co-location of freight and light rail by Cedar Lake on the Kenilworth Trail. I understood the use of the rail bed there if the freight line had been relocated as promised. It would have been an improvement for the neighborhood, in my opinion. However for serving more population it did not make sense. To run somewhere between Lake St and Lyndale to serve more high density population seemed to be ruled out because of the cost. The present plan has a higher cost of serious environmental impact and should be ruled out for that reason.

Sincerely,

Patricia Benn
pebenn@comcast.net

612-377-5695 Minneapolis

From:	Sally Rousse
To:	swlrt
Subject:	SDEIS comments
Date:	Tuesday, July 21, 2015 2:11:27 PM
Attachments:	LRT Done Right SDEIS Response .docx

Attached please find my comments to the SDEIS.

Sally Rousse
620 Oliver Avenue South
Minneapolis, MN 55405

July 21, 2015

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

Dear Ms. Jacobson:

I am a Bryn Mawr resident, living within the "Blast Zone" of freight along the Cedar Lake Trail and Junction and the proposed SWLRT route. I have been following the SLWRT project for over 13 years, having first lived on Burhham Road, also near freight. I have attended almost all of the public and community forums for this project. I have also lived the other half of my 51 year life in NYC, Chicago and Europe where mass transit is of course present. I support mass transit for Minneapolis but not this plan. I expect the Met Council to be respectful and accountable for my comments and others that they receive.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail*.

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Sally Rousse
sallyrousse@gmail.com

LRT-Done Right

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

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

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

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Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

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Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see:
http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and
http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001
[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

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

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:
Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:
Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:
Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

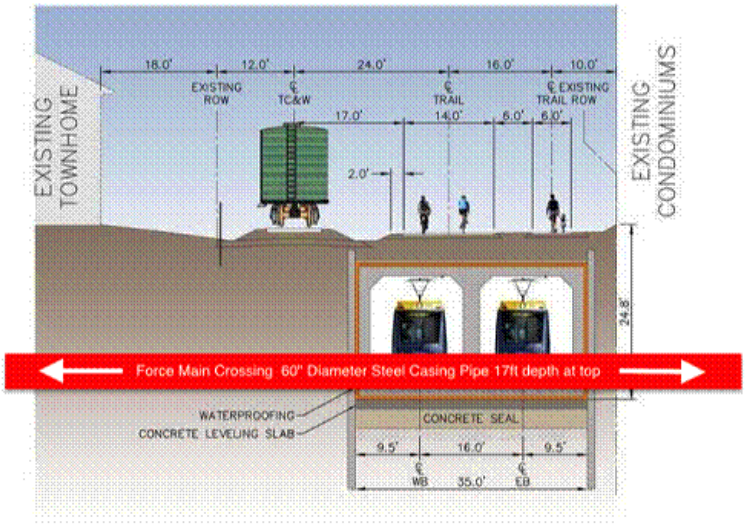


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

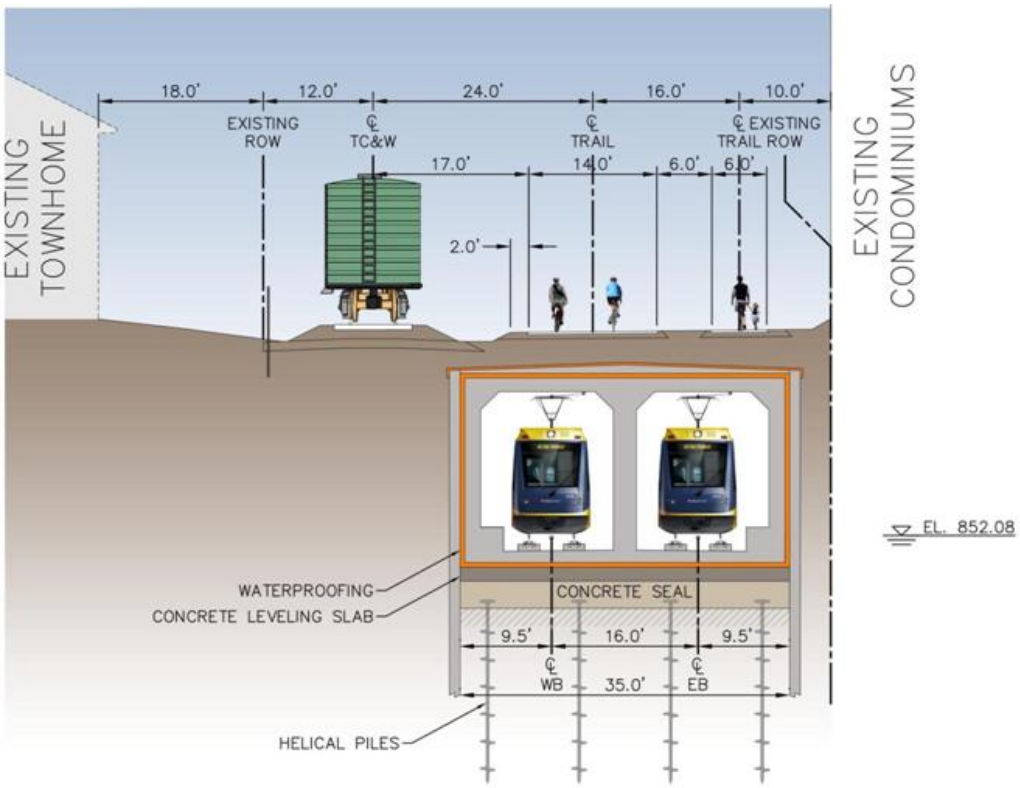
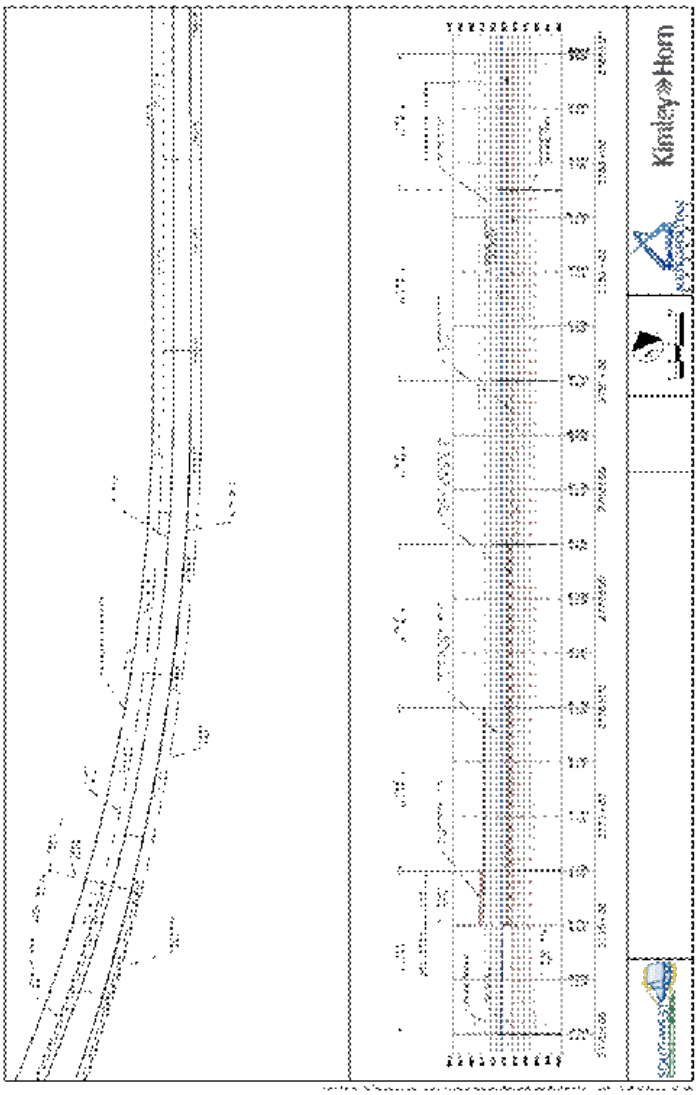


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**. [4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

[3] http://metrocouncil.org/swlrt/sdeis
[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations — once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
-
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25 plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train at every 5 minutes
- Would produce 25 plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA , plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals 12 to 16 trains per dayevening between 9 PM and 11 PM
- This means 1 SWLRT train at every 7.5 to 10 minutes
- Would entail 25 plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals 2 trains per day night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25 plus seconds of bells ((5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

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Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals 2 to 4 trains per day between 12 AM and 2 AM
- This means 1 SWLRT train every 30 to 60 minutes
- Would entail 25 plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 to 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total = equals 211-220 SWLRT three 3 car trains per weekday

WEEKENDS

Early morning 4:30 AM to 9 AM

- 6-8 trains per hour equals 26 to 36 trains per day between 4:30 AM and 9 AM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25 plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour =equals 120 trains per day between 9 AM and 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail At at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will would consist of bell noise at 88dBA and 106 dBA bell noise
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA bell noise

Evening 7 PM to 9 PM

- 8 trains per hour =equals 16 trains per day between 7 PM and 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25 plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour =equals 12 to 16 trains per day 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25 plus seconds of bell noise (5 seconds 88 dBA plus 20 seconds 106 dBA unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour =equals 4 trains per day between 11 PM and 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to 12 AM weekend train frequency is double the weekday frequency of 11 AM to 12 AM

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- Would entail 25-plus + seconds of bell noise (5 seconds 88 dBA, plus + 20 seconds at 106 dBA, + plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to – 2 AM

- 2 to 4 trains per hour =equals 4-8 trains per day between – 12 AM and – 2 AM
- This means 1 SWLRT train every 15 to – 30 minutes
- 12 AM to – 2 AM ~~the~~ weekend train frequency is double the weekday frequency of 12 AM to – 2 AM
- 25-plus + seconds of bell noise (5 seconds at 88 dBA, plus + 20 seconds at 106 dBA, plus + unspecified seconds of bell noise as train enters and exits the station) every 15 to – 30 minutes

Very early morning 2 AM – 4 AM

- No trains — =equals current existing conditions

Total =equals 180 -195 SWLRT three~~3~~-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, atherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such

[5] *Sleep Science,* Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

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opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.*

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non–existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of

[7] http://metrocouncil.org/swlrt/sdeis

noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest

throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a

ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment,* the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

…the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION

The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel

storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative

impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

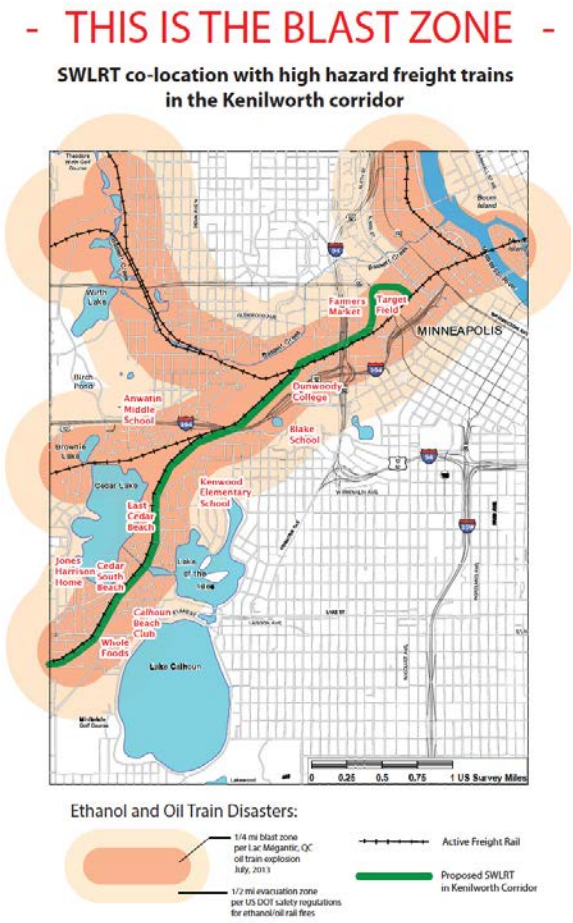
Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."

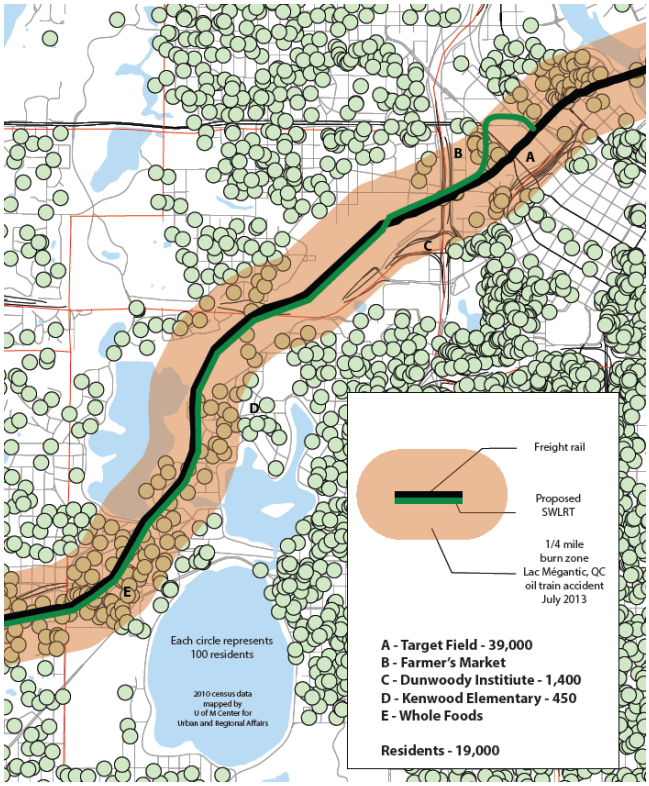
Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

The Kenilworth corridor is a high-risk evacuation blast zone.

Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.



Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

However, TC&W, which is a Class III rail carrier (a short line with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in DOT-111s and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from two-person crews to one- or two-person crews. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not even apply to TC&W due to their Class III status.* Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with approximately 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol,* a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rail* in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-

hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor, *this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there had only been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.

3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis*.

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis*.

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequ requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modify the definition of a high-hazard flammable train provided in Section 171.8 to read as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. The PHMSA and FRA rules must apply to all trains conveying Class 3 flammable liquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. The PHMSA and FRA safety rules should apply equally to HHFTs that are conveying oil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. Ban the use of DOT-111 tank cars now for transporting any amount of hazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111 cars should not be used for the transport of any crude oil or fossil fuels, regardless of classification.

6. Retrofitted cars that fail to meet every standard of the most protective new tank car design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., ClassI -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

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Comment #177

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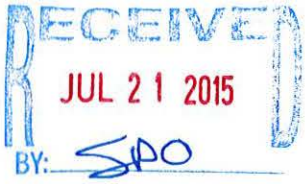

Re: Public Comments – Southwest Light Rail Transit Supplemental Draft Environmental Impact Statement

Dear Ms. Jacobson:

I am writing on behalf of our client, AGNL Health, L.L.C. ("AGNL Health"), regarding the Southwest Light Rail Transit Project ("SWLRT") Supplemental Draft Environmental Impact Statement ("SDEIS"). AGNL Health is the owner of the office campus located at 13625 and 13675 Technology Drive in Eden Prairie, Minnesota (the "Campus"), which is located immediately adjacent to the Eden Prairie Segment of the SWLRT (as modified and evaluated in the SDEIS) between Mitchell Road and the Southwest Station.[1] As an owner of property immediately adjacent to and in part included in the the preferred route for the Eden Prairie Segment, AGNL Health is concerned with the potential for significant impacts to the carefully-designed atmosphere of the Campus. AGNL Health's concerns with the SWLRT Project and the analysis presented in the SDEIS can be summarized as follows, and are discussed in further detail in these comments.

- The Campus is a unique receptor along the Eden Prairie Segment, and requires specific attention to its many unique features for consideration of potential impacts.
- The SWLRT Project development and environmental review processes have been disjointed and procedurally-flawed, and there continues to be significant uncertainty regarding the SWLRT Project scope and design, creating gaps in the environmental analysis.
- The SWLRT Project Scope included in the SDEIS and Final Environmental Impact Statement ("FEIS") should be modified to align with the recent decisions of the Metropolitan Council to reduce the project scope to match budget constraints.
- The SDEIS identifies multiple significant environmental issues that have yet to be analyzed, and notes that the impacts will be detailed for the first time in the FEIS. Some of these unresolved issues relate directly to the potential impacts to the Campus, and are of significant concern to AGNL Health.

[1] The Campus is referred to in the SDEIS in its entirety as the "Optum Health Services headquarters" and in reference to potential impacts to specific auditorium facilities within the Campus as the "Optum Auditorium."

- As a result, the evaluation of potential impacts of the SWLRT Project and the necessary measures to mitigate those impacts is incomplete, particularly with respect to the Campus.

- A more thorough identification and analysis of unresolved environmental impacts and potential mitigation for those impacts is necessary.

- The Metropolitan Council should not wait to address these significant issues until publication of the FEIS, and should provide AGNL Health, other members of the public, and agencies with clarity on these issues as soon as possible to facilitate an informed public participation process.

I. The AGNL Health Campus was Designed to Create a Specific Atmosphere, Which Will be Jeopardized by the Location of the SWLRT Eden Prairie Segment.

The Campus, owned by AGNL Health, consists of multiple coordinated and connected buildings with office spaces, a 300 seat auditorium that is used for broadcasting important company meetings across the country, a structured parking facility with capacity for more than 1200 vehicles, and preserved wetlands areas. The Campus is currently leased to a major Minnesota health care company, with over 1300 of its employees, including executive management, currently working at the Campus. The Campus was designed to create an atmosphere that supports connectivity and collaboration by emphasizing naturally lit open spaces and by diffusing the boundary between the buildings and the natural beauty of the Campus site. This design and atmosphere is fundamental to the Campus. The potential location of the SWLRT Project along Technology Drive threatens this fundamental character of the Campus, and would significantly diminish the quality of the experience at the Campus for employees and visitors, as further described below. Indeed, the Campus atmosphere stands to be impacted by air-borne and ground-borne noise, vibration, encroachment on buffer areas, and visual infiltration of sight-lines. Any one of these impacts would be disruptive to the Campus, and the combination of all of these factors poses a serious threat to the Campus atmosphere.

II. The SWLRT Project Design Continues to Be a Moving Target, and the Environmental Review Process Continues to Track Separately from Project Development Efforts, Thereby Creating Uncertainty and Significant Impediments to Public Participation.

The SDEIS was prepared to evaluate within the environmental review process various significant changes to the SWLRT Project design, including changes to the alignment of the Eden Prairie Segment. AGNL Health first became concerned with the potential impacts of the SWLRT when a modified alignment for the West Segment 1A was developed, relocating the SWLRT to Technology Drive. The alignment analyzed in the Draft Environmental Impact Statement ("Draft EIS"), however, identified that portion of the SWLRT as being aligned along Highway 212, not Technology Drive. As these design changes occurred following preparation of the Draft EIS, the changes "needed to be evaluated for environmental impacts that were not documented in the Project's Draft EIS and had the potential to result in new adverse impacts."[2]

[2] SDEIS at ES-3.

Despite not having evaluated at that time any of the potential impacts of the realignment along Technology Drive as part of the Draft EIS, the Metropolitan Council proceeded with the municipal consent process required pursuant to Minnesota Statutes §473.9994 for the modified alignment along Technology Drive. This created significant confusion with the public, as the municipal consent process was the first public forum in which the modified Eden Prairie Segment was presented, and ran afoul of the fundamental principal of environmental review that governmental actions be informed by the environmental review process.[3]

This confusion still continues with publication of the SDEIS. On April 27, 2015, the Metropolitan Council released a revised cost estimate for the SWLRT project of approximately $1.994 billion, a $341 million increase from the cost estimates analyzed in the SDEIS.[4] This significant increase in cost estimate triggered discussions regarding potential modifications to the SWLRT Project scope to address the budget shortfall. Yet, despite these ongoing discussions, the Metropolitan Council published and made available for public comment the SDEIS in May of 2015. Since publication of the SDEIS, and while the public comment period was still ongoing, the Metropolitan Council on July 8, 2015 approved a revised SWLRT Project plan eliminating certain features from the SWLRT Project scope to achieve necessary cost reductions.

AGNL Health supports the modifications to the SWLRT Project approved by the Metropolitan Council on July 8, 2015, as the modifications to the Eden Prairie Segment eliminate the potential for impacts to the AGNL Health Campus. It remains unclear, however, whether the scope of the SWLRT Project for the purposes of environmental review will be similarly revised, as it should be, or if environmental review will be conducted for the broader project scope identified in the SDEIS despite the clear decision by the Metropolitan Council.[5] Such uncertainty significantly jeopardizes the effectiveness of the public participation process. Furthermore, the SWLRT Project design presented in the SDEIS is characterized as "more advanced development" but still "conceptual" and impacts are "subject to change as design proceeds."[6]

The FEIS should clarify the project scope being evaluated in the environmental review process (including any design features that are considered potential future developments[7]) so that the project

[3] MEPA expressly prohibits a final governmental decision approving a project such as the SWLRT until *after* a FEIS is published and determined to be adequate. *See* Minn. Stat. § 116D.04, subd. 2a; Minn. R. 4410.3100, subp. 1. AGNL Health notes that the Metropolitan Council plans to initiate a second municipal consent process in light of the changes in the project scope, and that it will vote to initiate this process one day after the SDEIS comment period closes, July 22, 2015. *See* http://metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/municipal.aspx (last visited July 21, 2015). As is discussed further in these comments, the municipal consent process should include consideration of a number of potential impacts of the SWLRT that have yet to be fully evaluated for the Eden Prairie Segment.

[4] SDEIS at 5-4, Table 5.4-1, n. a.

[5] At the June 17, 2015 SDEIS public hearing held in Eden Prairie, a representative of the SWLRT Project indicated that any changes in the SWLRT Project design would not impact the environmental review process.

[6] SDEIS at 3-35.

[7] The SDEIS further states that the Metropolitan Council also "developed a design adjustment that would *initially* implement a western terminus of the proposed light rail line at the Southwest Station," and that "design plans for this western terminus would not preclude a later extension of LRT further to the west." SDEIS at 2-47, n. 25. This language in

scope evaluated in the environmental review process aligns with the project scope approved by the Metropolitan Council on July 8, 2015. The Metropolitan Council should further inform relevant agencies and the public as soon as possible that a corresponding scale-back of the project scope will be made in the FEIS to avoid confusion in other processes, such as the municipal consent process.

III. The SDEIS Analysis of the Potential Impacts of the SWLRT Eden Prairie Segment is Incomplete and Additional Analysis of the Potential Impacts of the Eden Prairie Segment and Identification of Required Mitigation Measures is Necessary.

The SDEIS identifies many significant unresolved environmental issues and notes that the impacts and mitigation will be analyzed and detailed for the first time in the FEIS. Because of the uncertainty regarding the scope of the SWLRT Project moving forward, and in particular the scope of the Eden Prairie Segment that will be included in the FEIS, it is unclear to what extent additional assessment and consideration of these unresolved issues will be completed. As is described in this section, however, many of these unresolved environmental issues relate directly to the AGNL Health Campus, and cause AGNL Health great concern about the potential impacts to its property. Accordingly, AGNL Health provides the comments below on these unresolved environmental issues for consideration if the portion of the Eden Prairie Segment between Mitchell Station and the Southwest Station is to be included in the FEIS. Given that the purpose of the SDEIS is to identify new potential significant adverse impacts associated with the SWLRT Project design adjustment, and to allow for public and agency comment on the design adjustments and associated impacts, the Metropolitan Council should address these unresolved issues and provide opportunities for public participation in advance of publication of the FEIS.

A. The SDEIS Does Not Evaluate the Noise and Vibration Impacts at the AGNL Health Campus, and Such Impacts are Likely to be Significant.

AGNL Health is concerned about the potential for noise and vibration from the SWLRT to invade the ambience of health, peace, and quietude that is a central focus of the carefully-planned atmosphere of the Campus. Generally, the noise analysis in the SDEIS is incomplete, and has yet to provide site-specific data and analysis of the AGNL Health Campus. Thus, the noise analysis for the Eden Prairie Segment will need to be corrected and supplemented, and the AGNL Health Campus evaluated, for inclusion in the FEIS. To enhance public participation in the environmental review process, AGNL Health recommends that the Metropolitan Council make these adjustments to the noise and vibration impacts analysis available to the public prior to publication in the FEIS.

The Noise and Vibration Analyses for the Eden Prairie Segment are Incomplete

The noise and vibration analyses in the SDEIS are incomplete for the Eden Prairie Segment as a whole. Table 3.1-1 indicates that, for the Eden Prairie Segment, Noise and Vibration impacts were addressed in the SDEIS,[8] but this is contrary to the detailed discussion of these impacts in Section 3.2.

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the SDEIS is contrary to the recent Metropolitan Council decision, which did not include a western extension to Mitchell Station at a future date.

[8] SDEIS at 3-3.

Indeed, the SDEIS specifically acknowledges that the noise impacts analysis is not complete, and further development of the analysis is required in the FEIS. For instance, the SDEIS recognizes that "noise mitigation measures to be incorporated into the project will be made in a noise mitigation plan and documented in the project's Final EIS."[9] Additionally, the SDEIS notes that an approach for addressing Minnesota noise pollution rules and statutes is yet to be developed with the Minnesota Pollution Control Agency ("MPCA"), and that this approach will be developed for presentation in the FEIS.[10] The SDEIS also indicates that the FEIS "will contain a comprehensive technical appendix with detailed information regarding all inputs, measurements, an impact assessment, and mitigation."[11]

The analysis of potential vibration impacts along the Eden Prairie Segment is also incomplete. The SDEIS presents analysis of long- and short-term vibration impacts at various receptors along the Eden Prairie Segment.[12] Notably absent from this analysis, however, is any discussion of short- or long-term ground-borne noise in conjunction with the vibration analysis, other than identifying that the AGNL Health Campus as a "ground-borne noise sensitive receptor."[13] The SDEIS also makes the conclusory assertion that "[t]here are no projected long-term vibration impacts in the Eden Prairie Segment, therefore no mitigation is identified"[14] but then acknowledges in a footnote that assessment of vibration and ground-borne noise at the AGNL Health Campus has yet to be completed, and "the potential for impacts and the corresponding need for any mitigation" will be presented in the Final EIS.[15] How can this conclusion regarding vibration impacts be reached when the analysis is not complete?

Finally, the SDEIS includes only a cursory mention of short-term vibration impacts, without any analysis of the potential for impacts at particular receptors, or any description of the level of such impacts. The SDEIS simply concludes that such impacts "are expected to be localized, temporary, and transient."[16] The SDEIS goes on to state that "final determinations of short-term vibration mitigation measures to be incorporated into the project for this segment will be made in a vibration mitigation plan and documented in the project's Final EIS."[17] Because of the sensitivity of Campus facilities, the close proximity of the SWLRT to the Campus, and the nature of the soils in the vicinity of the Campus, these short-term vibration and ground-borne noise impacts have the potential to be at the Campus for extended periods of time, and could also lead to major structural impacts to Campus buildings. Without any site-specific testing or analysis of the potential for these impacts, it should not be assumed that practical mitigation measures will effectively mitigate the impacts, and a detailed analysis of this issue should be completed and made available prior to the FEIS.

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[9] SDEIS at 3-14.

[10] SDEIS. at 3-15.

[11] SDEIS at 3-73.

[12] SDEIS at 3-74.

[13] *Id.*

[14] *Id.*

[15] SDEIS at 3-74, n. 17.

[16] SDEIS at 3-74.

[17] SDEIS at 3-75.

These additional assessments of noise and vibration mitigation measures, compliance with Minnesota noise standards, analysis of long-term ground-borne noise impacts, analysis of short-term vibration and ground-borne noise impacts, and comprehensive technical information underlying the analyses are essential to a complete understanding of the potential for noise and vibration impacts on the Eden Prairie Segment, including the AGNL Health Campus, and should be made available to the public and agencies in advance of the FEIS to allow for robust public and agency involvement on these issues.

The Analyses of the AGNL Health Campus Are Deferred

The SDEIS also defers until the FEIS evaluation of potential noise and vibration impacts specific to the AGNL Health Campus. As noted above, the Campus contains several areas that are highly-sensitive acoustical environments, including an auditorium and a broadcasting facility. The SDEIS recognizes this fact, noting that the auditorium at the AGNL Health Campus is a noise- and vibration-sensitive receptor.[18] The SDEIS indicates that analysis of noise and vibration impacts to the AGNL Health auditorium will be completed for the first time in the FEIS.[19] The SDEIS also indicates, however, that vibration measurements taken at the Southwest Station Condos "can be applied to the entire Eden Prairie Segment," and that there are "no vibration impacts" in the Eden Prairie Segment.[20] The Southwest Station Condos do not, however, serve as an adequate proxy for the unique conditions at the Campus, including the soil conditions and the sensitive auditorium facilities. Thus, site-specific measurements and analysis of both noise and vibration impacts at the Campus are required.

Based on the results of the noise analysis presented in the SDEIS, AGNL Health is concerned that the noise and vibration impacts to the Campus will be Moderate or Severe. The noise analysis data presented in the SDEIS are summarized in the following table.

Location	Distance from near LRT Track Centerline (feet)	Existing Noise Level (dBA)	Project Noise Levels (dBA)	Impact?
Lincoln Park Apartments	138	62	57	No
Water Tower Apartments	113	62	58	No
Southwest Station Condos	95	71	64	No
Purgatory Creek Park	269	54	53	No
Residence Inn	44	61	65	Severe
Baymont Inn	69	61	62	Moderate

[18] SDEIS at 3-72, 3-74.

[19] *Id.*

[20] SDEIS at 3-24; SDEIS, Appendix H at H-3, H-6.

As this data from the SDEIS shows, the two measurement locations where Moderate (Baymont Inn) and Severe (Residence Inn) noise impacts are predicted are also the measurement locations within the shortest distance of the SWLRT.[21] These receptors are identified as being located 69 feet and 44 feet from the SWLRT alignment, respectively.[22] Using preliminary information available from the Metropolitan Council, AGNL Health estimates that ***the proposed alignment will be located within a mere 38 feet of AGNL Health Campus offices and only 48 feet to the noise-sensitive auditorium facility at the Campus***. These distances make the AGNL Health Campus the closest of the sensitive receptors on the Eden Prairie Segment, which alone is cause for concern. Furthermore, these distances suggest that Project Noise Levels at the Campus are likely to be similar to those modeled for the Residence Inn and Baymont Inn.

The existing noise levels measured at the Residence Inn and Baymont Inn, however, likely are *not* representative of the existing noise level at the Campus, as both the Residence Inn and Baymont Inn are located in closer proximity to existing noise sources such as major roadways than the AGNL Health Campus. Of the measurement locations included in the SDEIS, the measurement location that is closest in location and surrounding environment to that of the AGNL Health Campus (and thus most likely to be representative of the existing noise level at the Campus) is the Purgatory Creek Park location, which had the lowest existing noise levels of measured locations. Applying Federal Transit Authority guidance to an existing noise level equivalent to that at Purgatory Creek Park, the Project Noise Level for the AGNL Health Campus will result in Moderate or Severe impacts depending on the receptor category assigned to the Campus.[23]

Furthermore, AGNL Health conducted its own preliminary analysis of the potential noise and vibration impacts to the Campus. This analysis found that airborne noise, ground-borne noise, and vibration criteria are exceeded under certain circumstances at the Campus auditorium, and that a more comprehensive investigation of these potential impacts is warranted.

Given the close proximity of the AGNL Health Campus to the SWLRT Project alignment, the data provided in the SDEIS for similar receptors, and the findings of AGNL Health's preliminary evaluation of noise and vibration impacts, it is evident that there will likely be noise and vibration impacts to the AGNL Health Campus. Thus, it is imperative that a detailed analysis of these long-term and short-term (construction) noise and vibration (including ground-borne noise) impacts be completed at the AGNL Health Campus as contemplated by the SDEIS. It is equally imperative to evaluate the potential of available mitigation measures to eliminate these noise and vibration impacts, as well as the viability of re-locating the alignment to avoid the impacts altogether. As noted in the SDEIS, FTA mitigation policy requires that "before mitigation measures are considered, the project sponsor should first evaluate alternative locations/alignments to determine whether it is feasible to avoid Severe impacts altogether."[24] This modeling and evaluation should be completed prior to publication in the

[21] SDEIS at 3-72.

[22] SDEIS at 3-71 to 3-72.

[23] FTA, "Transit Noise and Vibration Impact Assessment (May 2006) at 3-3. Moderate impacts would be experienced starting at 55 dBA and 60 dBA for Category 1 and Category 3 receptors, respectively, while Severe impacts would be experienced at 61 dBA and 66 dBA for Category 1 and Category 3 receptors, respectively. *Id.*

[24] SDEIS, Appendix H at H-13.

FEIS to allow for adequate participation by AGNL Health and the public on these important issues that have yet to be addressed.

B. The Visual Impacts Analysis Failed to Adequately Characterize the Impacts to the AGNL Health Campus.

Visual connectivity is an essential component of the AGNL Health Campus. As noted above, the Campus was designed to create an atmosphere of peace, quietude, and health throughout. Key to this atmosphere is a connectivity between indoor and outdoor spaces accomplished through sightlines within buildings, from one building to the next, and to the natural environment. Campus buildings have large, open spaces filled with natural light, and also offer outdoor spaces for meetings and relaxation. This sense of connectivity between the indoor and outdoor environments and overall atmosphere of the AGNL Health Campus will be significantly altered by the presence of the SWLRT Project along Technology Drive.

The SDEIS contains in Section 3.2.1.5 an assessment of visual impacts to the Eden Prairie Segment, and includes the view looking southwest along Technology Drive from the front of the AGNL Health Campus as one of the ten identified viewpoints on the segment analyzed.[25] This analysis, however, is inadequate in many respects, and fails to capture the true scope of the impacts to the visual aesthetics at the AGNL Health Campus.

The Current Visual Character of the Campus is Narrowly Characterized

As an initial matter, the viewpoint identified and analyzed in the SDEIS – the view looking southwest along Technology Drive in front of the AGNL Health Campus – is too narrowly-defined to adequately characterize the visual character of the Campus that serves as the baseline for evaluating the extent of potential visual impacts. The view from the front of the Campus and looking southwest is only one of the many viewpoints within the Campus that stand to be influenced by the addition of the SWLRT Project. Views from various vantage points and height levels from within buildings on the Campus, views from outdoor spaces, and the connectivity between these various vantage points are all essential to the Campus, and are susceptible to disturbance from the SWLRT Project. The lack of appreciation for this connectivity is evident in the SDEIS, which characterizes the AGNL Health Campus as having "moderately low visual intactness" and "moderately low overall visual unity" and having "no unifying features."[26] This characterization is far from accurate, and shows the need to reevaluate the visual character of the Campus as a whole (not from a single vantage point), and the visual impacts to that character that the SWLRT Project threatens.

The Visual Impacts Analysis Was Not Specific to the Campus

Furthermore, the SDEIS process for assessing the potential for visual impacts to the AGNL Health Campus did not specifically evaluate the AGNL Health Campus or its associated viewpoint. The SDEIS indicates that the visual impacts were assessed by comparing a current photograph of the

[25] SDEIS at 3-46.

[26] SDEIS at 3-47.

viewpoint to preliminary renderings depicting the view as it would appear with the project elements in place.[27] These renderings, however, were not prepared for all ten viewpoints. For viewpoints that did not have a rendering, "the assessments of the visual changes were made based on review of project plans and drawings, and of the visualizations that had been prepared for *other views* in which similar changes were proposed."[28] Appendix J to the SDEIS contains the photos and renderings for the various viewpoints, and no rendering was completed for the viewpoint from the AGNL Health Campus. Thus, the assessment of the visual impacts to the AGNL Health Campus was based on the comparison of the rendering for some other location, compared to the photograph of the overly-limited viewpoint associated with the Campus. Such an assessment is not adequate to evaluate visual impacts, particularly when considering the unique features of the AGNL Health Campus.

The SWLRT Project Will Not Enhance or Maintain the Visual Character of the Campus

Finally, the conclusions reached in the SDEIS regarding the visual impacts of the SWLRT Project are similarly flawed. The SDEIS concludes that the overall visual quality at the AGNL Health Campus will remain unchanged by the SWLRT Project, asserting that the SWLRT "would be integrated into the landscaping" and even going so far as to suggest that visual unity "may be enhanced through integrating the LRT to unify the infrastructure with the landscaping."[29] No information is provided to clarify what landscaping features will be used, or how those landscaping features will effectively alleviate all visual impacts to the AGNL Health Campus and even integrate the SWLRT Project into the Campus. Put quite simply, an unobtrusive trail and landscaped area owned and managed as part of the Campus would be converted into two sets of railroad tracks and associated infrastructure. How can this be found to have no overall impact to the visual quality of this site?

As state above, the visual impacts analysis needs to be reevaluated to take into consideration the various viewpoints within the Campus environment, and, if mitigation measures are to be used to alleviate these impacts, such measures need to be presented in detail to support the conclusions reached in the impacts analysis.

C. The SDEIS Fails to Identify and Evaluate the Potential Impacts Associated with the Unique Geologic Conditions at the Campus Site.

The SDEIS evaluation of the geologic conditions along the Eden Prairie Segment identifies that in certain locations soil conditions will not support installation of the SWLRT Project. Further evaluation, however, is necessary to fully understand and evaluate the locations in which such soil conditions exist along the proposed alignment, the potential implications of such soil conditions that are specific to each location, and the feasibility of mitigation and remediation measures. The AGNL Health Campus is one such location that requires additional, site-specific evaluation.

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[27] SDEIS at 3-49.

[28] *Id.*

[29] SDIES at 3-50.

Geotechnical evaluations completed at the site before the construction of the Campus indicate that the particular combination of soils is unique to the Twin Cities area, and the nature of these soils could present significant engineering challenges (and associated cost increases) for the SWLRT Project. Soil conditions across the Campus site are highly variable, and include the highly-plastic, fine-grained clay soils known as "fat clays." The amount of fat clay soils present at the site is particularly unusual. In addition to presenting challenges to the SWLRT Project design, these flat clays could also cause issues with settlement for nearby structures during construction of the SWLRT Project. Indeed, the Campus has previously experienced issues with settlement directly as a result of these fat clays, and the Campus could be susceptible to additional, more significant settlement, caused by vibration and changing groundwater conditions from SWLRT Project development and operations.

Finally, the SDEIS indicates that to address these soil conditions, the soils will be removed and/or deep foundations such as pilings will be used to support the SWLRT Project. Of note in this regard is that the SDEIS indicates that bedrock is expected to be at depths of around 50 feet or more.[30] AGNL Health has information, however, that indicates the bedrock at the Campus site is much deeper – approximately 130 feet deep. A discrepancy of that magnitude can create significant challenges to, and substantial additional cost for, the use of deep foundations such as pilings.

Because of the potential challenges posed by these soil conditions, it is imperative to the safe and economic construction and operation of the SWLRT Project that (1) additional technical evaluation of the suitability of this soil environment along Technology Drive (as contemplated in the SDEIS) be completed, (2) a site-specific evaluation of the AGNL Health Campus soil conditions be completed, (3) consideration of alignment modifications be explored to assess opportunities for avoidance, and (4) a monitoring plan, including contingency actions, be developed with specificity for all locations identified as having these low-bearing soils.

D. The Proposed Property Acquisition Will Intrude on the Campus Atmosphere, and Analysis of Scenarios Involving No Acquisition of Campus Property Should be Completed.

AGNL Health opposes the proposed acquisition of a portion of the Campus property for completion of the SWLRT alignment. The SDEIS indicates that the Eden Prairie Segment alone will require acquisition of 2 full parcels and 33 partial parcels of land, including 0.7 acres of the AGNL Health Campus, and additional acquisitions may be necessary to accommodate final design plans.[31] As the SDEIS notes, property acquisitions along this portion of the Eden Prairie Segment will change the nature and appeal of the commercial properties on Technology Drive.[32] The AGNL Health Campus is no exception. In fact, in many ways the AGNL Health Campus will be subject to a more profound impact from encroachment of the SWLRT than other properties along Technology Drive.

As described above, the AGNL Health Campus is a carefully-planned site designed to create a specific atmosphere of health, peace, and quietude to cater to current and future tenants of the AGNL

[30] SDEIS at 3-56.

[31] SDEIS at 3-35, 3-37.

[32] SDEIS at 3-30.

Health Campus. The proposed acquisition of property will greatly impact and detract from the atmosphere of the Campus by intruding on buffer zones and view sheds incorporated into the Campus design, evidenced by the fact that the alignment will be located within as close as 38 feet from Campus offices. As described above, the AGNL Health Campus includes facilities that are sensitive noise and vibration receptors, and the AGNL Health property is a known location of low-bearing soils. As the noise and vibration impacts on AGNL Health's sensitive facilities have yet to be evaluated, and given the potential presence of low-bearing soils in the area targeted for acquisition, the FEIS should consider relocation of the SWLRT along Technology Drive such that acquisition of AGNL Health property is not required.

E. Traffic Impacts Are Projected to Impede Access to the Campus, and Further Analysis of Alternative Alignments, Intersection Designs, and Mitigation Measures is Necessary.

Also of concern to AGNL Health's continued and uninterrupted enjoyment of the Campus is the significant disruption that the SWLRT will cause to traffic flow between Technology Drive and the Campus for the more than 1000 employees that work at the Campus and their guests. The SDEIS and supporting documentation (AECOM, 2013) [33] indicate that the two AGNL Health Campus access driveways will, in the 2018 and 2030 Build scenarios, have Level of Service (LOS) ratings of either B or C for both A.M and P.M. peak conditions in 2018, and C for all conditions in 2030. [34] The SDEIS concludes that these LOS ratings are "acceptable," despite representing a double or even tripling of the access time to the Campus during peak hours.

AGNL Health is concerned that this decline in the LOS to the Campus will interfere with AGNL Health's fundamental rights to enjoyment of, ingress to, and egress from its property, and its reasonable expectations created by years of existing use. [35] Accordingly, additional information regarding these impacts is necessary to fully evaluate the impact potential. This addition information should include (1) design plans for the modified Campus access points under the Build scenario,[36] (2) potential modifications to the design plans, including alternative layouts, alternative signaling methods, and mitigation measures, and (3) available adaptation measures under the various layouts to provide flexibility in the event the modeling proves to be inaccurate in the future.[37] Without this level of detail in the analysis, the traffic analysis presented in the SDEIS does not provide the certainty necessary to adequately evaluate these traffic impacts.

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[33] AGNL Health notes that the supporting document referenced is Section 3.1.2.12.B of the SDEIS – the "Supplemental Draft EIS Traffic Modeling Technical Memorandum (March, 2014)" – is not referenced in Appendix C to the SDEIS, and is not available in the project documentation on the Metropolitan Council's website.

[34] SDEIS at 3-83 to 3-84.

[35] As noted above, the Campus contains a structured parking facility for more than 1200 cars that is utilized by the more than 1000 employees who work at the Campus and their guests.

[36] AGNL Health notes that the traffic analysis "anticipates" signaling will be used at the access points to the Campus, but does not commit to the installation of signals or otherwise define the anticipated layout for these access points.

[37] The Metropolitan Council should also be in the position to provide lessons-learned on modeling, design, and mitigation measures from the other LRT lines in the metro area, which would further inform the analysis and support its accuracy.

IV. Conclusion

AGNL Health appreciates the opportunity to provide these comments on the SWLRT Project SDEIS. As described in these comments, AGNL Health continues to have significant concerns regarding the lack of clarity in the environmental review process and the substantial potential for adverse impacts to the AGNL Health Campus. The environmental review process would be greatly simplified and clarified if the scope of review was changed to eliminate the portion of the Eden Prairie Segment between Mitchell Station and Southwest Station, consistent with the recent Metropolitan Council decision. This would eliminate any need to consider the detailed comments provided in this letter.

AGNL Health strongly recommends that the Metropolitan Council address these concerns regarding process clarity and evaluation of impacts prior to publication of the FEIS to provide for additional public and agency involvement. AGNL Health looks forward to working with the Metropolitan Council to develop a robust analysis of the Technology Drive Alignment and to developing a mutually-agreeable path forward for the SWLRT Project.

Respectfully Submitted,

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Comment #178

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July 20, 2015

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

RE: Possible Rerouting of TCW Trains to Accommodate Twin Cities Light Rail Project

Dear Ms. Jacobson:

This is to make you aware that Granite Falls Energy, LLC almost exclusively relies on TCW to transport its ethanol.

If the light rail project causes any rerouting of the TXCW operations, it will cause significant problems for Granite Falls Energy. Specifically, Granite Falls Energy would not be able to move its ethanol on a timely fashion and would need to either slow down operations or actually shut down its plant.

Any rerouting of the TCW operations would cause significant delays not only for the TCW customers, but for the customers of the other rail lines on which TCW would be directed. Rerouting of the TCW would cause Significant capacity problems on the other lines and would cause a ripple effect throughout southern and southwest Minnesota – with all sorts of facilities stymied in their attempt to ship products.

Accordingly, Granite Falls Energy objects to any attempt to reroute TCW operations. If Granite Falls Energy can be of any help in explaining the problem such rerouting would cause, please contact me.

Thank you.

Sincerely,

GRANITE FALLS ENERGY, LLC

Steve Christensen, General Manager

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From:	Mary Pattock
To:	swlrt
Subject:	SDEIS comments from LRT-Done Right
Date:	Tuesday, July 21, 2015 1:28:14 PM
Attachments:	LRT Done Right SDEIS Response .pdf KPG endorsement-LRTDR SDEIS comments.pdf LPA endorsement-LRTDR SDEIS comments.pdf

Dear Ms Jacobson:

Attached are LRT-Done Right's comments on the Southwest LRT SDEIS.

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being.

Our comments are the product of thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

Also attached are letters from the Lakes and Parks Alliance of Minneapolis and the Kenilworth Preservation Group in support of the LRT-Done Right comments.

We request that you acknowledge receipt of this document by return email.

Thank you.

Mary Pattock
2782 Dean Parkway
Minneapolis, MN 55416

612-922-7609

LRT-Done Right

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

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

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail.*

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see: http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

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[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001

[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

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

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:

Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:

Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

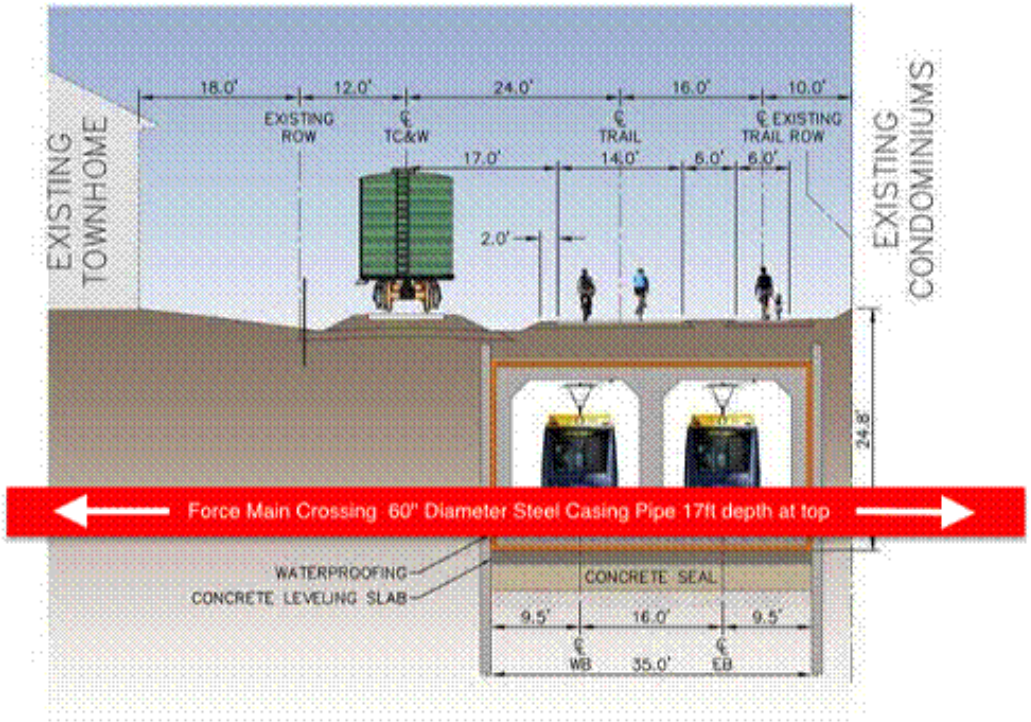


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

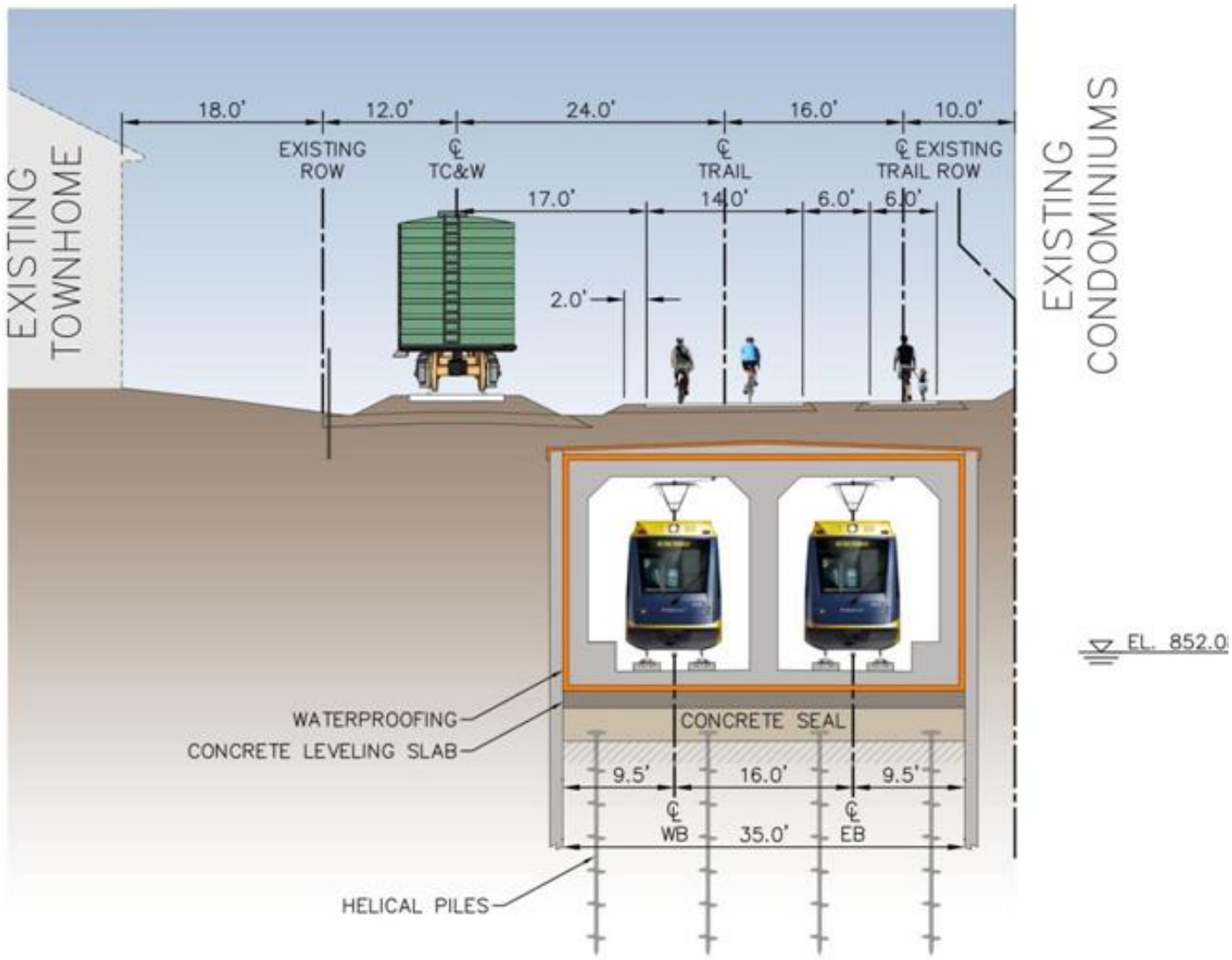
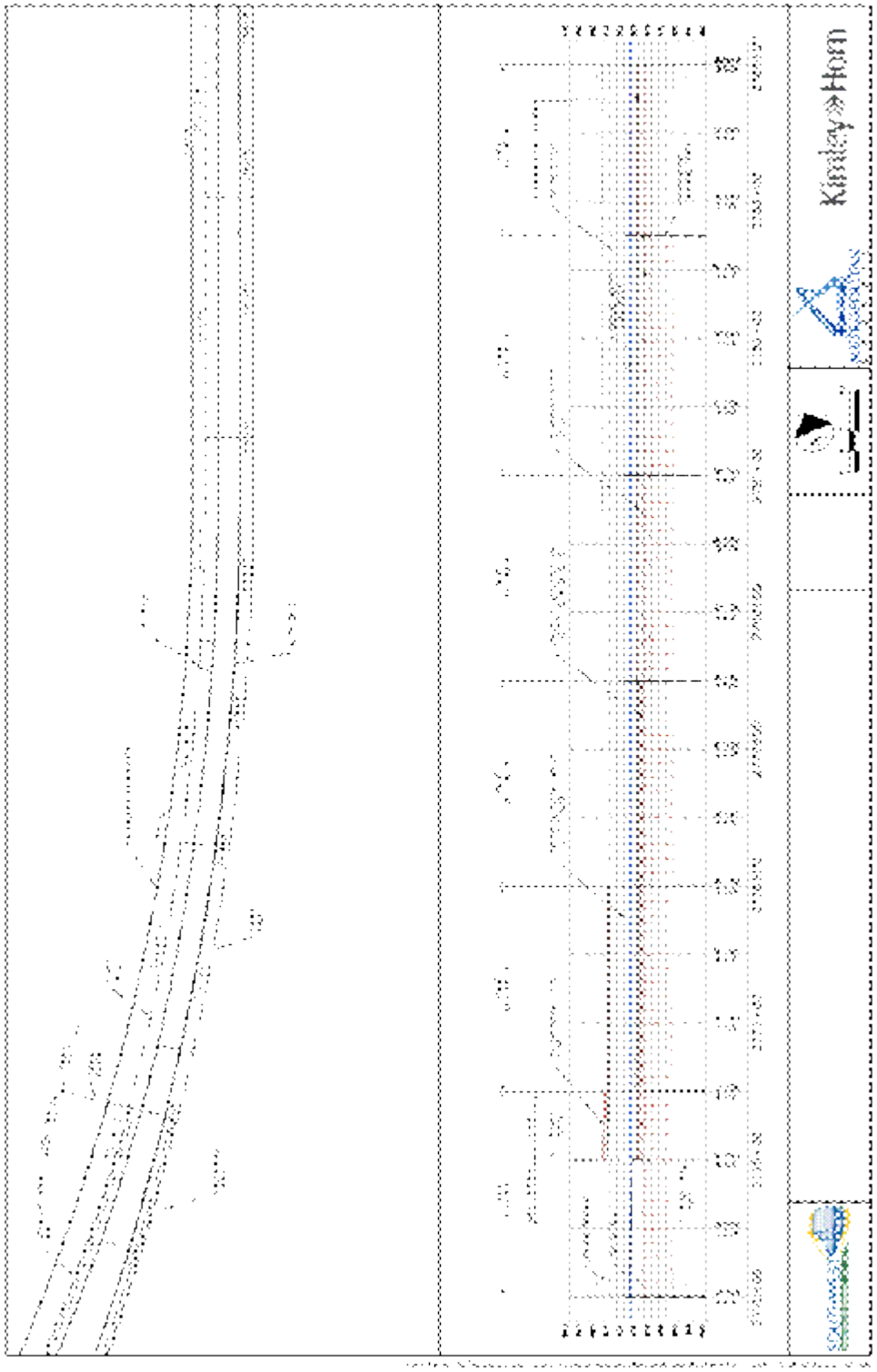


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**. [4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

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[3] http://metrocouncil.org/swlrt/sdeis

[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations — once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train every 5 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA , plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise.*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals 12 to 16 trains per evening between 9 PM and 11 PM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals 2 trains per night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25-plus seconds of bells ((5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals 2 to 4 trains per day, between 12 AM and 2 AM

- This means 1 SWLRT train every 30 to 60 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 to 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total equals 211-220 SWLRT three-car trains per weekday

WEEKENDS

Early morning 4:30 AM to 9 AM

- 6-8 trains per hour equals 26 to 36 trains per day between 4:30 AM and 9 AM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour equals 120 trains per day between 9 AM and 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor would consist of bell noise at 88dBA and 106 dBA
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA

Evening 7 PM to 9 PM

- 8 trains per hour equals 16 trains per day between 7 PM and 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour equals 12 to 16 trains per day, 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds 106 dBA, unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour equals 4 trains per day between 11 PM and 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to 12 AM weekend train frequency is double the weekday frequency of 11 AM to 12 AM
- Would entail 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to 2 AM

- 2 to 4 trains per hour equals 4-8 trains per day between 12 AM and 2 AM
- This means 1 SWLRT train every 15 to 30 minutes
- 12 AM to 2 AM weekend train frequency is double the weekday frequency of 12 AM to 2 AM
- 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 to 30 minutes

Very early morning 2 AM – 4 AM

- No trains — equals current existing conditions

Total equals 180 -195 SWLRT three-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental*

[5] *Sleep Science,* Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non–existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

[7] http://metrocouncil.org/swlrt/sdeis

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment,* the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

> …the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION
The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or

groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."

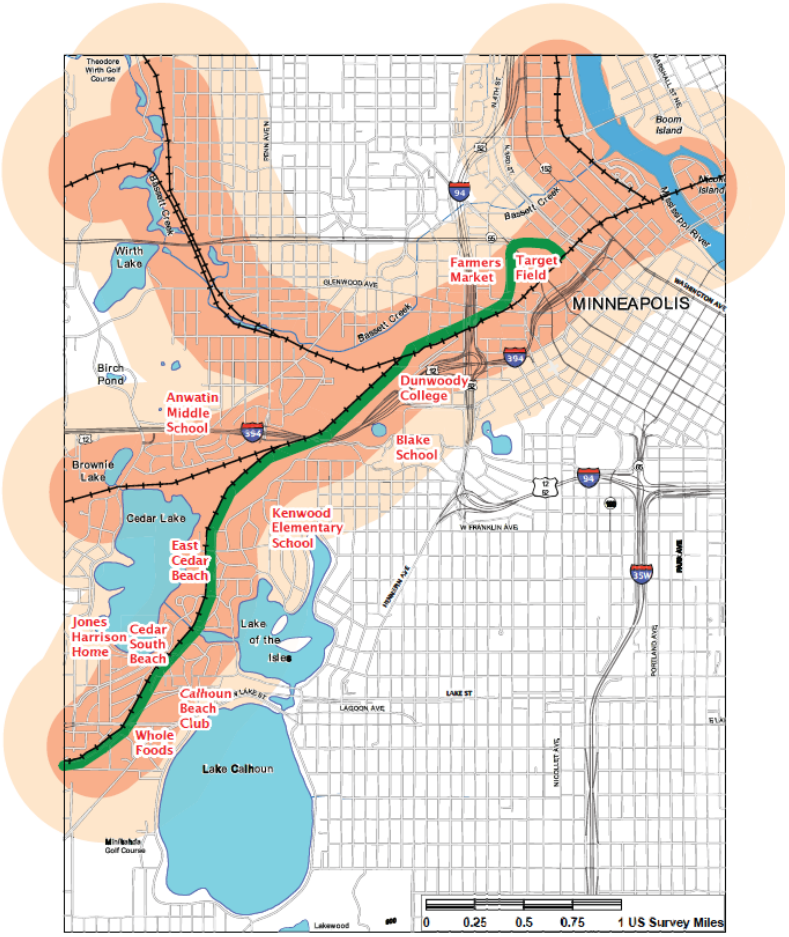
Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

The Kenilworth corridor is a high-risk evacuation blast zone.

Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.

- THIS IS THE BLAST ZONE -

SWLRT co-location with high hazard freight trains in the Kenilworth corridor



Ethanol and Oil Train Disasters:

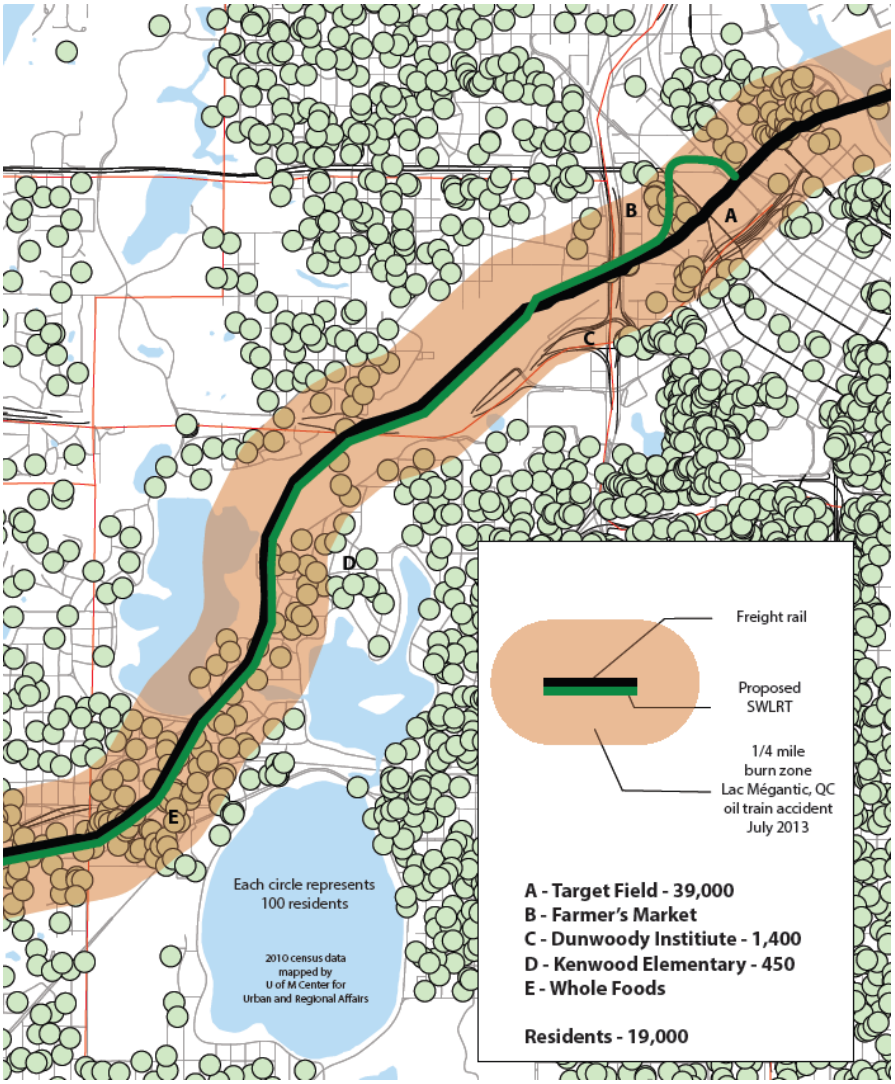
1/4 mi blast zone per Lac Mégantic, QC oil train explosion July, 2013

1/2 mi evacuation zone per US DOT safety regulations for ethanol/oil rail fires

Active Freight Rail

Proposed SWLRT in Kenilworth Corridor

Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

However, TC&W, which is a Class III rail carrier (a short line with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in DOT-111s and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from two-person crews to one- or two-person crews. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not even apply to TC&W due to their Class III status.* Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with approximately 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol,* a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rail* in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-

hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor*, this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there had only been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.

3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis.*

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis*.

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modifythedefinitionofahigh-hazardflammabletrainprovidedinSection171.8toread as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. ThePHMSAandFRArulesmustapplytoalltrainsconveyingClass3flammableliquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. ThePHMSAandFRAsafetyrulesshouldapplyequallytohhftsthatareconveyingoil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. BantheuseofDOT-111tankcarsnowfortransportinganyamountofhazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111carsshouldnotbeusedforthetransportofanycrudeoilsorfossilfuels, regardless of classification.

6. Retrofittedcarsthatfailtomeeteverystandardofthemostprotectivenewtankcar design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., ClassI -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

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Lakes and Parks Alliance of Minneapolis, Inc.
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, MN 55416

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Via email: swlrt@metrotransit.org

Dear Ms. Jacobson,

I am contacting you as a board member of the Lakes and Parks Alliance of Minneapolis, Inc. Our organization endorses and supports the comments submitted by Light Rail Transit Done Right (LRTDR).

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

George Puzak
Lakes and Parks Alliance of Minneapolis, Inc., board member

Kenilworth Preservation Group (KPG)
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, Minnesota 55416-5392

Via email: swlrt@metrotransit.org

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

RE: Supplemental DEIS

Dear Ms. Jacobson,

I am contacting you as chair of the Kenilworth Preservation Group (KPG). KPG endorses and supports the comments submitted by LRT Done Right.

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

Stuart A Chazin
Chair - Kenilworth Preservation Group

Comment #180

Minneapolis
City of Lakes

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7/16/2015

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

Dear Ms. Jacobson,

The City of Minneapolis appreciates the ability to comment on the Supplemental Draft Environmental Impact Statement 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 July 14, 2015 and will be approved by the full City Council on July 24, 2015. Please let our staff know if you have any questions regarding the comments.

Sincerely,

Steven A. Kotke
Director of Public Works

D. Craig Taylor
Director of Community Planning and Economic Development

Attachment #2 - SW LRT
Supplemental Draft Environmental
Impact Statement Comments
City of Minneapolis
June 2015

City of Minneapolis comments pertaining to the SW SDEIS are split into two categories; general comments that highlight the City of Minneapolis position on a particular topic and specific comments that include more technical detail. Specific comments pertain to a given chapter or page within the SDEIS document.

City of Minneapolis comments on the Supplemental DEIS are based on three principles:

1. Comments are based on unresolved topics and the need to clarify, correct, or mitigate an issue in preparation for the FEIS. Comments are also intended to inform the final design, project specifications, construction means/methods, and long-term operation of the line. The City will not be commenting **again** on past decisions such as LRT alignment, freight alignment, or scope/budget. **The City's perspective has been captured in previous council actions including the municipal consent resolution adopted on August 29, 2014.**
2. Comments are based on the SDEIS, but also reflect the city's understanding of recent changes to the scope and budget recommendations made by the July 1, 2015 Corridor Management Committee meeting and adopted by the Metropolitan Council on July 8, 2015.
3. 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**. Comments are intended to lessen the negative impacts to residents and businesses near the corridor and to improve the quality of the project.

It should be noted that these comments are supplemental to the previously submitted December 2012 City of Minneapolis DIES comments and to the August 2013 City of Minneapolis SDEIS scoping letter to the Southwest Project Office.

The city appreciates the work of the Metropolitan Council to address the concerns that the city has raised to date. The City of Minneapolis will continue to work closely with the Southwest LRT Project Office and with other partnering agencies to help make this project a long-term success.

General Comments:

Below are several general comments pertaining to the SDEIS. These topics require further analysis, clarification, or detail and need to be addressed prior to the completion of the FEIS:

Ridership – It is difficult to understand station ridership data in this document. It is very time consuming to cross-reference data between the original DEIS and the SDEIS. Data is often

presented, compared, and contrasted in different baseline and forecast years. It would be helpful for the document to include a large table that shows accurate ridership values for each station. The data needs to be based on the latest regional model and the table needs to include opening day (2020) projected ridership, 2040 projected ridership, reverse commute ridership, new transit trips, and transit dependent user ridership.

Construction Impacts – Construction impacts pertaining to the shallow tunnel design such as noise and vibration are discussed in the SDEIS. The SDEIS states that "Construction noise impacts are expected to be localized, temporary, and transient." While in general this may be true, the document minimizes and understates impacts of the shallow tunnel to residents. While the City of Minneapolis recognizes that additional design work and construction methods will better inform the extent of these impacts, the known impacts should be better identified in the SDEIS. These impacts will increase with proximity to the physical improvements. It is understood that additional details regarding potential short-term noise impacts will be evaluated further and provided in the forthcoming FEIS, based on the equipment, duration, and type of work effort. These details and the respective short-term impact determinations need to be provided when additional design and construction information is available not when the FEIS is published.

Given the close proximity of homes and townhomes to the construction work, effort must be made to dampen or minimize the noise and vibration caused by sheet pile driving. There will also be tree loss along the corridor. The means and methods for removing trees are not defined in the DEIS. It should be noted that there is concern about potential noise created by chain saw activity in addition to wood chipping. Hours of construction operation must be limited to ensure that residents are not disrupted at night; the City of Minneapolis Noise Ordinance will be enforced restricting hours of operation on week nights, weekends, and Holidays.. In addition to noise and vibration, light pollution must be considered when securing the project at night. An effort must be made by the project and its contractors to control dust, to maintain safe truck routes, to comply with truck weight limits, and to follow jake breaking laws.

The project needs to identify proper mitigation for properties impacted by construction. The project needs to develop and implement a construction management plan that addresses hours of operation, access routes, BMPs for mitigating dust and debris on public streets and private property. The City of Minneapolis would like to be consulted in the development of this plan.

Shallow Tunnel; Environmental Issues – Mitigation will be required for adverse impacts to City of Minneapolis surface waters, storm drains, storm tunnels, sanitary sewers, and surface drainage, including but not limited to physical conflicts, pollutant loads, surface water levels, increased stormwater runoff, changes to surface drainage impacting public or private properties, or degradation of hydraulics, condition, capacity, or operational/maintenance access. There needs to be a section in the FEIS on the impact to the tunnel on existing utility infrastructure and what mitigation will be provided.

Freight Rail Safety - There must be coordination between the SPO and the railroad to minimize the risk of a derailment, especially if trains are carrying hazardous materials. Emergency vehicle access of the construction site must be coordinated prior to construction. The SPO shall include

both the Minneapolis Fire Department and the Police Department in future Emergency Response planning for both the construction period and long term operations. Members of the public have expressed great concern regarding the risks of a train derailment during construction. The SDEIS needs to address these risks.

LRT Operation - The document states that there will be emergency vehicle delays of approximately 50 seconds, 12 times per hour at 3 at-grade locations within Minneapolis and St. Louis Park once the LRT opens for service. Alternate routes for emergency vehicles may need to be suggested. The SPO shall include both the Minneapolis Fire Department and the Police Department in future Emergency Response planning for both the construction period and long term operations. The City of Minneapolis is pleased that improvements to the tunnel ventilation system will be made to ensure passenger safety. As previously stated in the DEIS comments, it is important that noise from LRT bells, whistles, and horns be evaluated and minimized. While some warning devices are required by federal law, policies and procedures regarding some rail operations are local (at the discretion of the Metropolitan Council).

Visual Impact - The City of Minneapolis agrees that the project will result in a substantial level of visual impact in the Kenilworth corridor. The impact must be mitigated and the corridor improved in the manner described in the memorandum of understanding between the Metropolitan Council and the City of Minneapolis. The City looks forward to continued conversations with the project office and the community regarding the restoration of the corridor, and expects these measures to be included in the FEIS and implemented by the project.

Regional Transit Connections – A significant amount of work has occurred within the region to advance other transit projects since the DEIS was published in 2012. This includes the Midtown Greenway Corridor, which was the subject of an Alternatives Analysis document. This project needs to be discussed more within the SDEIS since track accommodations at the West Lake Street station have been made for that project. The Lake Street ABRT project was also identified as part of that study and makes a direct connection to the Green Line at West Lake Street. The C-Line along Penn Avenue has also advanced to the design phase. As proposed, customers using the C-Line can transfer to the Green Line at the proposed Royalston Avenue Station. Proposed bus connections at the Van White station and improved sidewalks near the Penn Station will also help transit dependent riders get to destinations along the entire Green Line travelshed. Mention of these projects within the SDEIS would be helpful.

Specific Comments (By Chapter):

Executive Summary

Table ES-1 on page ES-15 states that there are 67 moderate and 3 severe noise impacts. More information is needed on how these properties will be mitigated.

Table ES-1 on page ES-16 states that 6 high-risk environmental sites could require remediation prior to construction, that there could be potential spills during construction, and that sites with existing contamination could be encountered during construction. More information is needed regarding the identified sites and what will be done (and how long it takes) to remediate a site or situation.

Chapter 1 –Purpose and Need

Page 1-1 – "The Southwest LRT Project will improve access and mobility to the 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." When looking at the FTA's 2014 response to the SW Corridor scope, suburban land use was one of the areas identified for improvement. By increasing corridor density, the project will become more competitive at the federal level. As mentioned in the general comments, calculating the number of reverse commute riders is an important equity measurement that needs to be shown in a table station by station.

Chapter 3 –Affected Environment, Impacts, and Mitigation

Section 3.4.1.5 (Visual Quality and Aesthetics) analyzes the anticipated changes to visual quality from six viewpoints between the West Lake Street and 21st Street stations. The SDEIS assigns a substantial level of impact for three of these:

- Viewpoint 2, looking north near Lake Street
- Viewpoint 3, looking north toward the tunnel portal south of the canal crossing
- Viewpoint 4, view from the bike trail at the south side of the channel crossing

The City of Minneapolis agrees that the project will result in a substantial level of visual impact in these areas. The impact must be mitigated and the Kenilworth corridor improved in the manner described in the memorandum of understanding between the Metropolitan Council and the City of Minneapolis. The City looks forward to continued conversations with the project office and the community regarding the restoration of the corridor, and expects these measures to be included in the FEIS and implemented by the project.

The City of Minneapolis has the following concerns about visual quality and aesthetics not covered in the SDEIS:

- The drawings and discussion of the tunnel portal near the channel do not acknowledge that among the substantial visual impacts are a six-foot concrete crash wall adjacent to the freight tracks and an eight-foot fence between the portal and the bike trail. The FEIS should state these facts explicitly and include a level of mitigation that is commensurate with the substantial level of impact.
- While the SDEIS includes an analysis of the area around the tunnel portal near the channel, it does not discuss the tunnel portal near Lake Street. The City of Minneapolis expects that equal attention will be given to the mitigation of visual impacts at both tunnel portals.
- The project will substantially impact visual quality and aesthetics between the 21st Street and Penn Avenue stations, but an analysis of that impact is not included in the main body of the SDEIS. Previous work by the Metropolitan Council quantifies the anticipated tree loss in the Kenilworth corridor under the since-discarded two-tunnel option. Tree loss and a change to aesthetics will remain an issue with the construction of LRT at grade in this segment, and the City of Minneapolis expects the same level of restoration and improvement in this segment as the West Lake to 21st segment.

Section 3.4.2.3 (Noise) and Section 2.4.2.4 (Vibration) identifies both severe and moderate noise and ground-borne noise impacts in the Kenilworth corridor. The City of Minneapolis expects both severe and moderate noise and ground-borne noise impacts to be mitigated. We look forward to working with the project office on the development of these mitigation measures.

Page 3.12- It is not clear whether all relevant noise issues will be covered in the FEIS document. It is important to be clear about what studies are remaining in addition to what has been done to date.

Page 3-17- The SDEIS uses 2030 model information when the CMC and staff have been using projected 2040 model numbers to make decisions. It is important that the SDEIS include the 2040 data to help justify the context of these decisions.

Page 3-18- The operating assumption has always been that 7.5 minutes headways will be used. It is clear now that 10 minute headways will be used to match Central Corridor frequency. The SDEIS needs to state whether or not 7.5 minute headways will work in the future.

Page 3-20 - "As noted in Section 2.5 of this Supplemental Draft EIS, the LPA would result in short-term and long-term shifting of the freight rail tracks prior to tunnel construction in the Kenilworth Corridor. Changing the physical operations of freight railroads can result in community impacts such as running freight trains at night. While TCW is allowed to operate at night; they currently choose to run during the day. They also choose to run at 10 mph instead of 25 mph. It is important that the agency partners continue to work with the railroad to try to minimize the number of night trains they run and the frequency and speed of those trains to maintain quality of life for residents.

Page 3-21 Freight Table 3.1-5 - It should be noted that noise and vibration analysis modeling was done using 10mph vs 25mph. We support that assumption since that is the current operating speed of trains in the corridor.

Pages 3-23 Table 3.1-6 – This table identifies many upcoming mitigation elements not included in the SDEIS. The City of Minneapolis is very interested in reviewing and commenting on all future plans and mitigation efforts identified in the DEIS and SDEIS prior to the issuance of the FEIS, these include but are not limited to:

- Construction Communication Plan
- "Forthcoming aesthetic guidelines"
- Groundwater Management Plan
- Noise Mitigation Plan
- Vibration Mitigation Plan
- Section 106 review

Page 3-26 Bicycle & Pedestrian - "Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified" Given that the Cedar Lake Trail Bridge has been eliminated from the project scope, it is important to mitigate any risks associated with crossing three rail tracks (two light rail tracks

and one freight rail track). It is recommended that gate arms be considered at the trail crossings give the high trail counts.

Page 3-27 Environmental Justice. The DEIS used 2000 Census data and the SDEIS uses the American Community Survey (ACS) from 2007-2011 to identify low income populations. More recent ACS data is available 2009-2013. The City of Minneapolis suggests that the most recently available data is used to determine environmental justice compliance.

Page 3.135 – Table 3.4-1, Summary of Findings: For the Public Waters and Stormwater Management Sub-category of the Water Resources Category, please add, Stormwater runoff would be treated to meet local requirements.

Page 3-136 Section 3.4.1.1 Land use . The list of planning documents consulted to inform the Land Use section does not include The Minneapolis Plan for Sustainable Growth (2009), the City's Comprehensive Plan. It also does not include the Midtown Greenway Land Use and Development Plan (2007). These plans provide general and site specific guidance for land use and development intensity in Minneapolis. The City of Minneapolis is concerned that the oversight in listing the plans equates to an oversight in reviewing the plans and understanding their relevant recommendations. This impacts the Land Use and Economic impacts analysis in the SDEIS. The City of Minneapolis requests that these documents and their relevant guidance be reviewed and considered where relevant in the FDEIS.

Page 3-138 – The City of Minneapolis does not support park and rides within the city limits. The City of Minneapolis appreciates the attention the SPO staff has given to bicycle and pedestrian infrastructure approaching each of the Minneapolis stations. Careful attention to this detail will increase transit ridership and will promote TOD.

Page 3-139 Section 3.4.1.1, Long Term indirect Land Use Impacts. The SDEIS makes the following statement regarding redevelopment potential and land use changes: "While some redevelopment within the West Lake 21st Street, and Penn Station areas would be possible, land uses surrounding the stations would be expected to generally remain unchanged because of the relatively high level of existing development in those areas." The West Lake Street station is adjacent to nearly 14 acres of single story shopping center development. The City has adopted policy direction (Midtown Greenway Land Use and Development Plan -2007) that calls for mixed use transit oriented development of five or more stories. Additionally, at the Penn Station along Madeira Avenue and Wayzata Boulevard there is approximately 3.5 acres of low scale commercial and industrial development. The Bryn Mawr Land Use Plan, adopted by the City in 2005, calls for mixed use development. For both the West Lake and Penn stations, these are significant areas of potential changes and intensification of the uses which the SDEIS does not recognize.

Page 3-168 – 3.4.2.1 It is stated, "Construction activities and potential light rail-related improvements both have the potential to affect groundwater by potentially changing the flow of or contaminating groundwater within the project vicinity." Please REPHRASE to add the potential of changing the flow of previously contaminated groundwater, such as, ". . . by

potentially changing the flow of groundwater (including previously contaminated groundwater if present), or contaminating groundwater, within . . ."

Page 3.169 – 3.4.2.1 - It is stated that groundwater removal would be required during construction of the light rail. Please identify if groundwater removal is expected to be required after completion of the tunnel in order to keep it functional. Other sections of the document appear to indicate this.

Page 3.169 – It is highly recommended that more accurate methods be utilized to determine the high groundwater elevation in the location of the tunnel. Typical soil borings may not be very reliable in this regard. If any post-construction groundwater discharges are proposed to the City of Minneapolis sewer systems, the City of Minneapolis will require the discharges be quantified based on the anticipated high groundwater elevation on the site.

Page 3.170 – Discharge of groundwater from the internal tunnel to the City of Minneapolis sanitary sewer will require additional review. Any proposed groundwater discharges will need to be quantified and testing of the groundwater for the presence of contaminants will be required. It should not be assumed that discharge to the City of Minneapolis sanitary sewer system will be granted.

Page 3.170 – It is the expectation that any waterproofing that is necessary in order to limit groundwater infiltration into and, in turn, groundwater discharges from the tunnel be maintained for the life of the improvements. It is recommended that the maintenance of any waterproofing proposals be thoroughly evaluated and selected with this in mind.

Page 3-170 – Footnote 34 addresses discharge as a result of a larger than 100-year storm event from tunnel portals. The proposed location(s) and rate(s) would need to be reviewed and approved by the City of Minneapolis.

Page 3.172 – The filtration tanks, infiltration basins or other means identified in The Risk of Groundwater Contamination during Construction section would also need to be reviewed and approved by the City of Minneapolis. The discharge as a result of a larger storm event would also need to be approved by the City of Minneapolis.

Page 3.172, C. Mitigation Measures – The groundwater management plan must also be reviewed and approved by the City of Minneapolis.

Page 3.177, list of potential BMPs, bullet 7 – straw bales are not allowed as BMPs in Minneapolis.

Page 3.179, C. Mitigation Measures – add that Stormwater runoff (long-term) will need to be in compliance with MPCA NPDES General Construction Permit Section III.D., PERMANENT STORMWATER MANAGEMENT SYSTEM, and will need to be reviewed and approved by the City of Minneapolis under Minneapolis Code of Ordinances Chapter 54, Stormwater Management.

Page 3-184 – The SDEIS makes the following statement regarding short term noise and vibration "Construction noise impacts are expected to be localized, temporary, and transient. These impacts would increase with proximity to the physical improvements. Additional details regarding potential short-term noise impacts will be evaluated further and provided in the forthcoming Final EIS, based on the equipment, duration, and type of work effort. These details and the respective short-term impact determinations will be provided when additional design and construction information is available." While it is recognized that substantially more design work is ahead, many areas of major infrastructure, such as a shallow tunnel, are known and should be listed in the SDEIS.

Page 3-186 – The SDEIS concludes that "the results of ground-borne noise impacts for residential land use are presented in Table 3.4-14. There would be no vibration or ground-borne noise sensitive institutional land uses in the St. Louis Park/Minneapolis segment." This statement needs to be substantiated or clarified.

Page 3-200 - Among the potential strategies for improving traffic operations at intersections is the modification of light rail at-grade crossings from preemption to a priority strategy. It is the understanding of the City of Minneapolis that priority signalization (not preemption) will be the standard for all Minneapolis intersections.

Chapter 4 –Public and Agency Coordination

Page 4.21 – Table 4.5-2, Preliminary list of Required Permits/Approvals and Reviews (by Agency Jurisdiction)
Under City of Minneapolis, add Stormwater Management – Approval. (Per Minneapolis Code of Ordinances Title 3 Chapter 54 Stormwater Management)

First Class Mail

Community Planning & Economic Development
Crown Roller Mill
105 Fifth Ave. S., Suite 200
Minneapolis, MN 55401-2534

RECEIVED
JUL 22 2015
BY: CPED

Nani Jacobson
Assistant Director, Enviro + Agreements
Metro Transit SW LRT Project Office
6465 Wayzata Blvd. Ste 500
St Louis Park, MN 55426

From:	Meg McMonigal
To:	swlrt
Cc:	Jacobson, Nani
Subject:	SDEIS Comments from St. Louis Park
Date:	Tuesday, July 21, 2015 1:46:19 PM
Attachments:	SDEIS Letter and Comments City of St. Louis Park 7-21-15.pdf

Attached are City of St. Louis Park's SDEIS comments. A hard copy will be delivered as well.

Meg J. McMonigal

Principal Planner | City of St. Louis Park
5005 Minnetonka Blvd, St. Louis Park, MN 55416
Office:952-924-2573
mmcmonigal@stlouispark.org
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St. Louis Park
MINNESOTA

Experience LIFE in the Park

July 21, 2015

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

Dear Ms. Jacobson,

The City of St. Louis Park appreciates the opportunity to comment on the Supplementary Draft Environmental Impact Statement (SDEIS) for Southwest LRT. Enclosed are the City's comments.

Please contact me if you have any questions or need clarifications.

Regards,

Meg J. McMonigal, AICP
Principal Planner

Enc.

St. Louis Park
MINNESOTA

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City of St. Louis Park

Supplementary Draft Environmental Impact Statement Comments (SDEIS)

July 21, 2015

These comments on the SDEIS are in addition to the comments on the Southwest Transitway DEIS submitted by the City of St. Louis Park December 31, 2012. They are not intended to replace or diminish the previous City of St. Louis Park comments. These comments focus exclusively on the SDEIS.

1. Noise impacts:

The SDEIS notes noise impacts near the Wooddale Station, at the Camarata Apartments and 6 unspecified locations near 37th Street and the rail corridor. These 6 locations need to be specifically identified for the City and the property owners. There is not an indication of what types of mitigation could be utilized for severe and moderate impacts. There is also not any indication if/when/how the property owners will be notified of the impacts and the proposed mitigation for their properties.

The SDEIS does not note any noise impacts to the Cityscape Apartments at 5707 State Highway 7 or the Townhomes located at 4400 Park Glen Road. Both are within 90-150 feet of the rail line.

2. Contaminated Sites

The map on page 3-190 shows "High-Risk Hazardous and Contaminated Materials" however 17 are noted in the text to be ranked "high" in the Modified Phase I Environmental Site Assessment. Why certain locations were elevated to "high" versus other locations must be explained, along with what the risks are to people in these locations.

3. Maps

a. Several maps show open space around the Wooddale Station in St. Louis Park inaccurately. The land to the north and south of the station area may be publicly

owned, however it is not park land. Please see attached map and revise accordingly for the following properties:

- Map 3.4-1 on P 3-141
- Map 3.4-5 on p 3-175
- Map 3.4-6 on p 3.181
- Map 3.4-7 on p 3-190

b. Maps 3.4-9 and 3.4-10 (pages 3-210 and 3-211) do not show the entire buffer area. The concern is that this cuts off Meadowbrook Manor apartments; they should be included in the analysis.

4. Traffic

Roadway improvements noted on page 2-55 do not discuss the additional traffic analysis that has occurred since the DEIS in 2012. Notably, there has been an access modification on Wooddale Avenue that restricts traffic to right-in/right-out at the east frontage road and this should be called out in the document. This restriction impacts the access for the existing and future development in the area, and this impact is significant for area circulation and must be addressed and mitigated. Traffic on Wooddale Avenue in the SWLRT station area is problematic now and with the addition of LRT, this situation will be worsened. The existing residents and future development is seriously impacted by this change to the roadways system.

5. Park & Ride Traffic

The traffic generated by the park & ride facilities at Beltline and Louisiana Stations and the kiss & ride facilities at all three St. Louis Park stations will create congestion, consume local street traffic capacity and create potential safety issues. These impacts need to be clearly identified and effectively mitigated.

6. Bicycle Traffic, Parking and Safety

The Cedar Lake Regional Trail is already heavily used through St. Louis Park. SWLRT will increase the vehicle and bicycle traffic in the station areas in general and increase bicycle – vehicle conflicts where Beltline Blvd and Wooddale Ave cross the regional trail. The SDEIS does not address bicycle parking and safety adequately. No long term direct or indirect bicycle and pedestrian impacts in the St. Louis Park/Minneapolis Segment are identified. St. Louis Park disagrees. We believe there will be negative impacts on the quality of the trail experience in St. Louis Park and safety impacts where the regional trail is crossed by Beltline Blvd and Wooddale Ave. These impacts need to be addressed and mitigated.

The FEIS and final SWLRT design should address these issues in a manner that is consistent with the recommendations in the Southwest Light Rail Transit Bicycle Facility Assessment Technical Memorandum #2, prepared by the Toole Design Group and submitted to stakeholders on May 15, 2015. Safe station area bicycle circulation and bicycle parking is addressed in the Toole Design Group Technical Memorandum.

7. Freight Rail Route Conclusions

While the City of St. Louis Park agrees with the conclusion that incorporating the "Shallow LRT Tunnels – Over Kenilworth Lagoon" into the LPA is the best solution for SWLRT, the rationale for this conclusion is difficult to find in the SDEIS and buried in *Appendix F – Development and Evaluation of Design Adjustments Since Publication of the Draft EIS*. In addition Appendix F states in a footnote (P. F-71) that, "The *Conclusion* at the end of this section…summarizes the Council's evaluation of the MN&S North design adjustment." However there is no subsection titled conclusion and it is difficult to find the explanation for why the last freight rail relocation option under consideration - the modified version of the Brunswick Central design created by TranSystems - was dismissed in favor of the Shallow Tunnel alternative. The freight rail route selection was a difficult and crucial decision in the SWLRT design process. It is important that the conclusion is clear and the document structured in such a way that the conclusion can be found. At a minimum a heading identifying the conclusion in Appendix F should be added to the report. Likewise, for clarity and historical accuracy, the critical fact that the railroads did not support any of the freight rail re-route options, while included in the SDEIS, should be consistently and clearly stated in the document.

St. Louis Park
MINNESOTA

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Comment #182

July 21, 2015

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

Dear Ms. Jacobson,

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Please contact me if you have any questions or need clarifications.

Regards,

Meg J. McMonigal, AICP
Principal Planner

Enc.

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JUL 21 2015
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St. Louis Park
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City of St. Louis Park

Supplementary Draft Environmental Impact Statement Comments (SDEIS)

July 21, 2015

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St. Louis Park
MINNESOTA

HOUSING AUTHORITY
5005 MINNETONKA BLVD.
ST. LOUIS PARK, MN 55416-2216

SPO

From: Ken Rafowitz
To: swlrt
Subject: Fwd: SDEIS Comments to the Met Council
Date: Tuesday, July 21, 2015 4:40:43 PM
Attachments: Executed - SDEIS Response .pdf
KPG endorsement-LRTDR SDEIS comments.pdf
LPA endorsement-LRTDR SDEIS comments.pdf

Dear Met Council,
I am writing you to express my
support and endorse the comments of LRT-Done Right.
I hope you will endorse them also.
Ken Rafowitz
3515 Basswood Rd v
Minneapolis, Mn. 55416

Lakes & Parks Alliance of Minneapolis, Inc.
C/O The Chazin Group, Inc.
Lake Pointe Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, Minnesota 55416-5392

email: lakesparksalliance@gmail.com

Website: www.lakesandparks.com

GO GREEN.

Lakes and Parks Alliance of Minneapolis, Inc.
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, MN 55416

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Via email: swlrt@metrotransit.org

Dear Ms. Jacobson,

I am contacting you as a board member of the Lakes and Parks Alliance of Minneapolis, Inc. Our organization endorses and supports the comments submitted by Light Rail Transit Done Right (LRTDR).

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

George Puzak
Lakes and Parks Alliance of Minneapolis, Inc., board member

Kenilworth Preservation Group (KPG)
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, Minnesota 55416-5392

Via email: swlrt@metrotransit.org

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

RE: Supplemental DEIS

Dear Ms. Jacobson,

I am contacting you as chair of the Kenilworth Preservation Group (KPG). KPG endorses and supports the comments submitted by LRT Done Right.

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

Stuart A Chazin
Chair - Kenilworth Preservation Group

LRT-Done Right

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

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

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail.*

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see: http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

---

[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001

[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

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

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:

Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:

Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

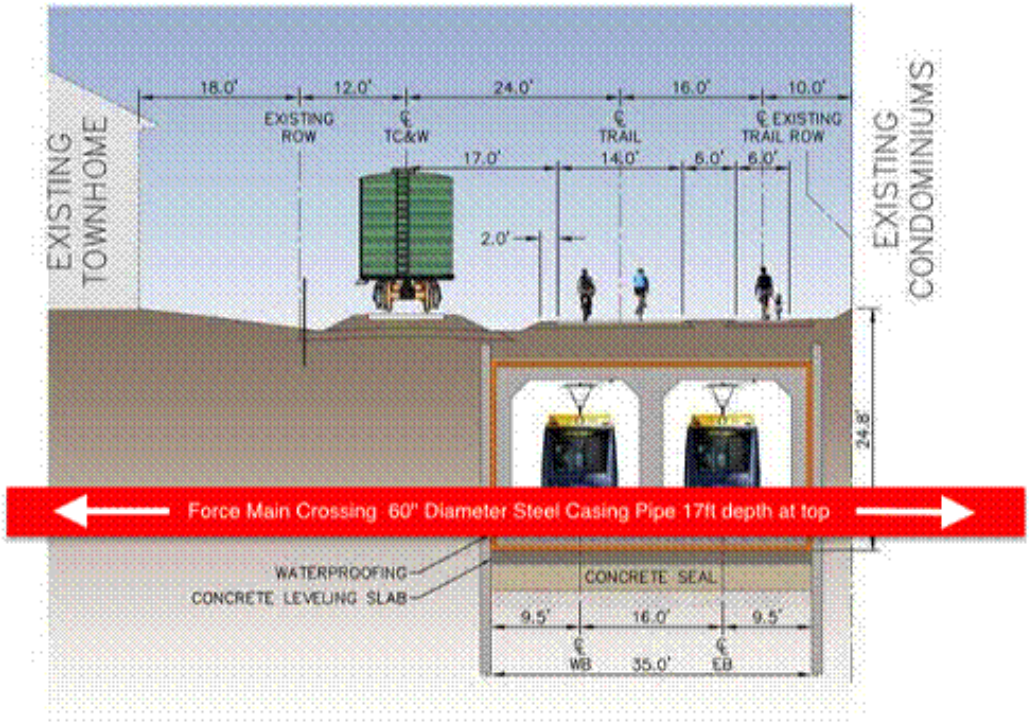


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

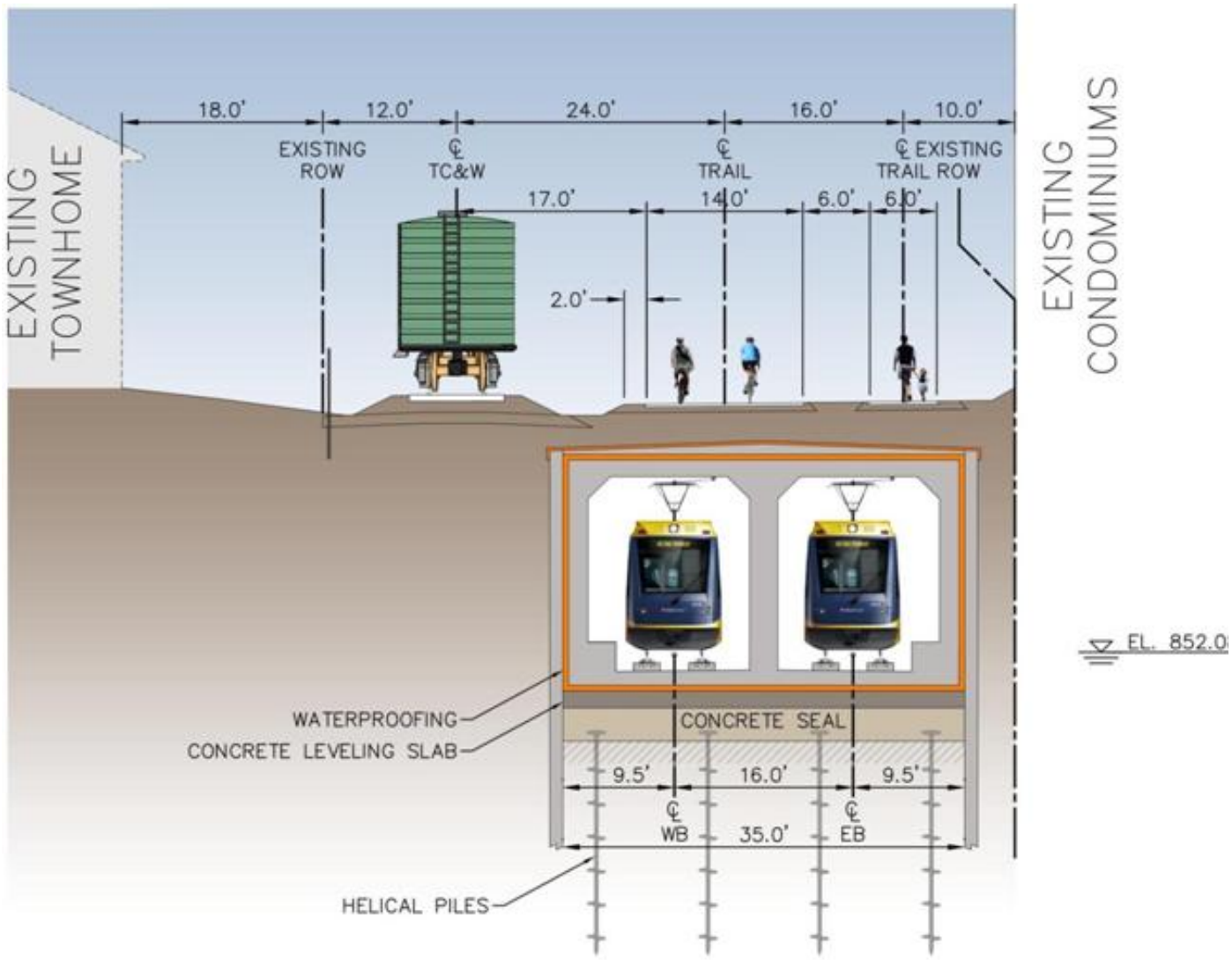
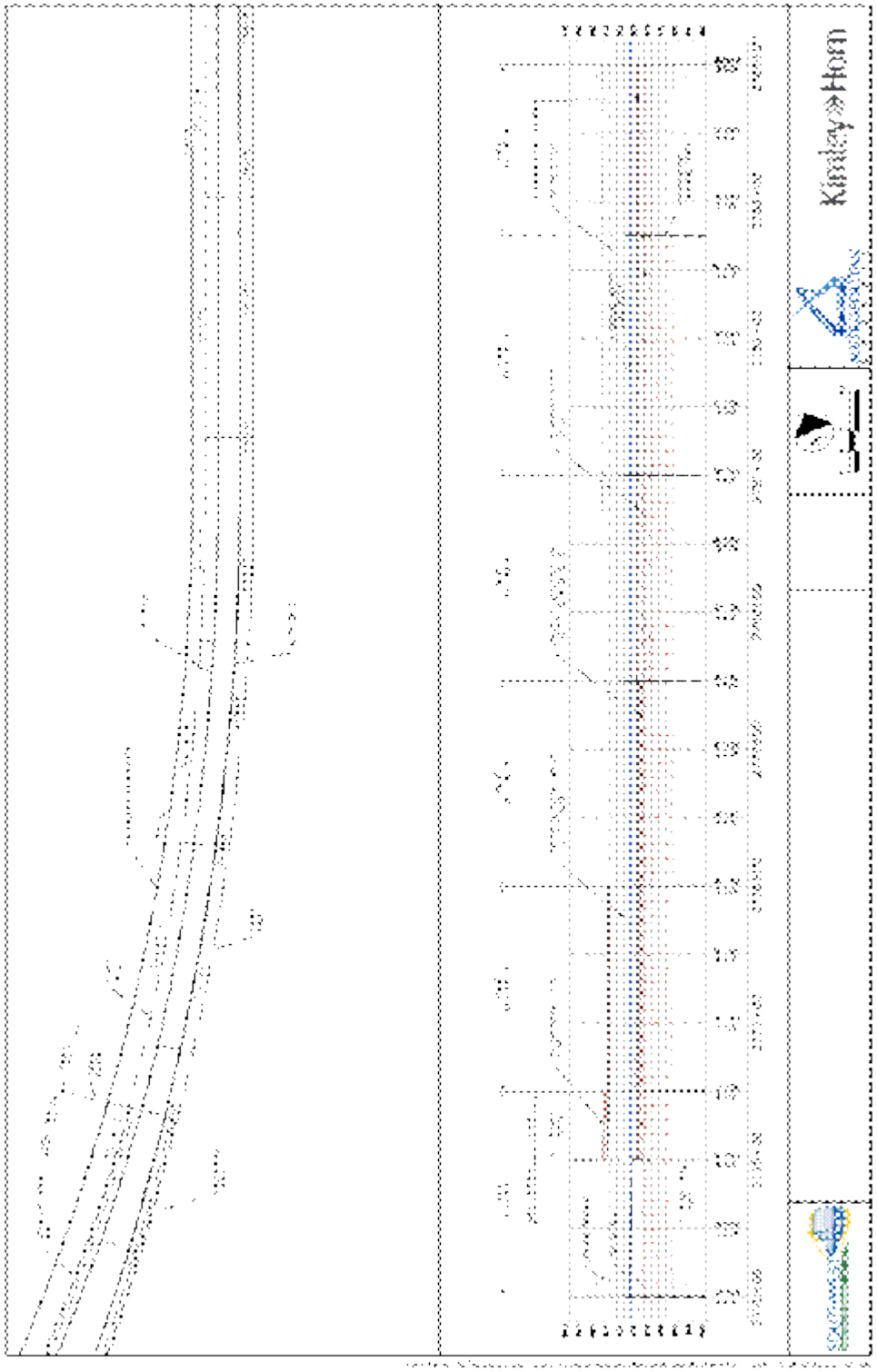


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**. [4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

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[3] http://metrocouncil.org/swlrt/sdeis

[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations — once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train every 5 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA , plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise.*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals 12 to 16 trains per evening between 9 PM and 11 PM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals 2 trains per night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25-plus seconds of bells ((5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals 2 to 4 trains per day, between 12 AM and 2 AM

- This means 1 SWLRT train every 30 to 60 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 to 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total equals 211-220 SWLRT three-car trains per weekday

WEEKENDS

Early morning 4:30 AM to 9 AM

- 6-8 trains per hour equals 26 to 36 trains per day between 4:30 AM and 9 AM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour equals 120 trains per day between 9 AM and 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor would consist of bell noise at 88dBA and 106 dBA
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA

Evening 7 PM to 9 PM

- 8 trains per hour equals 16 trains per day between 7 PM and 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour equals 12 to 16 trains per day, 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds 106 dBA, unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour equals 4 trains per day between 11 PM and 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to 12 AM weekend train frequency is double the weekday frequency of 11 AM to 12 AM
- Would entail 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to 2 AM

- 2 to 4 trains per hour equals 4-8 trains per day between 12 AM and 2 AM
- This means 1 SWLRT train every 15 to 30 minutes
- 12 AM to 2 AM weekend train frequency is double the weekday frequency of 12 AM to 2 AM
- 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 to 30 minutes

Very early morning 2 AM – 4 AM

- No trains — equals current existing conditions

Total equals 180 -195 SWLRT three-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental*

[5] *Sleep Science,* Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non–existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

[7] http://metrocouncil.org/swlrt/sdeis

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment,* the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

> …the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION
The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or

groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."

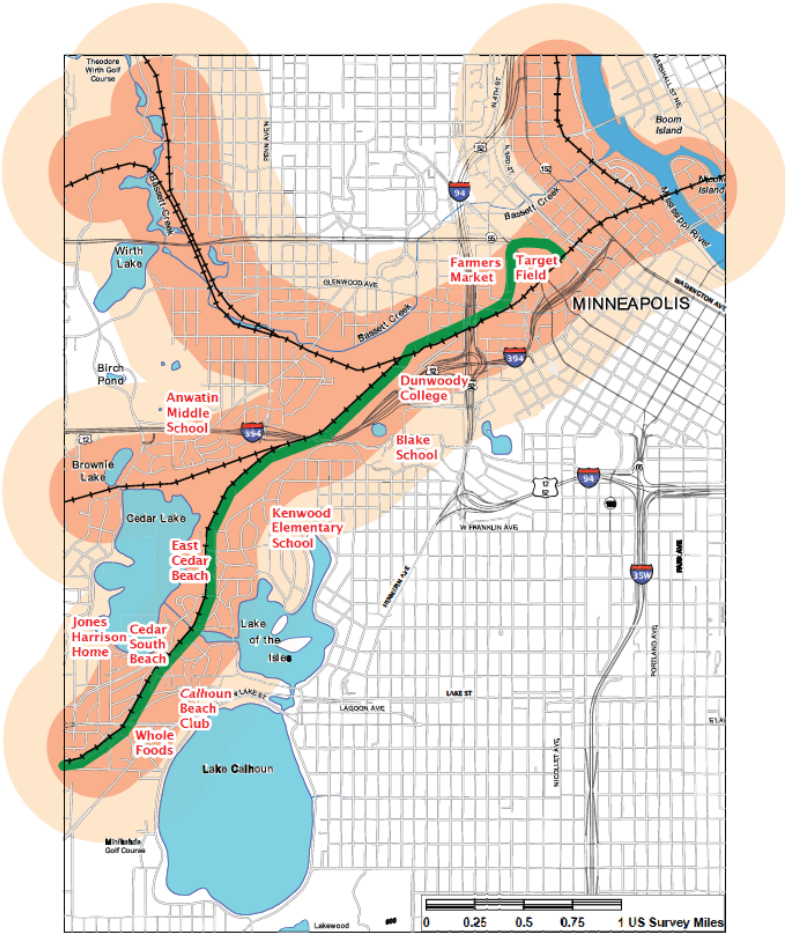
Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

The Kenilworth corridor is a high-risk evacuation blast zone.

Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.

- THIS IS THE BLAST ZONE -

SWLRT co-location with high hazard freight trains in the Kenilworth corridor



Ethanol and Oil Train Disasters:

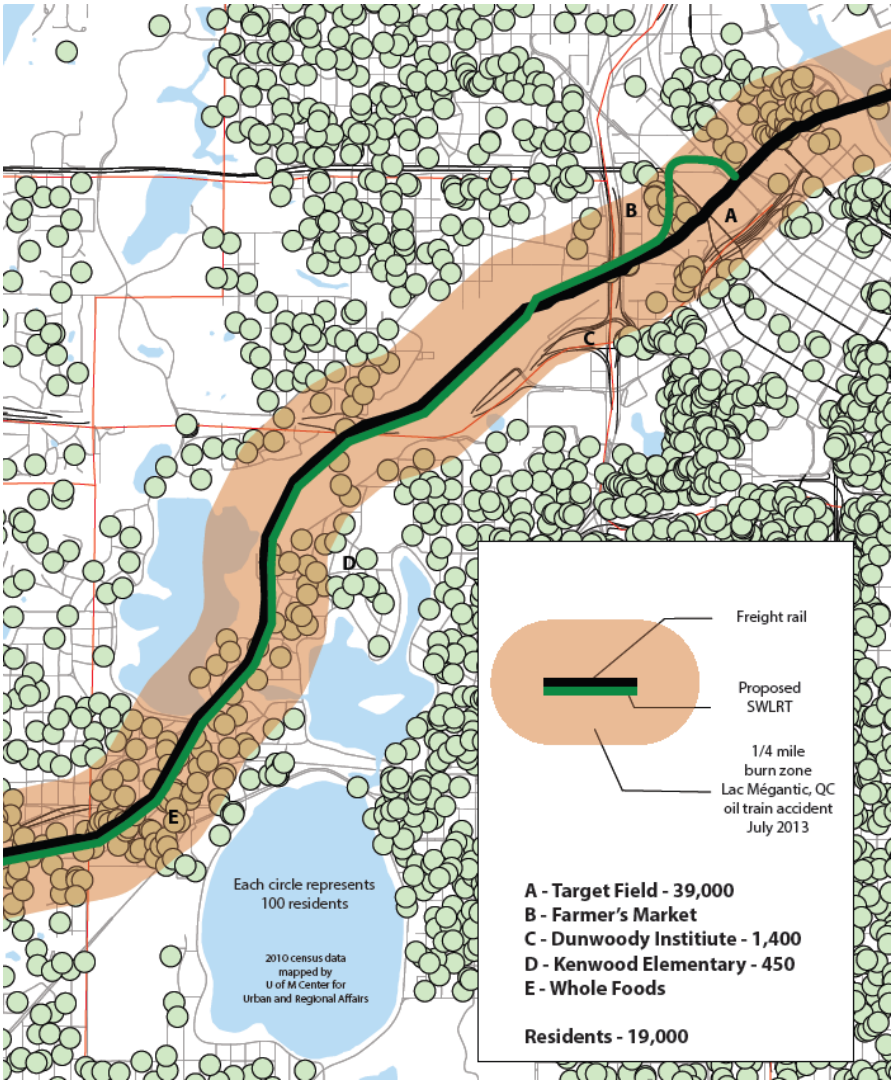
1/4 mi blast zone per Lac Mégantic, QC oil train explosion July, 2013

1/2 mi evacuation zone per US DOT safety regulations for ethanol/oil rail fires

Active Freight Rail

Proposed SWLRT in Kenilworth Corridor

Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

However, TC&W, which is a Class III rail carrier (a short line with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in DOT-111s and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from two-person crews to one- or two-person crews. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not even apply to TC&W due to their Class III status.* Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with approximately 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol,* a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rail* in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-

hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor*, this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there had only been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.

3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis.*

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis*.

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modifythedefinitionofahigh-hazardflammabletrainprovidedinSection171.8toread as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. ThePHMSAandFRArulesmustapplytoalltrainsconveyingClass3flammableliquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. ThePHMSAandFRAsafetyrulesshouldapplyequallytohhftsthatareconveyingoil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. BantheuseofDOT-111tankcarsnowfortransportinganyamountofhazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111carsshouldnotbeusedforthetransportofanycrudeoilsorfossilfuels, regardless of classification.

6. Retrofittedcarsthatfailtomeeteverystandardofthemostprotectivenewtankcar design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., ClassI -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

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From: Sally Dargis
To: swlrt
Subject: SDEIS Comments to the Met Council
Date: Tuesday, July 21, 2015 9:36:51 PM
Attachments: Executed - SDEIS Response .pdf
KPG endorsement-LRTDR SDEIS comments.pdf
LPA endorsement-LRTDR SDEIS comments.pdf

I have very limited time tonight to write my own personal message. However, I want briefly tell you that I agree with LRT-Done Right's comments on the SDEIS.

This train through Kenilworth is an environmental disaster waiting to happen. Please use some common sense and re-route somewhere less disruptive, less costly, and where is actually some ridership that will USE it.

> -------- Original Message --------
> Subject: SDEIS Comments to the Met Council
> From: Stuart Chazin <lakesparksalliance@gmail.com>
> Date: Tue, July 21, 2015 2:43 pm
> To: undisclosed-recipients:;
>
> Attached are LRT-Done Right's comments on the SDEIS, which have just been submitted by email to the Met Council.
>
> They are the product of thousands of hours of work by neighborhood volunteers!
>
> Please help us capitalize on the power of these amazingly well-researched comments with your support: email your endorsement of them to the Met Council.
>
> You must do so today in order to ensure that your comments will be part of the public record.
>
> The correct email address to use is:SWLRT@metrotransit.org
>
> Please pass the document and this request on to other supporters!
>
> Thank you
> SAC

Lakes & Parks Alliance of Minneapolis, Inc.
C/O The Chazin Group, Inc.
Lake Pointe Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, Minnesota 55416-5392

email: lakesparksalliance@gmail.com

Website: www.lakesandparks.com

GO GREEN.

Lakes and Parks Alliance of Minneapolis, Inc.
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, MN 55416

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Via email: swlrt@metrotransit.org

Dear Ms. Jacobson,

I am contacting you as a board member of the Lakes and Parks Alliance of Minneapolis, Inc. Our organization endorses and supports the comments submitted by Light Rail Transit Done Right (LRTDR).

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

George Puzak
Lakes and Parks Alliance of Minneapolis, Inc., board member

Kenilworth Preservation Group (KPG)
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, Minnesota 55416-5392

Via email: swlrt@metrotransit.org

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

RE: Supplemental DEIS

Dear Ms. Jacobson,

I am contacting you as chair of the Kenilworth Preservation Group (KPG). KPG endorses and supports the comments submitted by LRT Done Right.

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

Stuart A Chazin
Chair - Kenilworth Preservation Group

LRT-Done Right

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

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

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail.*

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see: http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

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[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001

[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

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

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:

Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:

Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

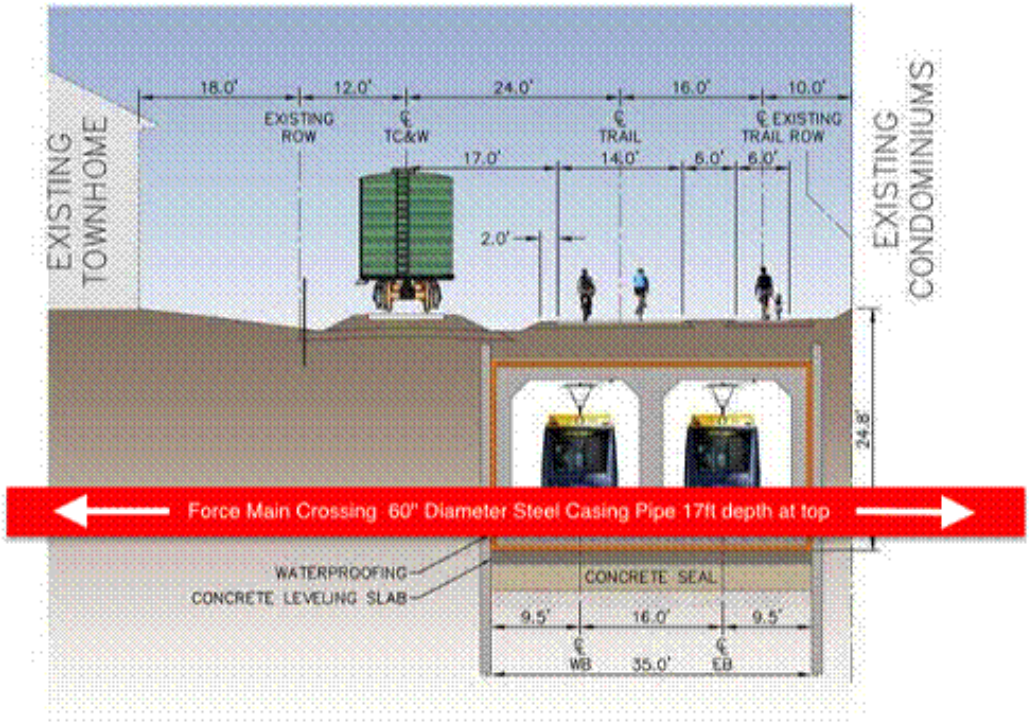


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

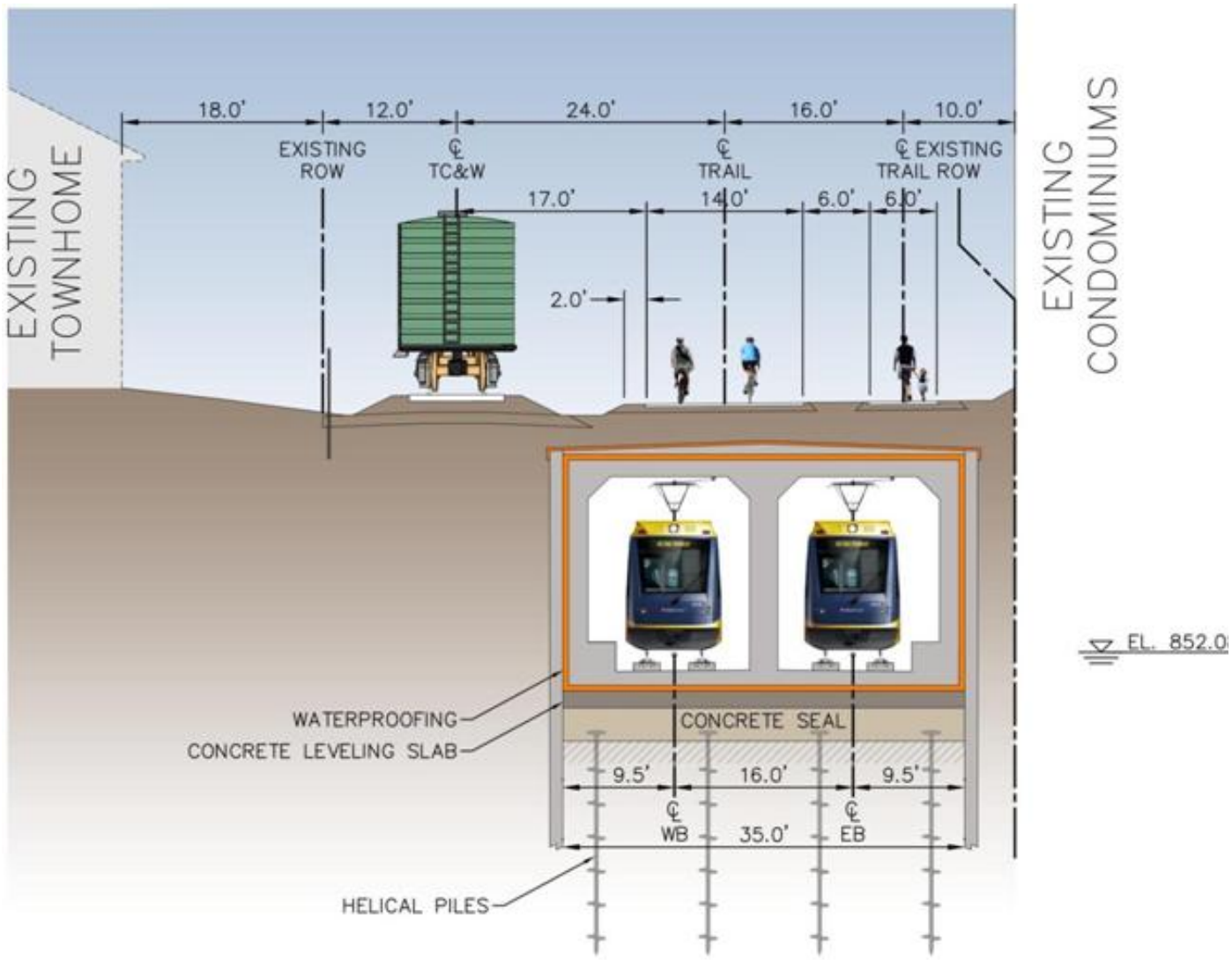
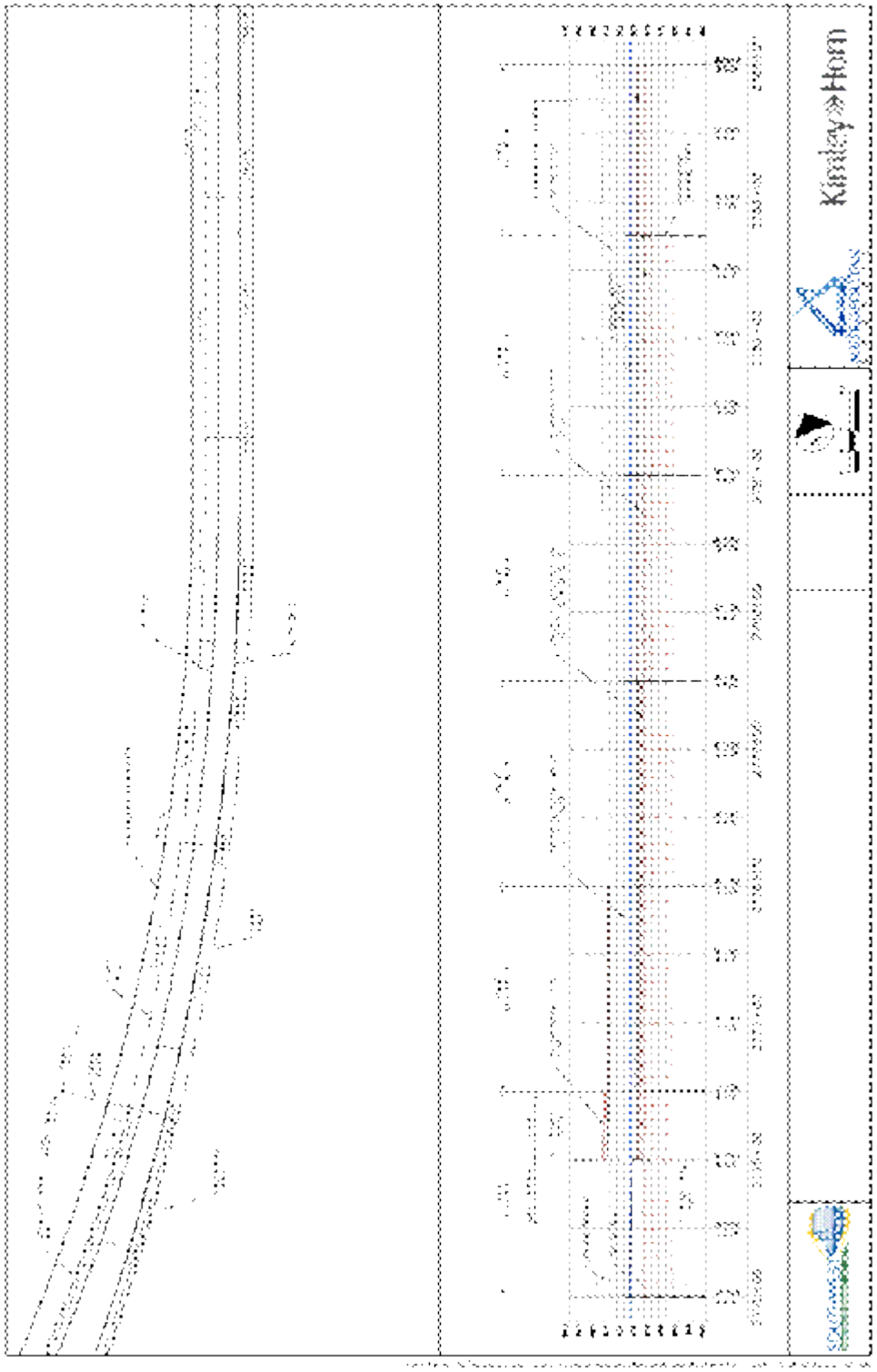


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**. [4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

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[3] http://metrocouncil.org/swlrt/sdeis

[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations — once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train every 5 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA , plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise.*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals 12 to 16 trains per evening between 9 PM and 11 PM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals 2 trains per night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25-plus seconds of bells ((5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals 2 to 4 trains per day, between 12 AM and 2 AM

- This means 1 SWLRT train every 30 to 60 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 to 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total equals 211-220 SWLRT three-car trains per weekday

WEEKENDS

Early morning 4:30 AM to 9 AM

- 6-8 trains per hour equals 26 to 36 trains per day between 4:30 AM and 9 AM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour equals 120 trains per day between 9 AM and 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor would consist of bell noise at 88dBA and 106 dBA
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA

Evening 7 PM to 9 PM

- 8 trains per hour equals 16 trains per day between 7 PM and 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour equals 12 to 16 trains per day, 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds 106 dBA, unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour equals 4 trains per day between 11 PM and 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to 12 AM weekend train frequency is double the weekday frequency of 11 AM to 12 AM
- Would entail 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to 2 AM

- 2 to 4 trains per hour equals 4-8 trains per day between 12 AM and 2 AM
- This means 1 SWLRT train every 15 to 30 minutes
- 12 AM to 2 AM weekend train frequency is double the weekday frequency of 12 AM to 2 AM
- 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 to 30 minutes

Very early morning 2 AM – 4 AM

- No trains — equals current existing conditions

Total equals 180 -195 SWLRT three-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental*

[5] *Sleep Science,* Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non–existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

[7] http://metrocouncil.org/swlrt/sdeis

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment,* the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

> …the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION
The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials
Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or

groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."

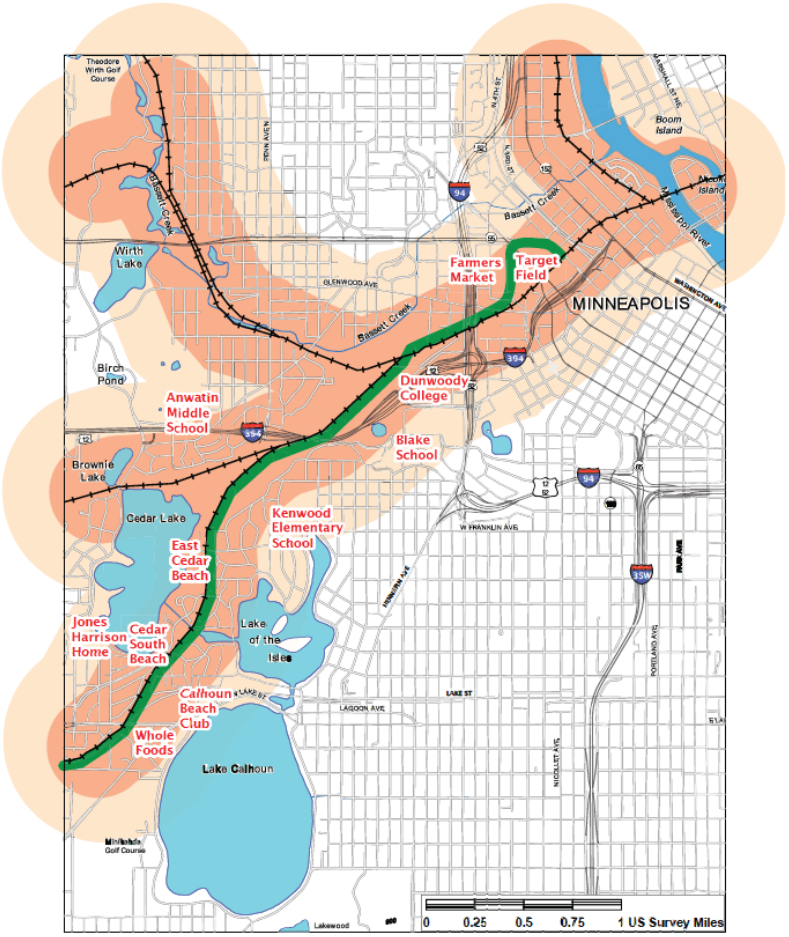
Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

The Kenilworth corridor is a high-risk evacuation blast zone.

Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.

- THIS IS THE BLAST ZONE -

SWLRT co-location with high hazard freight trains in the Kenilworth corridor



Ethanol and Oil Train Disasters:

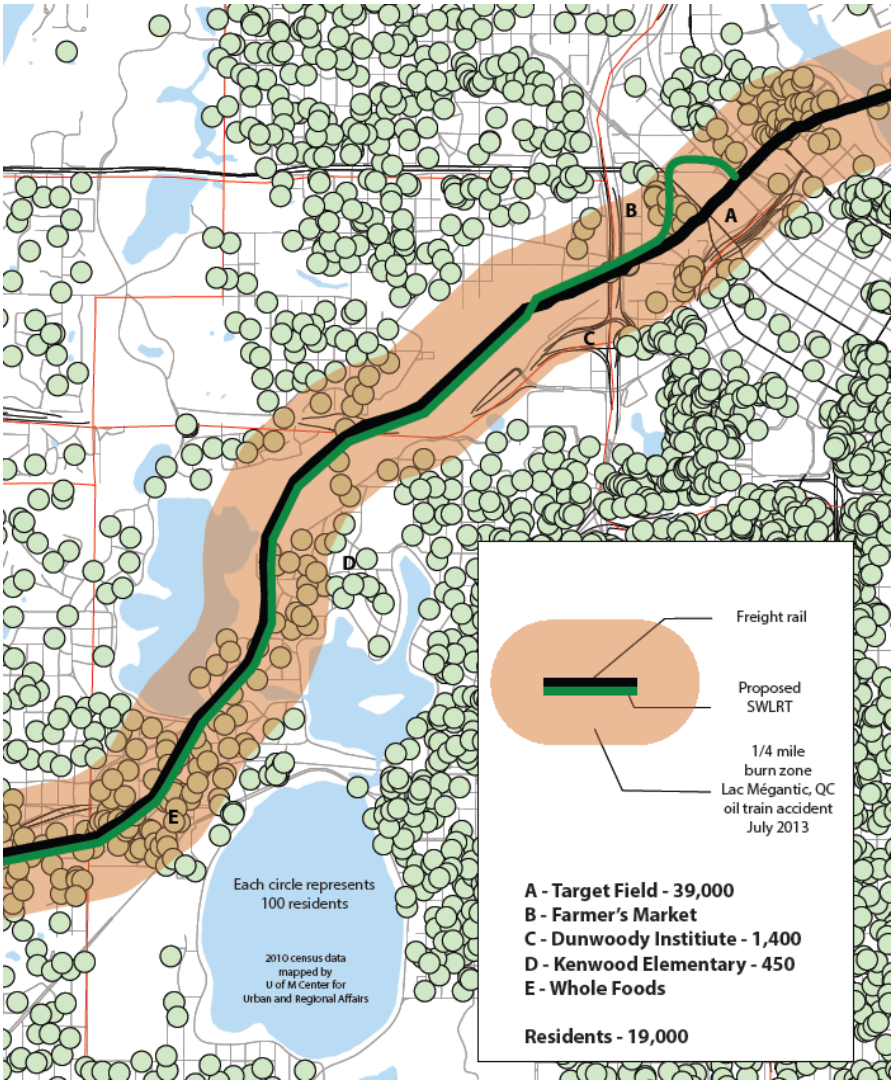
1/4 mi blast zone per Lac Mégantic, QC oil train explosion July, 2013

1/2 mi evacuation zone per US DOT safety regulations for ethanol/oil rail fires

Active Freight Rail

Proposed SWLRT in Kenilworth Corridor

Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

However, TC&W, which is a Class III rail carrier (a short line with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in DOT-111s and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from two-person crews to one- or two-person crews. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not even apply to TC&W due to their Class III status.* Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with approximately 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol,* a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rail* in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-

hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor*, this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there had only been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.

3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis.*

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis*.

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modifythedefinitionofahigh-hazardflammabletrainprovidedinSection171.8toread as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. ThePHMSAandFRArulesmustapplytoalltrainsconveyingClass3flammableliquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. ThePHMSAandFRAsafetyrulesshouldapplyequallytohhftsthatareconveyingoil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. BantheuseofDOT-111tankcarsnowfortransportinganyamountofhazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111carsshouldnotbeusedforthetransportofanycrudeoilsorfossilfuels, regardless of classification.

6. Retrofittedcarsthatfailtomeeteverystandardofthemostprotectivenewtankcar design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., ClassI -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

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From: Christine Scott
To: swlrt
Subject: SDEIS Comments
Date: Tuesday, July 21, 2015 4:22:45 PM

To the SWLRT commission,

I am writing to let you that I **support the position of the LRT Done Right (LRTDR) organization**.

Below is the full position from LRT Done Right:

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the temporary freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a new project that needs a full analysis. Because new permanent freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured from a basis of no freight and no light rail.

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of oil, ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would

live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires,

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its Handbook on Departmental Review of Section 4(f) Evaluations: "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government, and they are not acceptable to us, either.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residence, to name but two. Nor does it recognize long-term costs of lost property tax revenue that woul erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would total between $13 million and $33 million.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

The **current planned route is not acceptable** and this project needs to be suspended now. The risks are too high.

Regards,
Christine Scott
Minneapolis, MN

From: Amy Rock
To: swlrt
Subject: SDEIS Response
Date: Tuesday, July 21, 2015 3:22:44 PM

I endorse the response to the SWLRT SDEIS submitted today by the organization LRT Done Right.

Amy Rock
Minneapolis

From: ggday@aol.com
To: swlrt
Subject: SDEIS response
Date: Tuesday, July 21, 2015 2:54:04 PM

I endorse the response submitted today by the organization LRT Done Right in regard to the SDEIS. Please show this response the respect it deserves by reading it thoroughly.

Georgianna Ludcke
2805 Chowen Ave. South
Minneapolis, MN 55416

From: Jeanette Colby
To: swlrt
Subject: SDEIS Response
Date: Tuesday, July 21, 2015 4:45:16 PM
Attachments: Comments on the SW LRT SDEIS3.docx

Dear SWLRT Team,

I have had some trouble sending you my personal response to the SDEIS, and I hope you have received a copy. Attached please find a more limited version.

Thank you,

Jeanette Colby

Comments on the Southwest LRT Supplementary Draft Environmental Impact Statement
July 20, 2015

Submitted by Jeanette Colby
2218 Sheridan Ave South, Minneapolis

To the Metropolitan Council:

As you know, the process that led us to the Supplementary DEIS for the SWLRT has been riddled with political and technical problems and, sadly, the 2015 SDEIS continues in this vein.

In addition to downplaying or ignoring critical environmental issues with the latest iteration of LRT in the Kenilworth Corridor, it completely overlooks the fact that the temporary freight rail is being transformed into permanent infrastructure.

I will comment here on <u>just a few</u> of the most pressing specific issues:

1) Visual Impacts will be substantial throughout the Kenilworth Corridor

The Kenilworth Trail, where green space and trees are highly valued

The 2012 DEIS correctly stated that SWLRT visual impacts would be substantial throughout the corridor. This statement included the premise that freight rail would be removed. Now, the

2015 SDEIS states that only about half of the corridor will be substantially impacted by the introduction of LRT and its infrastructure, as well as the introduction of permanent freight rail and its infrastructure. The SDEIS deems the area north of the Burnham Bridge as "not substantially impacted."

Regardless of the methodology used (and well-articulated in the SDEIS attachments), this is an absurd statement. Freight and LRT tracks, overhead catenaries, 220 daily LRT trains, and an increasing number of freight trains will replace open space, green space and trees. It should be clear to anyone who has walked, bicycled, or otherwise found peace and recreation in the beauty of the Kenilworth Corridor that the visual impact throughout the corridor will be substantial and must receive the highest, most thoughtful level of mitigation.

Also absurd is the idea that an LRT station would be a positive visual addition to the area at 21st Street, currently a green space at the edge of Cedar Lake Park. Even with the smallest of the proposed station types, the replacement of trees with metal, wires, cement, and fencing will clearly have a negative visual impact in this park-like environment.

2) Noise impacts are underestimated in the SDEIS

The Kenilworth Corridor is quiet. When I'm working in my yard, I can often hear trail users conversing. Last summer, I heard a cyclist fall hard and was able to call 911 and help her.

Adding 220 LRT trains per day to this quiet, tree-lined recreational and bicycle commuting trail area will be a major environmental disruption, critically increasing noise even if moving LRT trains were the only noise source. However, train braking, crossing and station bells, mechanized announcements, and other activity at the proposed 21st Street Station will add to the noise impact. The corridor will be permanently changed from a uniquely tranquil area to one in which many neighborhood residents – not just those few in properties identified in the SDEIS – will have only two hours (between 2:00 a.m. and 4:00 a.m.) of uninterrupted quiet. This impact is substantially worse with co-location at grade, with freight bringing its own set of noise impacts.

The 2012 DEIS identified 96 moderate and 406 severe neighborhood noise impacts with co-location at grade between the proposed West Lake station and the proposed Penn Avenue station. More specifically, between 21st Street and Penn Avenue the DEIS identified 67 moderate noise impacts and 7 severe impacts with co-location at grade. The 2015 SDEIS, however, says there would be only 28 moderate and two severe impacts in all of Kenilworth with LRT and freight rail co-location at grade. The SDEIS states that the tunnel will address many noise impacts, especially on the adjacent townhouses and condos south of Cedar Lake Parkway. However, north of the Kenilworth channel freight and light rail run would together at grade per the SDEIS. The SDEIS does not explain, nor did the Southwest Project Office explain when I requested information on June 12, 2015, why 55 of the 67 moderate impacts and six of the severe impacts north of 21st Street have been downgraded or eliminated in the SDEIS. The discrepancy between the DEIS and the SDEIS, when both looked at co-location at grade between the Kenilworth Channel and the Penn Avenue station, remains a mystery.

3) SDEIS overlooks public safety issues

The proposed SWLRT 21st Street Station is situated in very close proximity to the beautiful Cedar Beach East (Hidden Beach). While this beach is used by hundreds of law-abiding sunbathers and swimmers in the summer, it is also known by some as a place to use drugs and alcohol. This beach annually generates among the most citations of any park in the state, and most violators come from cities other than Minneapolis according to police reports. An SWLRT station at this location will have particular public safety issues and needs. The Met Council must be responsible for designing a station area that won't exacerbate problems that the neighborhood has fought for many years.

Further, the SDEIS does not consider the infrastructure or access needs of emergency responders should a fire, police, or medical emergency occur in or near the Kenilworth Trail area, at Cedar Beach East, Cedar Lake Park, or Upton Avenue South if LRT and freight rail occupy the corridor.

Kenilworth: Firefighters unable to access a fire in Cedar Lake Park because of a passing freight train

4) Making freight rail permanent is a <u>new</u> project

When freight rail was reintroduced into the Kenilworth Corridor, it was done so on a temporary basis. Until 2013, all studies and plans for LRT in the Kenilworth Corridor assumed that freight would be moved to make way for LRT. The Met Council now proposes to upgrade and make permanent the freight infrastructure used by one private company, even claiming in the SDEIS that doing so is a Metropolitan-area need that the SWLRT project should meet (page 1-1).

The myriad environmental impacts of this new, permanent freight project – which will transport hazardous materials in a narrow urban corridor next to passenger trains and trails – must be completely and thoroughly studied. The current SDEIS does not do so, and in fact barely touches on the co-location element of the revised SWLRT plan. This is especially surprising given the extensive feedback on freight rail safety issues that the Met Council received on the 2012 DEIS from the City of St. Louis Park and its residents.

From: Kathy Low
To: swlrt
Subject: SDEIS
Date: Tuesday, July 21, 2015 4:32:12 PM

Comment on Section 3.4.4.2
Please detail increased risks for people and property from locating freight rail carrying hazardous materials next to electrified LRT trains, within a distance that is less than recommended by AREMA and FTA guidelines.

Katherine Low

From: Jrocnwr
To: swlrt
Cc: John Olson
Subject: SEIS in St. Louis Park
Date: Tuesday, July 21, 2015 8:53:45 PM

In the documents you refer to Jorvig Park and the Depot as two separate things. I think there should be a reference that states that the depot is located in this park. According to your report if you are going to put in the south connection to the MNS from the Bass Lake spur wouldn't it be easier to leave the freight rail on the south side of the right of way instead of switching the freight rail to the north and the LRT to the south. This would be the most cost effective. I would like to know why Mpls. and St. Louis Park are put together in all the sections while all the other cities are referred to separately. This made it a little more difficult to find out how it would affect St. Louis Park. The Peavey-Haglin grain elevator on the NordicWare property could be refer to as the NordicWare Sign Tower.

Sent from my iPad

From: Jacobson, Nani
To: swlrt
Subject: Fwd: Southwest Light Rail Transit Supplemental Draft Environmental Impact Statement
Date: Tuesday, July 21, 2015 3:36:18 PM
Attachments: ATT00001.htm
SCAN-21072015-152154.pdf
ATT00002.htm

Sent from my iPhone. Please excuse any typographical errors.

Begin forwarded message:

From: "Kulsrud, Geri M." <gkulsrud@larkinhoffman.com>
To: "Jacobson, Nani" <Nani.Jacobson@metrotransit.org>
Cc: "Lamb, Brian" <Brian.Lamb@metrotransit.org>, "Mueting, Donald" <Donald.Mueting@metc.state.mn.us>, "Fuhrmann, Mark" <Mark.Fuhrmann@metrotransit.org>, "Duininck, Adam" <Adam.Duininck@metc.state.mn.us>, "Rodriguez, Katie" <Katie.Rodriguez@metc.state.mn.us>, "Schreiber, Lona" <Lona.Schreiber@metc.state.mn.us>, "Barber, Deb" <Deb.Barber@metc.state.mn.us>, "Elkins, Steve" <Steve.Elkins@metc.state.mn.us>, "Dorfman, Gail" <Gail.Dorfman@metc.state.mn.us>, "Cunningham, Gary" <Gary.Cunningham@metc.state.mn.us>, "Letofsky, Cara" <Cara.Letofsky@metc.state.mn.us>, "Reynoso, Edward" <Edward.Reynoso@metc.state.mn.us>, "McCarthy, Marie" <Marie.McCarthy@metc.state.mn.us>, "Rummel, Sandy" <Sandy.Rummel@metc.state.mn.us>, "Melander, Harry" <Harry.Melander@metc.state.mn.us>, "Kramer, Richard" <Richard.Kramer@metc.state.mn.us>, "Commers, Jon" <Jon.Commers@metc.state.mn.us>, "Chavez, Steven" <Steven.Chavez@metc.state.mn.us>, "Wulff, Wendy" <Wendy.Wulff@metc.state.mn.us>, "'Jerry Kavan'" <jkavan@slosburg.com>, "'rslosburg@richdalegroup.com'" <rslosburg@richdalegroup.com>, "Griffith, William C." <wgriffith@larkinhoffman.com>
Subject: Southwest Light Rail Transit Supplemental Draft Environmental Impact Statement

Good afternoon:

Please disregard the earlier email sent and replace it with the attached. The hard copy you receive will contain the final version of this letter. Thank you.

Geri Kulsrud

Legal Administrative Assistant
direct | 952-896-3285
fax | 952-896-3333
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July 21, 2015

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

Re: Southwest Light Rail Transit ("SWLRT") Supplemental Draft Environmental Impact Statement

Dear Ms. Jacobson:

This letter supplements our previous comment letters, dated December 28, 2012, and August 12, 2013, on behalf of SFI Partnership 54, the owner of the Claremont (the "Claremont"). In our meetings with officials of Metro Transit and project management, we have continued to express strong concerns that Segment 3 of the SW LRT-LPA severely and negatively impacts the Claremont Apartments and the public recreational trail (the "Public Trail").

Introduction

The Southwest Light Rail Transit (SWLRT) Supplemental Draft Environmental Impact Statement (SDEIS) was released on May 22, 2015. Our comments summarize our review with respect to the anticipated impacts of the light rail project on the Claremont Apartments and the Public Trail, as well as public open space owned by the City of Minnetonka, immediately east and south of the Claremont (the "Open Space"). We have also summarized the relevant noise and vibration findings in the DEIS. Due to the narrow scope of the supplemental information provided in the SDEIS, there was limited supplemental information on any of the issues as they relate to the Claremont, the Public Trail, or Open Space, and in addition, the environmental review for the project once again failed to evaluate the Open Space as a Section 4(f) property.

Discussion

1. Section 4(f) Properties:

Section 4(f) of the US Department of Transportation Act of 1966, 49 USC 303(c) protects "publicly owned parks, recreation areas, wildlife and/or waterfowl refuges, as well as significant historic sites, whether publicly or privately owned." The SDEIS discussion of Section 4(f) evaluations focused primarily on the areas of change in the LPA elsewhere along the route, but not near the Claremont, and did not include the Public Trail or Open Space. The discussion and analysis of Section 4(f) methodologies is described in far more detail in the SDEIS than that DEIS. However, the SDEIS Section 4(f) evaluation update is narrower in scope and addresses only the following issues:

1) design adjustments to the LPA identified by the Council in April and July 2014;

2) preliminary determinations of effect on historic properties on properties within the LPA made by FTA, in consultation with the Council, MnSHPO and consulting parties as part of the project's Section 106 assessment of historical and archaeological resources;

3) provide opportunity for public comment in FTA's intent to make a de minimis impact determination; and

4) revised preliminary determinations for Section 4(f) protected properties, including preliminary non-de minimis and de minimis use determinations and temporary occupancy exception determinations.

SDEIS 3-218. Because the SDEIS Section 4(f) discussion was narrow, it did not include any new information about the Public Trail, Open Space, or Opus Hill. Updated Tables 3.5-1 and 3.5-2 list the Section 4(f) properties that have been determined to be impacted, none of which are the Public Trail or Open Space. Table 3.5-3 also shows all potential Section 4(f) properties evaluated in the SDEIS Section 4(f) update, but focuses on newly impacted Section 4(f) properties that result from the alignment revisions; therefore, it does not include the Public Trail or Open Space.

It is worth noting that despite not classifying the Open Space as impacted Section 4(f) property, or potential Section 4(f) property, Exhibit 3.5-2 of the SDEIS does identify the Open Space as "Parklands, Recreation Areas, and Open Spaces," within the Section 4(f) study area. *See Attached Exhibit 3.5-2.* No information or analysis is provided to explain why, despite being publicly-owned and classified as a "parkland, recreation area, and open space" in the SDEIS, the Open Space was not treated as a Section 4(f) property. Thus, the SDEIS has failed to provide the necessary and required analysis for permanent occupation and use of a Section 4(f) property.

2. Noise and Vibration

The Supplemental Draft EIS noise impact analysis is based on the same noise standards and methodology used for the Draft EIS, including the same FTA noise impact thresholds for severe and moderate noise impacts, which can be found in Transit Noise and Vibration Impact Assessment (FTA, 2006). *SDEIS 3-12.* The SDEIS does not revise or amend the calculations for noise or vibration levels for the Claremont, the Public Trail or Open Space, but it does provide further insight on methodology. Based on the additional information provided in the SDEIS, we believe the Council used flawed methodology in performing both the noise analysis and the vibration analysis. The issues with the methodology are described further below.

a. Noise Levels

For classification of noise impacts, the DEIS classifies affected properties as either "No Impact," "Moderate Impact," or "Severe Impact," depending on the anticipated volume and frequency of noise. The anticipated noise levels qualify as a "Severe Impact" for the Claremont. The Claremont is identified as a Category 2 (residential) Noise Sensitive Land Use. *DEIS Figure 4.7-2.* The noise assessment table identifies properties only by a "cluster identifier," and includes five Category 2 clusters without reference to an address or property. *Noise Assessment Table, Page 2 of 11.* However, using the FTA Noise Impact Assessment Spreadsheet and the assumptions used by the Council as described in the DEIS, we were able to reproduce the analysis with a result of "Severe Impact" classification for the Claremont. *See attached FTA Spreadsheet.* A Severe Impact classification is described as:

> A significant percentage of people are highly annoyed by noise in this range. Noise mitigation would normally be specified for severe impact areas unless it is not feasible or reasonable (unless there is no practical method of mitigating the impact).

DEIS 4-77. Because the Claremont is identified as a Noise-Sensitive Land Use, **we request a copy of the Met Council's FTA Noise Impact Assessment Spreadsheet specifically for the Claremont**. Of the five clusters shown in the Noise Assessment Table, it appears that the Claremont is located in the cluster identified as 3-F-EB-2-18, based on the SWT Noise Assessment Table. *DEIS Noise Assessment Table, Page 2 of 11.*

b. Vibration Levels

For classification of vibration impacts, the DEIS classifies affected properties as either "Impacted" or not impacted. While the DEIS does not identify the specific properties by name or address in the Vibration Assessment Table, the predicted noise levels appear to be 74 VdB for the Claremont, which exceeds the classification of "Residential Annoyance" and qualifies as an "Impacted" property. The DEIS identifies the Claremont as a Vibration-Sensitive Land Use; although, similar to the noise assessment, the vibration data does not indicate the specific properties by name. *DEIS Figure 4.8-2.* There appears to be a discrepancy with the number of properties identified as vibration sensitive land uses and reviewed under the vibration analysis in Segment 3F. The Vibration-Sensitive Land Use map in Figure 4.8-2 identifies three vibration-

sensitive Category 2 (residential) parcels in Segment 3F, including the Claremont; however, the data only lists one such Cluster ID. *DEIS 4-115.* That single Category 2 cluster shows a vibration level of 74 VdB. *DEIS Vibration Assessment Results by Segment, Table 2.* This means that two of the uses were either deemed to have "no impact," were omitted, or all three uses were calculated as one single cluster. If all were calculated as a single cluster, it would likely yield an inaccurate result in light of the fact that the three parcels cover a distance of more than .80 miles. In addition, the single Category 2 cluster also indicates a distance of 133 feet from the track to the building for the 74 VdB forecast. However, the Claremont, which consists of five (5) buildings, includes two buildings at a distance of only 86 feet from the track, and the other three range from 100 to 110 feet to the tracks. A much greater vibration should be felt at a closer distance. **We request the underlying vibration analysis data on Segment 3F for further analysis**.

The DEIS also addresses soils in the LPA and describes the likelihood that soils will affect vibration. The Claremont is located in Segment 3 of the LPA. Given the geologic conditions and increased train speeds anticipated in Segment 3, the DEIS notes that "Segment 3 geologic conditions are predominantly characterized as having a high potential for efficient vibration propagation. There are few homogenous zones of ground with normal propagation characteristics." *DEIS 4-115.* These geologic conditions should be adequately accounted for in the vibration assessment for the Claremont, as they are likely to result in vibration effects that exceed those projected.

c. Noise Methodology Discrepancy

The SDEIS and the DEIS both purport to analyze the noise impacts consistently with the methodology described in the FTA manual titled Transit Noise and Vibration Impact Assessment (FTA, 2006) (the "FTA Manual"). However, according to the methodology described in the DEIS for assessing the number of affected dwelling units, the Claremont was calculated as one dwelling unit, as opposed to the approximately 330 apartments with 600 residents that actually exist. The unit counts for the analysis were determined through Hennepin County GIS parcel data. In counting the number of dwelling units in each multi-family apartment building, the Met Council used the number of property owners to estimate the number of units. *DEIS 4-85.* This methodology is inconsistent with the methodology described in the FTA Manual, and results in a dramatic under-counting the dwellings affected by SWLRT noise and vibration.

The FTA Manual describes the importance of counting dwelling units for noise impacts and states that "In some cases it may be necessary to supplement the land-use information or determine the number of dwelling units within a multi-family building with a visual survey." *FTA Manual, 5-17.* The steps for developing an assessment of noise impact are described as follows:

1. Construct tables for all the noise-sensitive land uses identified in the three land-use categories from Section 5.4.

2. Tabulate buildings and sites that lie between the impact contours and the project boundary. For residential buildings, an estimate of the number of dwelling units is satisfactory. This is done for each alternative being considered.

3. Prepare summary tables showing the number of buildings (and estimated dwelling units, if available) within each impact zone for each alternative. Various alternatives can be compared in this way, including those with and without noise mitigation measures.

4. Determine the need for mitigation based on the policy considerations discussed in Section 3.2.4 and the application guidelines provided in Section 6.8.

FTA Manual, 5-17 (emphasis added). Additionally, when establishing the noise-assessment inventory tables for rail and bus facilities, the FTA Manual states that the tables should include the following types of information:

- Receiver identification and location
- Land-use description
- Number of noise-sensitive sites represented (number of dwelling units in residences or acres of outdoor noise-sensitive land)
- Closest distance to the project
- Existing noise exposure
- Project noise exposure
- Level of noise impact (No Impact, Moderate Impact, or Severe Impact)

These tables should provide a sum of the total number of receivers, especially numbers of dwelling units, predicted to experience Moderate Impact or Severe Impact.

FTA Manual 6-34–6-35 (emphasis added). Despite the guidance in the FTA Manual to estimate dwelling units in multi-family units, it appears the Council simply based the calculation off of property owners listed on Hennepin County records. This means that the Council failed to adequately ascertain the number of dwelling units in non-owner-occupied multi-family dwellings, which results in a gross under-calculation of affected dwelling units that disproportionately affects renters.

3. Proposed Cost Reductions

In May and June of 2015, the Council proposed the elimination of two pedestrian underpasses near the Opus station that would result in increased risks and reduced access for the

approximately 600 residents of the Claremont who may attempt to use the pedestrian trails near the station. The reduction in access will make it more difficult and dangerous for Claremont residents to access Opus Station and use the SWLRT. While there are no details regarding which two of the four underpasses near the Opus station would be eliminated, any elimination would be detrimental to the residents of the Claremont and would not likely yield the anticipated $1-2 million in savings. These underpasses were included in the original plan for safety to allow the existing trails to be used without disruption. While the details are yet to be revealed, the elimination of underpasses is unlikely to yield the $1-2 million in capital cost savings because any alternative methods of pedestrian access must be constructed, whether it is to reroute existing trails or construct at-grade pedestrian crossings. Not only would any alternative plans be expensive, but they would result in increased risk and reduced access for the Claremont residents.

Conclusion

The SDEIS provides little new information about the evaluation of the impacts of the SWLRT on the Claremont, in terms of noise and vibration, or on the Public Trail, or on the Open Space as Section 4(f) land. It does, however, confirm that the Council has not revised its earlier analysis based on the Section 4(f) information that has been made available by SFI. In addition, the review of the methodology used in both the DEIS and the SDEIS indicates that the approach used for counting dwelling units for the purposes of noise assessments was inconsistent with the Federal guidelines. Similarly, the vibration assessments are not accurate as they pertain to the Claremont and the impact is grossly understated, with vibration levels that are likely significantly higher than the 72 VdB impact threshold and much higher than the 74 VdB represented. In addition, the recently announced elimination of pedestrian underpasses near the Opus station would cause the residents of the Claremont to bear even more of the burden of the SWLRT than previously proposed, by eliminating pedestrian access and decreasing safety.

Please include this comment letter in the official record for environmental review of the project. In addition, please provide the requested data which was highlighted within our comments contained in this letter.

Sincerely,

William C. Griffith, for
Larkin Hoffman

Direct Dial: 952-896-3290
Direct Fax: 952-842-1729
Email: wgriffith@larkinhoffman.com

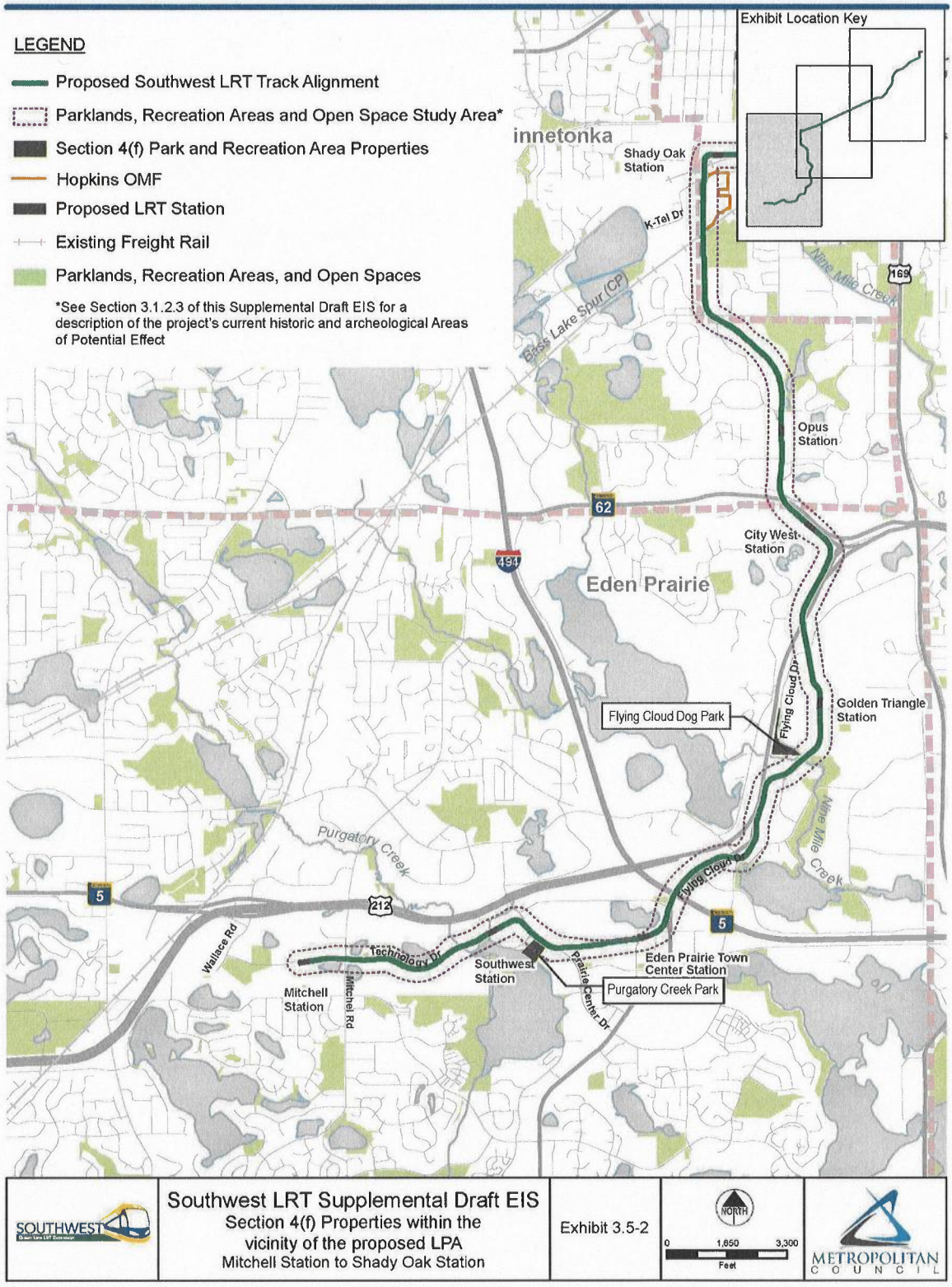
cc: Brian Lamb, Metro Transit
Don Meuting, Metropolitan Council

Mark Fuhrmann, Metro Transit
Members of the Metropolitan Council

4843-2146-2054, v. 2

EXHIBIT 3.5-2

Section 4(f) Properties within the vicinity of the proposed LPA – Mitchell Station to Shady Oak Station



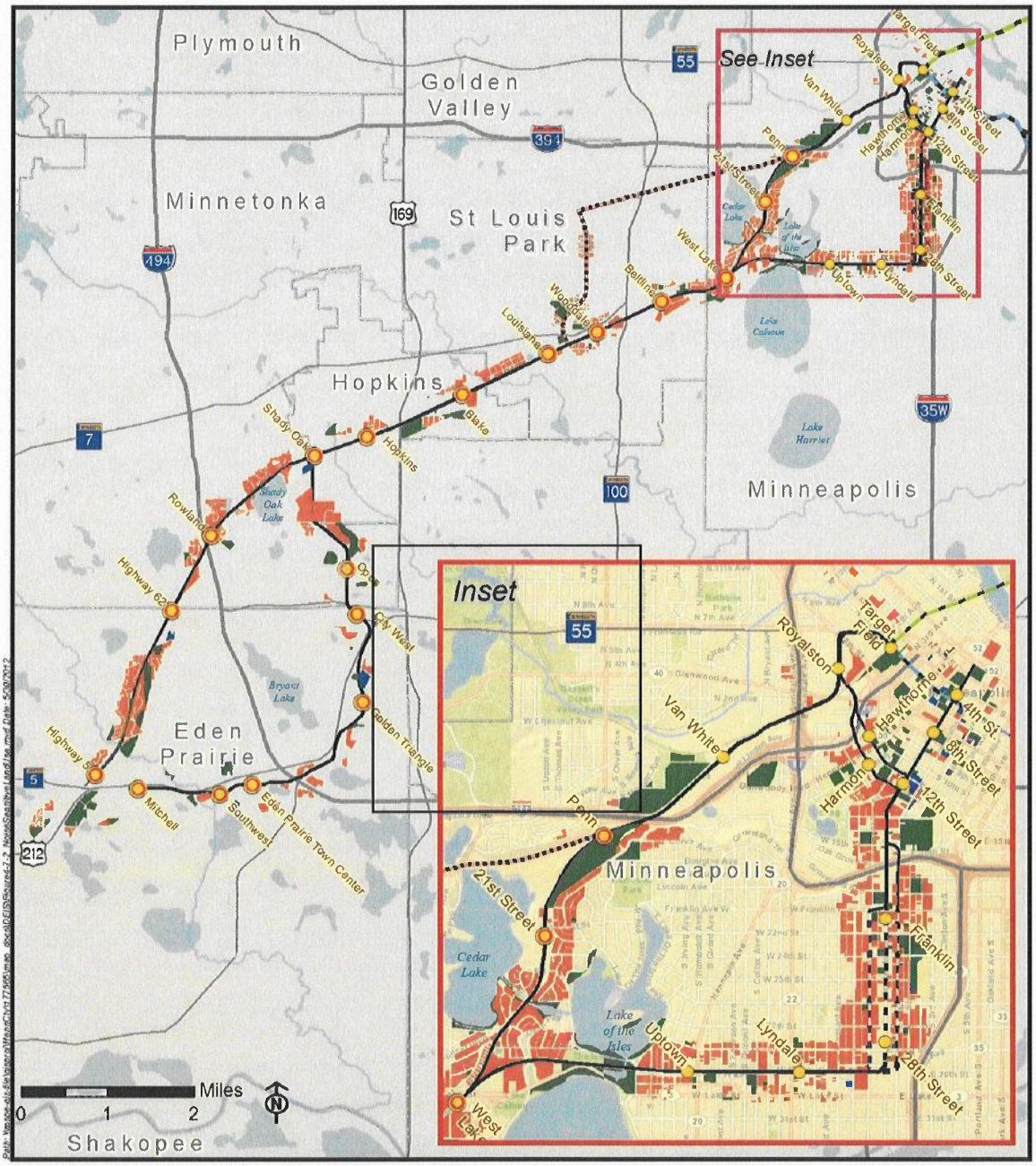


Figure 4.7-2
Noise Sensitive Land Use

Data: MnDOT, DNR, MetCouncil, Hennepin County

Noise Assessment Table

Alternatives with Freight-rail Traffic Relocation

Representative Receptor/Cluster Identifier	Receptor Count: Land (qty)	Receptor Count: Unit (qty)	Land Use Category (1,2 or 3)	Side of Guideway (EB/WB)	Distance to Track (feet)	Train Speed (mph)	Noise Assessment Metric (Leq/Ldn)	Existing Noise Level (dBA)	Impact Criteria: Moderate (dBA)	Impact Criteria: Severe (dBA)	Project Related Noise (dBA)	Cumulative Noise Level (dBA)	Increase Over Existing (dBA)	Impact Level	Number of Impacted Receptors: Moderate (land [units])	Number of Impacted Receptors: Severe (land [units])
1-C-EB-2-32	1	1	2	EB	663	40	Ldn	55	55	61	50	56	1	None	-	-
1-C-EB-2-38	6	6	2	EB	89	40	Ldn	55	55	61	60	61	6	Moderate	6 [6]	-
1-C-EB-2-39	8	8	2	EB	312	40	Ldn	55	55	61	51	56	1	None	-	-
1-C-EB-3-7	1	1	3	EB	1407	40	Leq	60	63	68	44	60	0	None	-	-
1-C-WB-2-24	13	13	2	WB	125	40	Ldn	64	60	66	62	66	2	Moderate	13 [13]	-
1-C-WB-2-25	17	17	2	WB	489	40	Ldn	64	60	66	53	64	0	None	-	-
1-C-WB-2-26	13	12	2	WB	443	40	Ldn	55	55	61	54	58	3	None	-	-
1-C-WB-2-33	10	10	2	WB	210	40	Ldn	55	55	61	60	61	6	Moderate	10 [10]	-
1-C-WB-2-34	6	6	2	WB	121	40	Ldn	55	55	61	60	61	6	Moderate	6 [6]	-
1-C-WB-2-35	26	26	2	WB	413	40	Ldn	55	55	61	53	57	2	None	-	-
1-C-WB-2-36	13	13	2	WB	115	40	Ldn	55	55	61	59	60	5	Moderate	13 [13]	-
1-C-WB-2-37	43	43	2	WB	305	40	Ldn	55	55	61	52	57	2	None	-	-
3-A-EB-2-1	1	91	2	EB	20	50	Ldn	63	60	65	71	72	9	Severe	-	1 [91]
3-A-EB-2-2	2	146	2	EB	125	50	Ldn	63	60	65	63	66	3	Moderate	2 [146]	-
3-A-EB-3-1	1	1	3	EB	154	50	Leq	62	64	69	58	63	1	None	-	-
3-A-WB-3-9	1	1	3	WB	1040	50	Leq	62	64	69	51	62	0	None	-	-
3-B-EB-1-1	1	1	1	EB	758	20	Leq	62	59	64	51	62	0	None	-	-
3-B-WB-3-2	1	1	3	WB	912	20	Leq	62	64	69	53	63	1	None	-	-
3-C-EB-2-3	4	4	2	EB	1293	30	Ldn	63	60	65	51	63	0	None	-	-
3-C-EB-2-4	2	2	2	EB	719	30	Ldn	61	58	64	54	62	1	None	-	-
3-C-EB-2-5	2	2	2	EB	702	30	Ldn	61	58	64	51	61	0	None	-	-
3-C-EB-2-6	2	2	2	EB	256	30	Ldn	61	58	64	57	62	1	None	-	-
3-C-EB-2-8	2	97	2	EB	653	30	Ldn	65	61	66	53	65	0	None	-	-
3-C-EB-3-3	1	1	3	EB	240	30	Leq	64	65	71	58	65	1	None	-	-
3-C-WB-2-23	4	4	2	WB	1112	30	Ldn	65	61	66	51	65	0	None	-	-
3-C-WB-2-7	2	2	2	WB	233	30	Ldn	61	58	64	58	63	2	None	-	-
3-D-EB-1-2	1	1	1	EB	213	30	Leq	58	57	62	55	60	2	None	-	-
3-D-EB-2-10	1	1	2	EB	627	30	Ldn	65	61	66	54	65	0	None	-	-
3-D-EB-2-9	1	1	2	EB	269	30	Ldn	65	61	66	56	66	1	None	-	-
3-D-WB-2-11	2	2	2	WB	791	30	Ldn	65	61	66	52	65	0	None	-	-
3-D-WB-3-4	1	1	3	WB	89	30	Leq	58	62	67	57	61	3	None	-	-
3-D-WB-3-5	1	1	3	WB	617	30	Leq	58	62	67	51	59	1	None	-	-
3-E-EB-3-6	1	1	3	EB	768	30	Leq	62	64	69	49	62	0	None	-	-
3-E-WB-2-12	1	1	2	WB	1237	30	Ldn	65	61	66	51	65	0	None	-	-
3-F-EB-2-13	3	99	2	EB	938	50	Ldn	62	59	64	55	63	1	None	-	-
3-F-EB-2-14	1	1	2	EB	187	50	Ldn	62	59	64	66	67	5	Severe	-	1 [1]
3-F-EB-2-15	1	1	2	EB	164	50	Ldn	62	59	64	71	72	10	Severe	-	1 [1]
3-F-EB-2-18	1	1	2	EB	230	50	Ldn	62	59	64	66	67	5	Severe	-	1 [1]
3-F-EB-2-19	3	3	2	EB	528	50	Ldn	62	59	64	63	66	4	Moderate	3 [3]	-
3-F-EB-3-8	1	1	3	EB	607	50	Leq	62	64	69	57	63	1	None	-	-

Federal Transit Administration
Noise Impact Assessment Spreadsheet

version: 7/3/2007

Project:	Claremont

Receiver Parameters	
Receiver:	Claremont
Land Use Category:	2. Residential
Existing Noise (Measured or Generic Value):	62 dBA

Noise Source Parameters	
Number of Noise Sources:	4

Noise Source Parameters		Source 1
	Source Type:	Fixed Guideway
	Specific Source:	Electric Locomotive
Daytime hrs	Avg. Number of Locos/train	1
	Speed (mph)	50
	Avg. Number of Events/hr	13.2
Nighttime hrs	Avg. Number of Locos/train	1
	Speed (mph)	50
	Avg. Number of Events/hr	6.66
Distance	Distance from Source to Receiver (ft)	500
	Number of Intervening Rows of Buildings	0
Adjustments		

Noise Source Parameters		Source 2
	Source Type:	Fixed Guideway
	Specific Source:	Rail Car
Daytime hrs	Avg. Number of Rail Cars/train	3
	Speed (mph)	50
	Avg. Number of Events/hr	13.2
Nighttime hrs	Avg. Number of Rail Cars/train	3
	Speed (mph)	50
	Avg. Number of Events/hr	6.66
Distance	Distance from Source to Receiver (ft)	500
	Number of Intervening Rows of Buildings	
Adjustments	Noise Barrier?	No
	Jointed Track?	No
	Embedded Track?	No
	Aerial Structure?	No

Noise Source Parameters		Source 3
	Source Type:	Fixed Guideway
	Specific Source:	Locomotive Warning Horn
Daytime hrs		
	Speed	50
	Avg. Number of Events/hr	13.2
Nighttime hrs		
	Speed	50
	Avg. Number of Events/hr	6.66
Distance	Distance from Source to Receiver (ft)	500
	Number of Intervening Rows of Buildings	0
Adjustments		

Noise Source Parameters		Source 4
	Source Type:	Stationary Source
	Specific Source:	Crossing Signals
Daytime hrs	Signal Duration/hr (seconds)	5
Nighttime hrs	Signal Duration/hr (seconds)	5
Distance	Distance from Source to Receiver (ft)	1500
	Number of Intervening Rows of Buildings	0
Adjustments	Noise Barrier?	No

Project Results Summary	
Existing Ldn:	62 dBA
Total Project Ldn:	75 dBA
Total Noise Exposure:	75 dBA
Increase:	13 dB
Impact?:	Severe

Distance to Impact Contours	
Dist to Mod. Impact Contour:	---
Dist to Sev. Impact Contour:	---

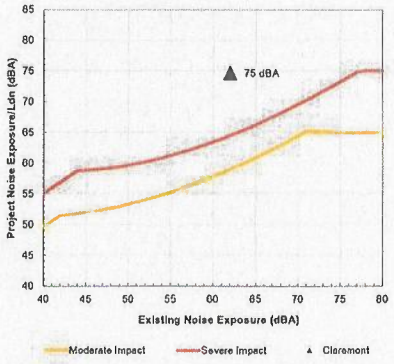
Source 1 Results	
Leq(day):	50.6 dBA
Leq(night):	47.6 dBA
Ldn:	54.6 dBA

Source 2 Results	
Leq(day):	47.4 dBA
Leq(night):	44.4 dBA
Ldn:	51.4 dBA
Incremental Ldn (Src 1-2):	56.3 dBA

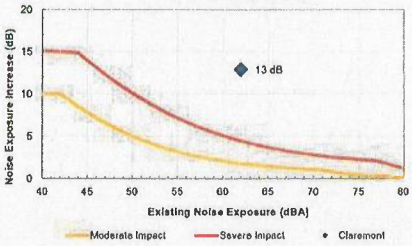
Source 3 Results	
Leq(day):	70.6 dBA
Leq(night):	67.6 dBA
Ldn:	74.6 dBA
Incremental Ldn (Src 1-3):	74.7 dBA

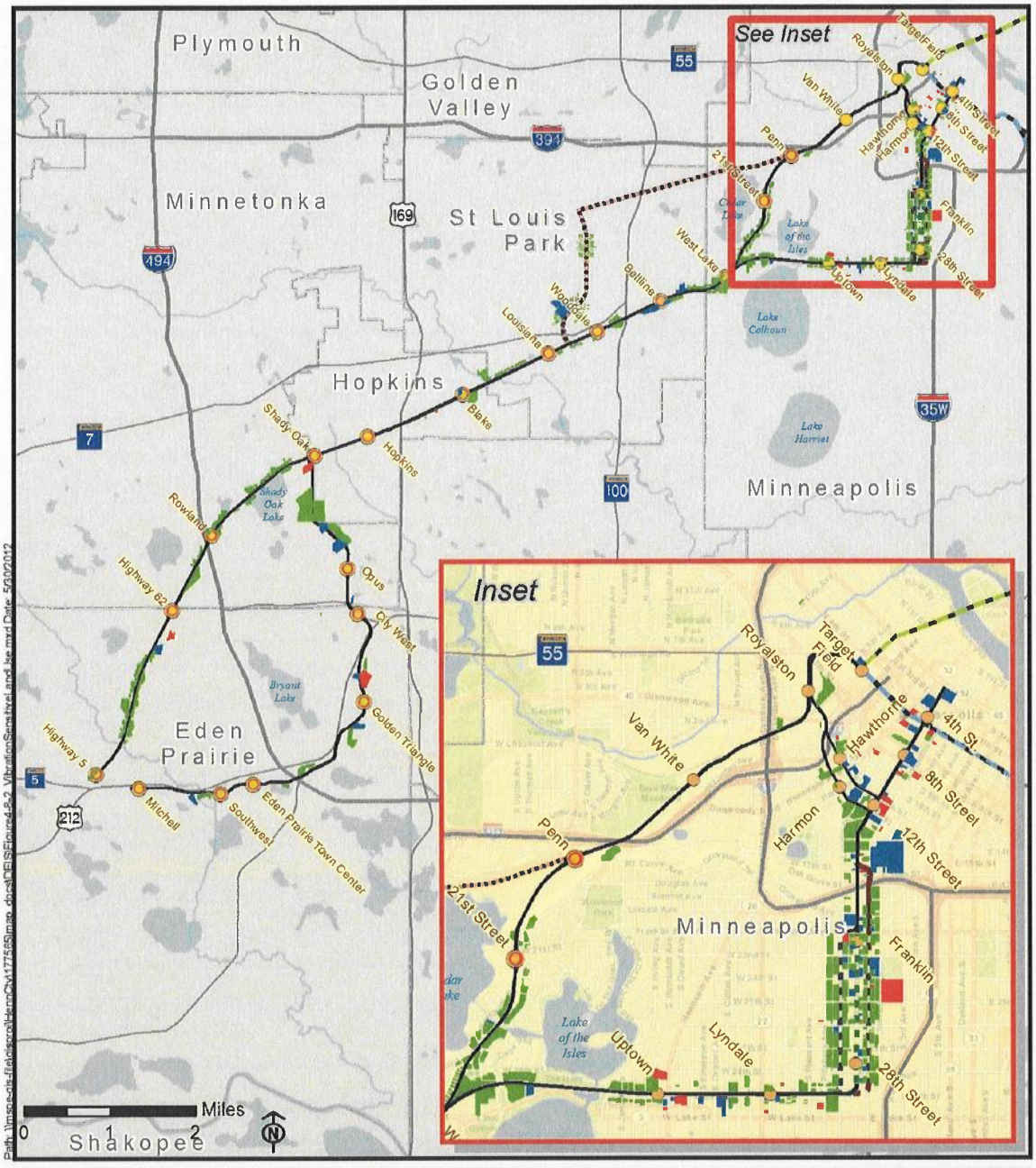
Source 4 Results	
Leq(day):	7.9 dBA
Leq(night):	7.9 dBA
Ldn:	14.3 dBA
Incremental Ldn (Src 1-4):	74.7 dBA

Noise Impact Criteria
(FTA Manual, Fig 3-1)



Increase in Cumulative Noise Levels Allowed
(FTA Manual, Fig 3-2)





Legend

- LRT Alignment Alternatives
- Station
- Park & Ride Station
- Freight Rail Relocation
- Northstar Commuter Rail
- Hiawatha Light Rail

Vibration-sensitive Land Use Categories

- Land use category 1
- Land use category 2
- Land use category 3

Figure 4.8-2
Vibration Sensitive Land Use

Data: MnDOT, DNR, MetCouncil, Hennepin County

Table 2. Segment 3 (LRT 3A, LRT 3C-1, and LRT 3C-2)
General Vibration Assessment Results

Cluster ID	Land Use Category	Side of Track	Distance to Track (feet)	Speed (mph)	Predicted Vibration Level (VdB)	Impact Criterion (VdB)	Number of Impacts (No. of impacted units)
Segment 3 between Mitchell Station and Southwest Station							
3-A-EB-2-1	2	EB	38	50	85	72	1 (91)
3-A-EB-2-2	2	EB	124	50	75	72	2 (146)
Segment 3 between Southwest Station and Eden Prairie Town Center Station							
No Predicted Impacts							
Segment 3 between Eden Prairie Town Center Station and Golden Triangle Station							
No Predicted Impacts							
Segment 3 between Golden Triangle Station and City West Station							
3-D-EB-1-1	1	EB	160	30	68	65	1 (1)
Segment 3 between City West Station and Opus Station							
No Predicted Impacts							
Segment 3 between Opus Station and Shady Oak Station							
3-F-EB-2-7	2	EB	133	50	74	72	3 (3)
3-F-EB-3-3	3	EB	26	50	87	75	1 (1)
3-F-WB-1-2	1	WB	107	50	66	65	1 (1)
3-F-WB-3-4	3	WB	50	50	83	75	2 (2)
					Total Number of Segment 3 Impacts		**11 (245)**

Table 3. Segment 4 (LRT 1A, LRT 3A, LRT 3C-1, and LRT 3C-2)
General Vibration Assessment Results

Cluster ID	Land Use Category	Side of Track	Distance to Track (feet)	Speed (mph)	Predicted Vibration Level (VdB)	Impact Criterion (VdB)	Number of Impacts (No. of impacted units)
Segment 4 between Shady Oak Station and Hopkins Station							
No Predicted Impacts							
Segment 4 between Hopkins Station and Blake Station							
4-B-EB-1-1	1	EB	111	50	76	65	1 (1)
4-B-WB-3-1	3	WB	104	50	77	75	1 (1)
Segment 4 between Blake Station and Louisiana Station							
4-C-EB-2-2	2	EB	162	50	72	72	1 (1)
Segment 4 between Louisiana Station and Wooddale Station							
No Predicted Impacts							
Segment 4 between Wooddale Station and Beltline Station							
No Predicted Impacts							
Segment 4 between Beltline Station and West Lake Station							
4-F-EB-2-11	2	EB	101	40	75	72	12 (12)
					Total Number of Segment 4 Impacts		**15 (15)**

- Light Rail Vehicle horns are sounded at grade crossings and crosswalks where vehicle speeds exceed 45 mph (not including 45 mph).
- Stationary bells are used at preemptive grade crossings and crosswalks for five seconds at each passing of a train.
- This analysis modeled each segment-specific speed to accurately account for proposed operational conditions. Additionally, the acoustical shielding effects of intervening buildings were applied where more than one row of buildings existed. The analysis applied ground attenuation where applicable.

4.7.3.5 Assessment

The unit counts for this analysis were arrived at using Hennepin County GIS parcel data. These data identify multiple property owners for the same parcel of residential property. Using aerial photographs to verify the parcel data, these were determined to be multiunit residences. Each parcel was counted as one land-use, and the number of owners was used to estimate the number of units. This may have omitted from the unit count some multiunit housing where there is one owner with one or more tenants, but these properties would still be counted in the land-uses.

Ambient noise is measured by what is present in existing conditions. Low ambient noise levels cause the impact threshold (the point at which there is an impact) to be lower. Ambient noise levels were as low as 48 dBA on an Leq basis and 51 dBA on an Ldn basis for Segment 1, 55 dBA on an Leq basis and 56 dBA on an Ldn basis for Segment 3, 56 dBA on an Leq basis and 54 dBA on an Ldn basis for Segment 4, 44 dBA on an Leq basis and 52 dBA on an Ldn basis for Segment A, and 58 dBA on an Leq basis and 58 dBA on an Ldn basis for Segment C.

Table 4.7-3 summarizes the results of the noise impact assessment included category 1, 2 and 3 land uses for the four major alternatives. Both the land parcel and individual housing/business unit impacts are presented. Brief discussions of noise impacts along the corridor follow, separated by track segment. A complete list of representative receptors is provided Appendix H, Supporting Technical Reports and Memoranda. Each representative receptor was assessed for project-related noise and it is compared to the existing noise level. LRT 3A (LPA) and LRT 3A-1 (co-location alternative) include the fewest number of moderate and severe impacts overall. LRT 1A has a lower number of moderate and severe impacts than LRT 3C-1 (Nicollet Mall) and LRT 3C-2 (11th/12th Street) because it has a lower number of total units than these alternatives. LRT C-1 (Nicollet Mall) and LRT 3C-2 (11th/12th Street) are located in more densely populated urban areas with a greater number of units per residential parcel.

From: Kathy Grose
To: swlrt
Subject: Southwest Light Rail
Date: Tuesday, July 21, 2015 5:21:23 PM

Hi Nani,

I would like to add my comments of not installing the southwest light rail project. It's too expensive and won't even pay for itself once built and installed. I'm not for spending money unnecessarily. I would propose other options like improving bus service which is already in place.There must be cheaper options than this expensive light rail system.

Kathy Grose
2606 Alabama Ave S.
St. Louis Park, MN 55416

From: Kim Bartmann
To: swlrt
Subject: SW LRT comment
Date: Tuesday, July 21, 2015 5:25:46 PM
Attachments: image001.png
Executed - SDEIS Response .pdf

I am writing today to express my support of the comments attached made by the LRT Done Right organization. I have been a passionate supporter of Minnesota's environment. I opened Minnesota's first LEED-certified restaurant. I recently won an "excellence in Development" award from the Minnehaha Watershed District and a Sustainable Business award from Environment Minnesota. I am terrified that not enough thought has gone into the ramifications of trying to co-locate these trains in the Kenilworth Corridor, and one of the most important nature preserves and parks in our city limits will be irrevocably damaged.

Beyond wanting to be on the public record as supporting these comments made by Mary Paddock on behalf of the LRT Done Right organization, I also want to point out that as an owner of two businesses within 1/2 block of the 29th Street corridor, it is extremely disappointing to me that the train isn't being planned to run along Lake Street through Minneapolis before turning north to meet up with downtown. That would serve residents of ,for example, the Phillips far better than pretending that they're going to take a bus all the way over to a 21st Street station in order to get downtown or to North Minneapolis. Not to mention that it would serve the densest neighborhoods; something I thought was supposed to be the goal of public transit.

kim bartmann
'fall seven times, stand up eight' — Japanese proverb

LRT-Done Right

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

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

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail.*

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see: http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

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[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001

[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

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

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:

Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:

Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

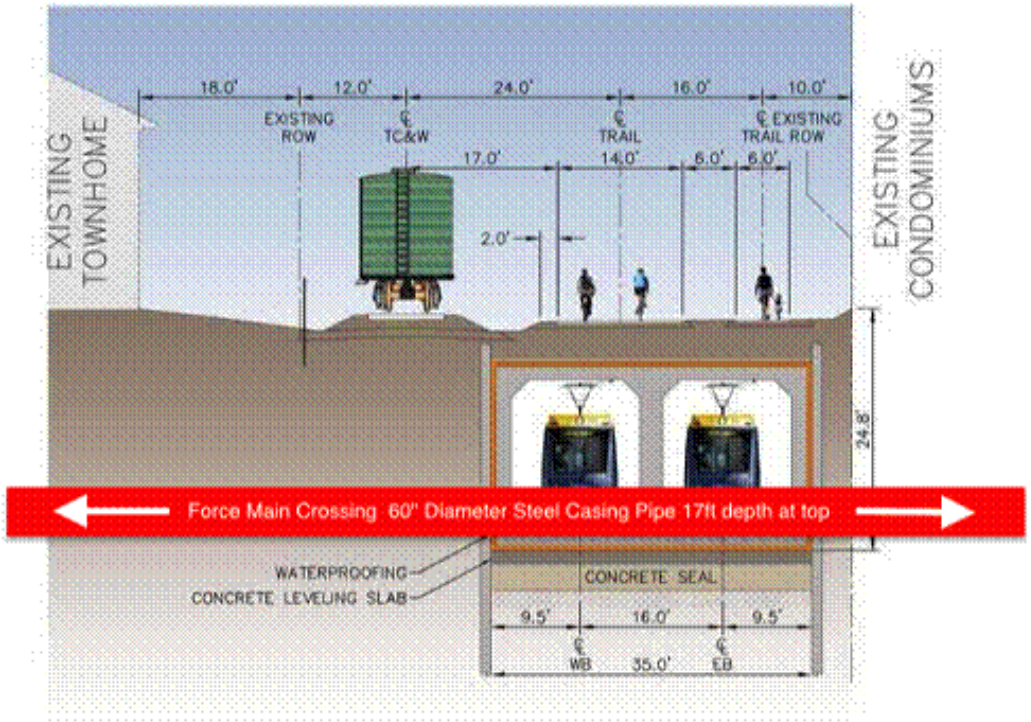


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

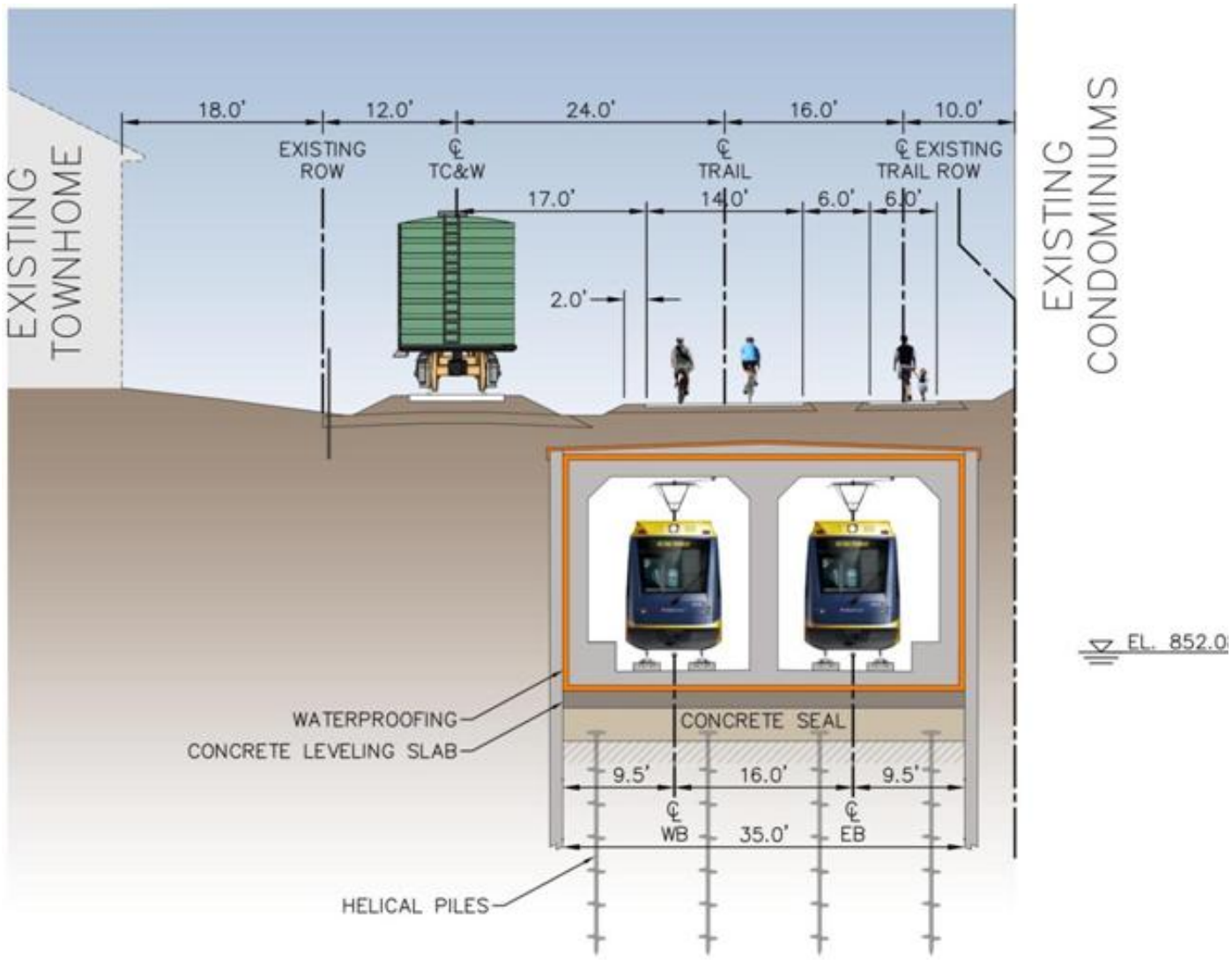
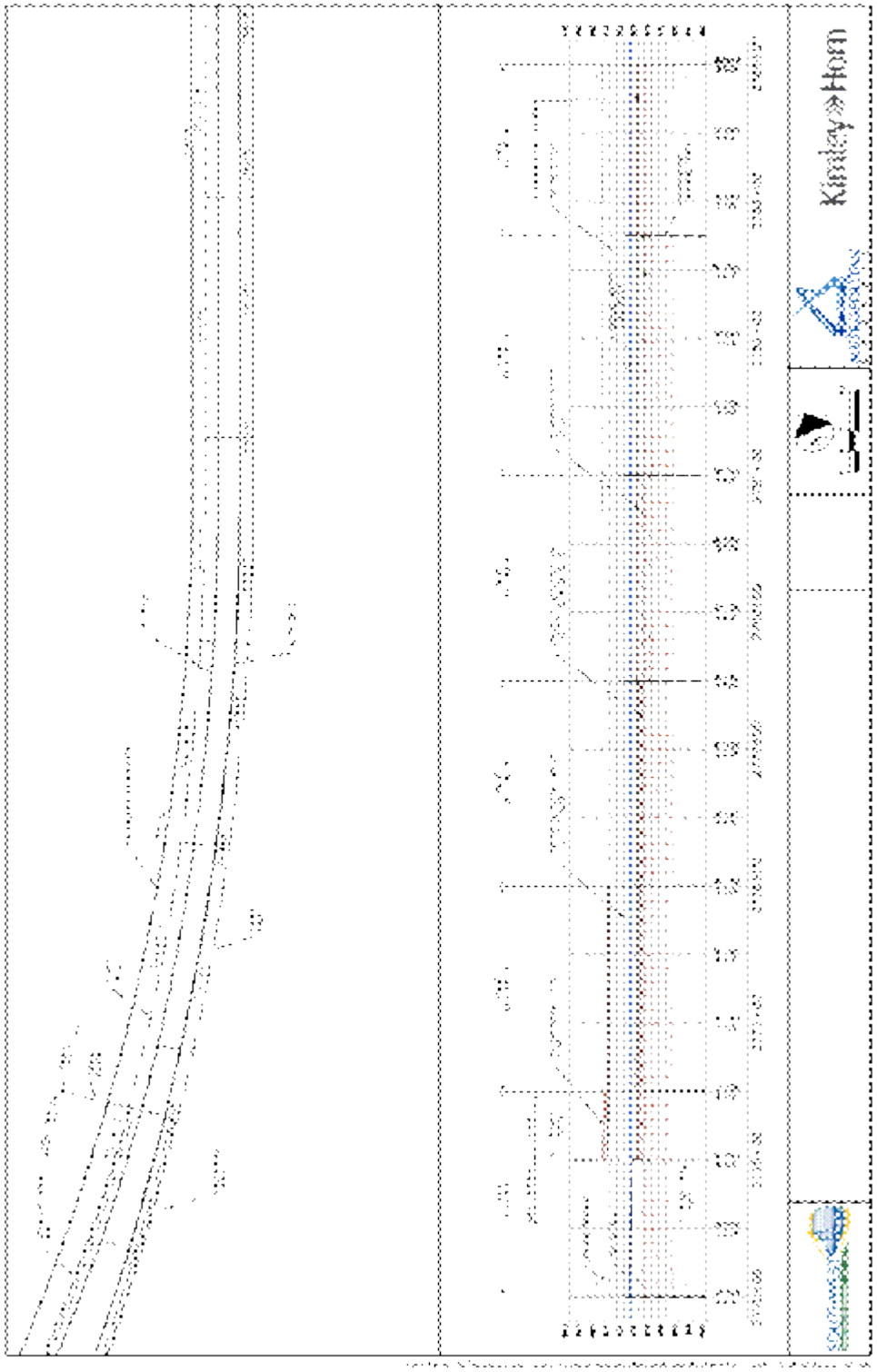


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**. [4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

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[3] http://metrocouncil.org/swlrt/sdeis

[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations — once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train every 5 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA , plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise.*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals 12 to 16 trains per evening between 9 PM and 11 PM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals 2 trains per night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25-plus seconds of bells ((5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals 2 to 4 trains per day, between 12 AM and 2 AM

- This means 1 SWLRT train every 30 to 60 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 to 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total equals 211-220 SWLRT three-car trains per weekday

WEEKENDS

Early morning 4:30 AM to 9 AM

- 6-8 trains per hour equals 26 to 36 trains per day between 4:30 AM and 9 AM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour equals 120 trains per day between 9 AM and 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor would consist of bell noise at 88dBA and 106 dBA
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA

Evening 7 PM to 9 PM

- 8 trains per hour equals 16 trains per day between 7 PM and 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour equals 12 to 16 trains per day, 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds 106 dBA, unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour equals 4 trains per day between 11 PM and 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to 12 AM weekend train frequency is double the weekday frequency of 11 AM to 12 AM
- Would entail 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to 2 AM

- 2 to 4 trains per hour equals 4-8 trains per day between 12 AM and 2 AM
- This means 1 SWLRT train every 15 to 30 minutes
- 12 AM to 2 AM weekend train frequency is double the weekday frequency of 12 AM to 2 AM
- 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 to 30 minutes

Very early morning 2 AM – 4 AM

- No trains — equals current existing conditions

Total equals 180 -195 SWLRT three-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental*

[5] *Sleep Science,* Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non–existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

[7] http://metrocouncil.org/swlrt/sdeis

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment,* the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

> …the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION
The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or

groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."

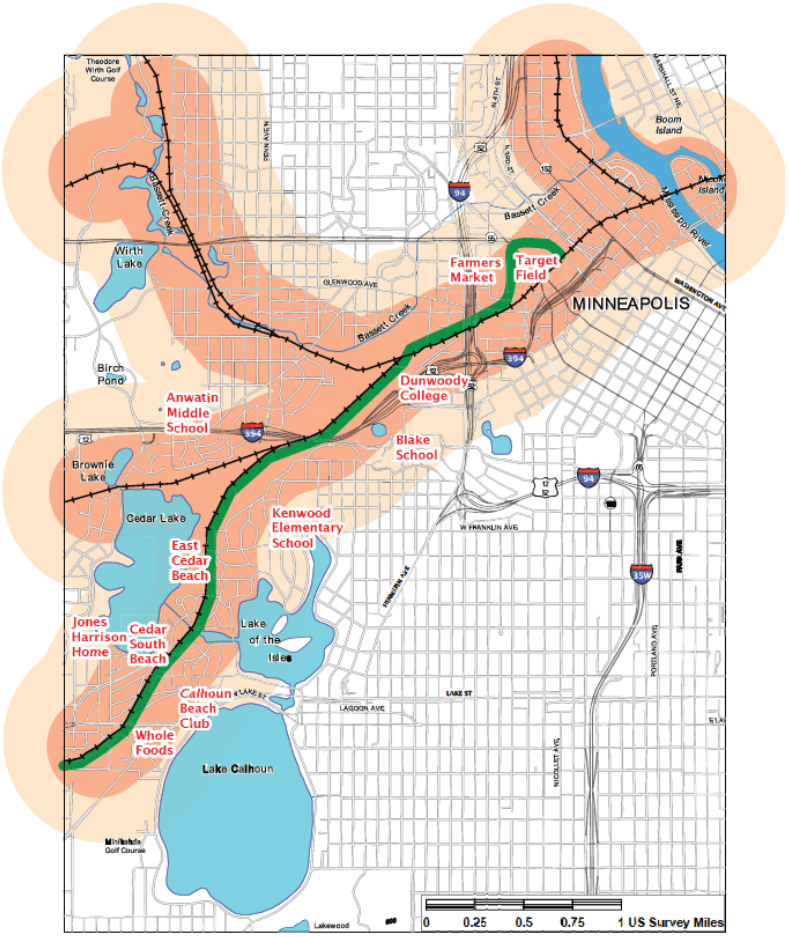
Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

The Kenilworth corridor is a high-risk evacuation blast zone.

Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.

- THIS IS THE BLAST ZONE -

SWLRT co-location with high hazard freight trains in the Kenilworth corridor



Ethanol and Oil Train Disasters:

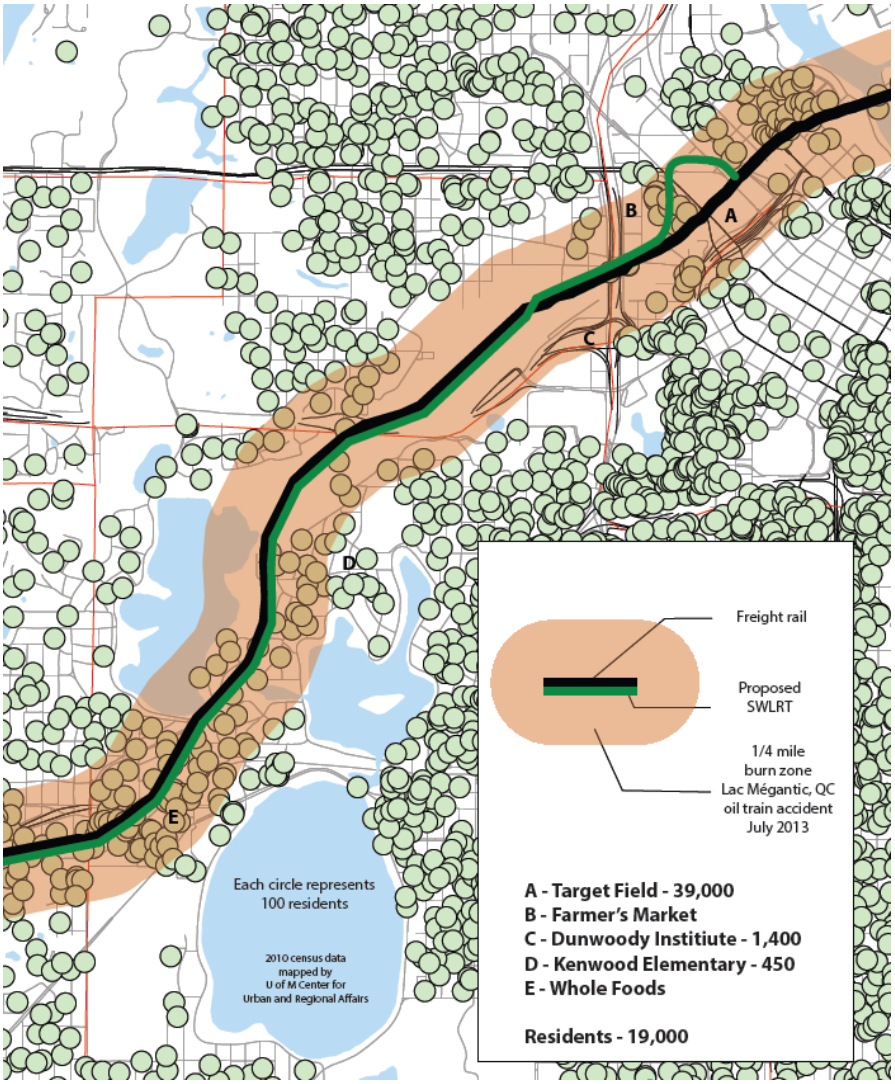
1/4 mi blast zone per Lac Mégantic, QC oil train explosion July, 2013

1/2 mi evacuation zone per US DOT safety regulations for ethanol/oil rail fires

Active Freight Rail

Proposed SWLRT in Kenilworth Corridor

Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

However, TC&W, which is a Class III rail carrier (a short line with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in DOT-111s and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from two-person crews to one- or two-person crews. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not even apply to TC&W due to their Class III status.* Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with approximately 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol,* a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rail* in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-

hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor*, this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there had only been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.

3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis.*

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis*.

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modifythedefinitionofahigh-hazardflammabletrainprovidedinSection171.8toread as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. ThePHMSAandFRArulesmustapplytoalltrainsconveyingClass3flammableliquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. ThePHMSAandFRAsafetyrulesshouldapplyequallytohhftsthatareconveyingoil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. BantheuseofDOT-111tankcarsnowfortransportinganyamountofhazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111carsshouldnotbeusedforthetransportofanycrudeoilsorfossilfuels, regardless of classification.

6. Retrofittedcarsthatfailtomeeteverystandardofthemostprotectivenewtankcar design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., ClassI -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

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From: Kim Bartmann
To: swlrt
Subject: SW LRT comment
Date: Tuesday, July 21, 2015 5:28:06 PM
Attachments: image001.png
Executed - SDEIS Response .pdf

I am writing today to express my support of the comments attached made by the LRT Done Right organization. I have been a passionate supporter of Minnesota's environment. I opened Minnesota's first LEED-certified restaurant. I recently won an "excellence in Development" award from the Minnehaha Watershed District and a Sustainable Business award from Environment Minnesota. I am terrified that not enough thought has gone into the ramifications of trying to co-locate these trains in the Kenilworth Corridor, and one of the most important nature preserves and parks in our city limits will be irrevocably damaged.

Beyond wanting to be on the public record as supporting these comments made by Mary Paddock on behalf of the LRT Done Right organization, I also want to point out that as an owner of two businesses within 1/2 block of the 29th Street corridor, it is extremely disappointing to me that the train isn't being planned to run along Lake Street through Minneapolis before turning north to meet up with downtown. That would serve residents of ,for example, the Phillips far better than pretending that they're going to take a bus all the way over to a 21st Street station in order to get downtown or to North Minneapolis. Not to mention that it would serve the densest neighborhoods; something I thought was supposed to be the goal of public transit.

kim bartmann
'fall seven times, stand up eight' — Japanese proverb

LRT-Done Right

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

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

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail.*

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see: http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

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[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001

[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

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

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:

Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:

Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

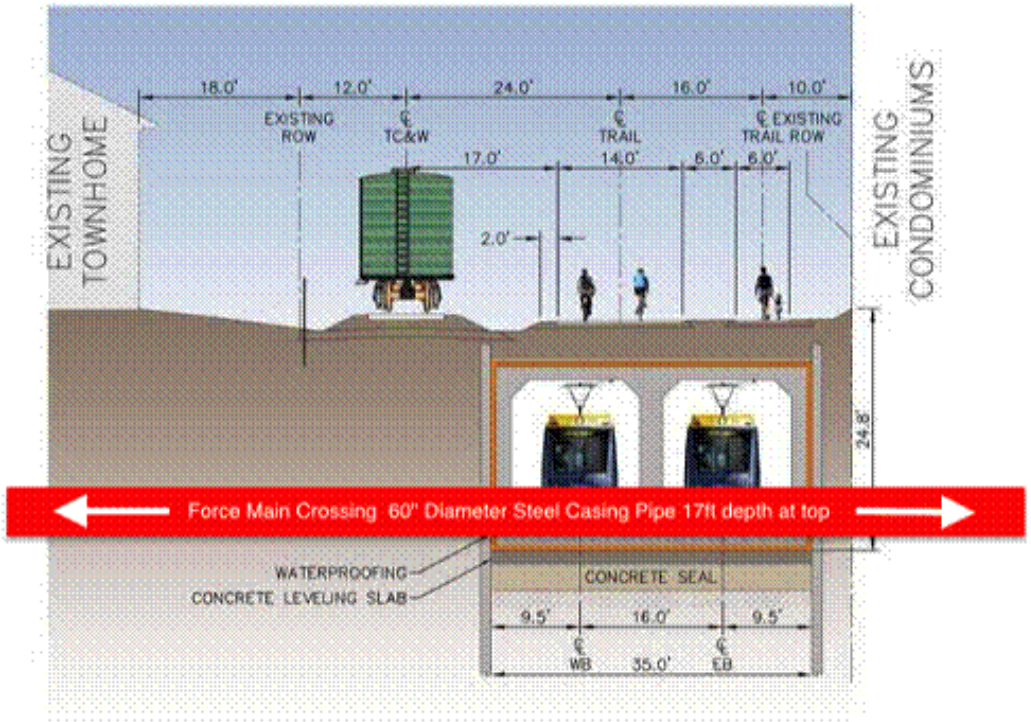


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

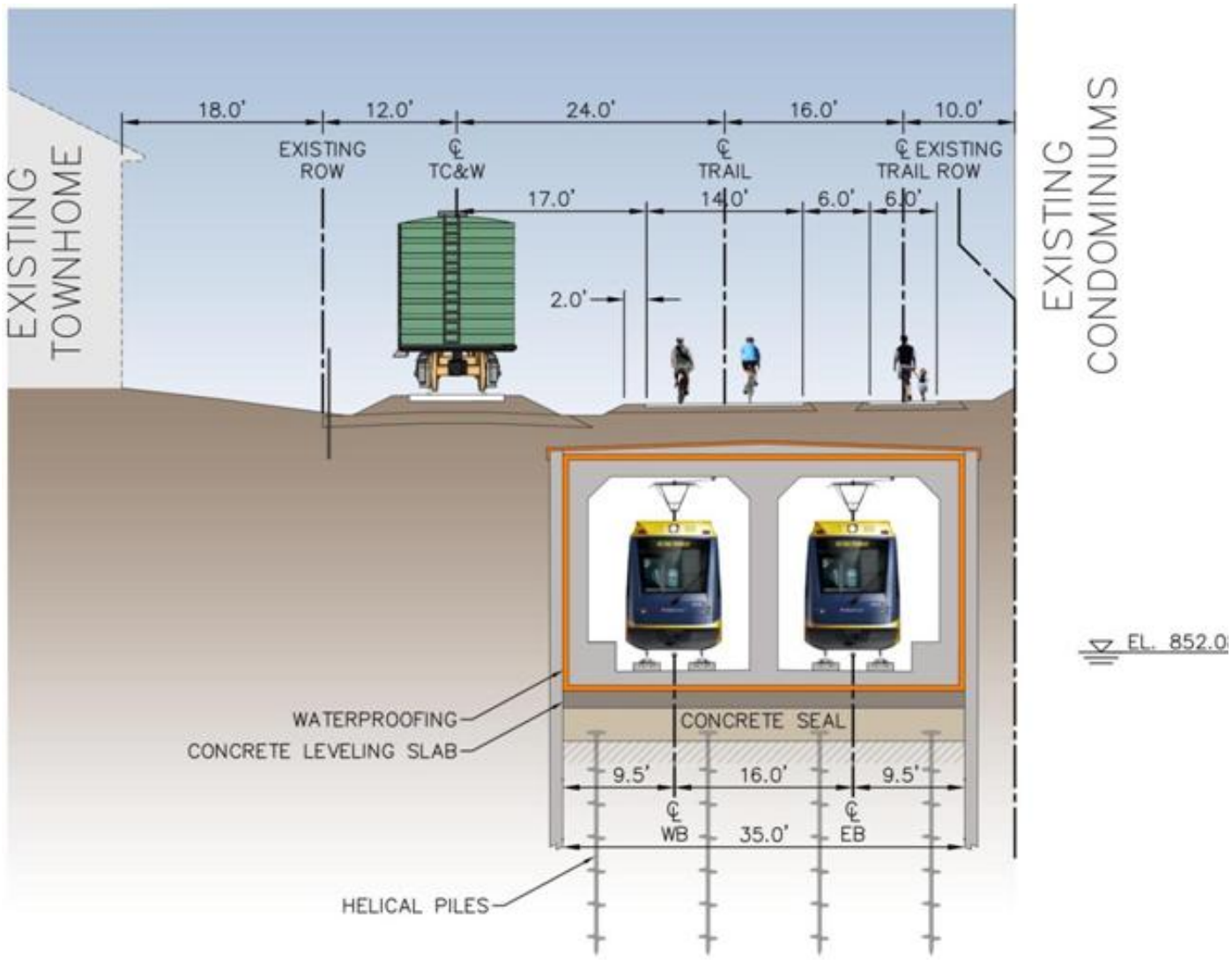
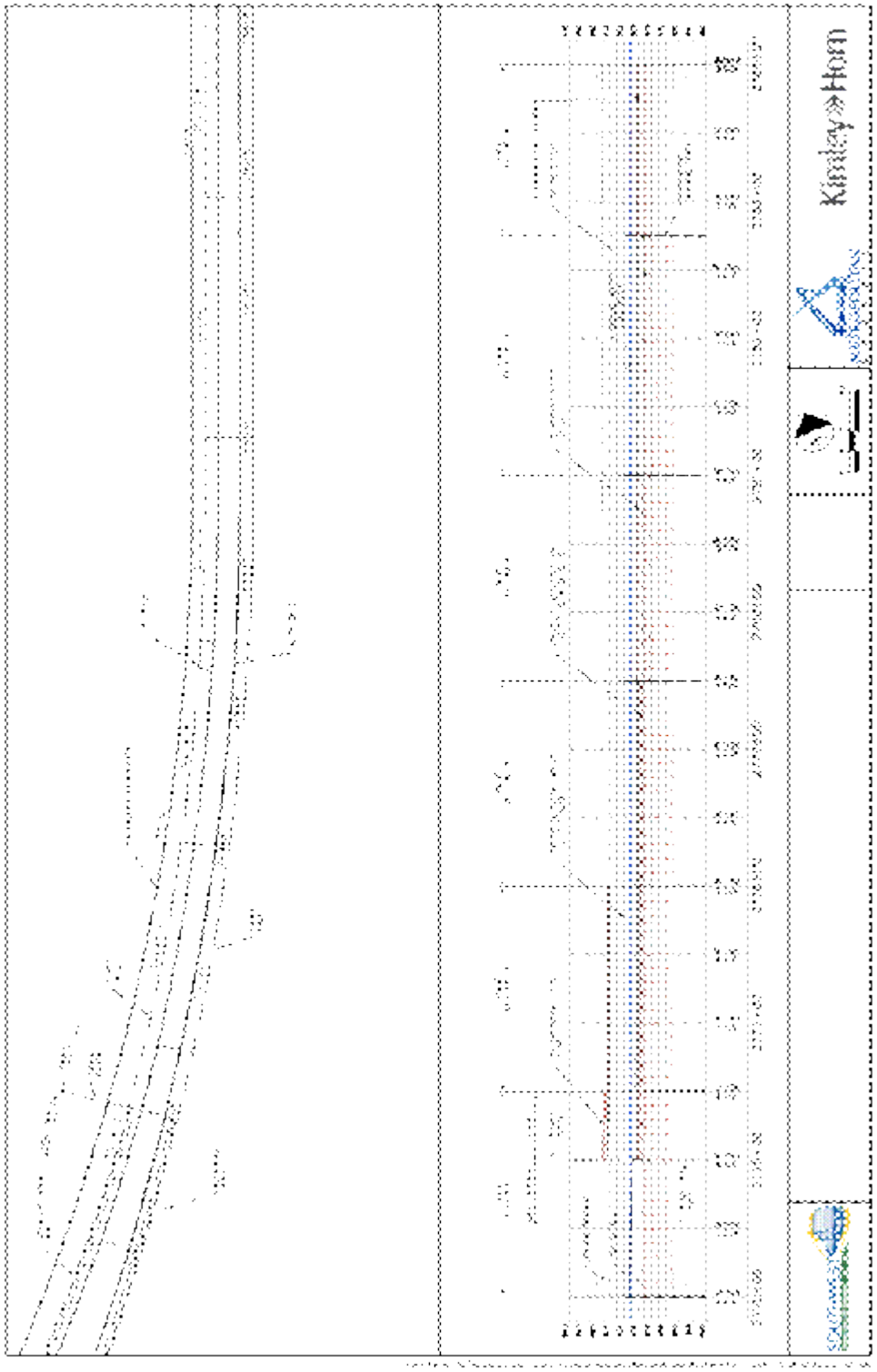


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**. [4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

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[3] http://metrocouncil.org/swlrt/sdeis

[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations — once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train every 5 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA , plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise.*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals 12 to 16 trains per evening between 9 PM and 11 PM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals 2 trains per night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25-plus seconds of bells ((5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals 2 to 4 trains per day, between 12 AM and 2 AM

- This means 1 SWLRT train every 30 to 60 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 to 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total equals 211-220 SWLRT three-car trains per weekday

WEEKENDS

Early morning 4:30 AM to 9 AM

- 6-8 trains per hour equals 26 to 36 trains per day between 4:30 AM and 9 AM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour equals 120 trains per day between 9 AM and 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor would consist of bell noise at 88dBA and 106 dBA
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA

Evening 7 PM to 9 PM

- 8 trains per hour equals 16 trains per day between 7 PM and 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour equals 12 to 16 trains per day, 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds 106 dBA, unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour equals 4 trains per day between 11 PM and 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to 12 AM weekend train frequency is double the weekday frequency of 11 AM to 12 AM
- Would entail 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to 2 AM

- 2 to 4 trains per hour equals 4-8 trains per day between 12 AM and 2 AM
- This means 1 SWLRT train every 15 to 30 minutes
- 12 AM to 2 AM weekend train frequency is double the weekday frequency of 12 AM to 2 AM
- 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 to 30 minutes

Very early morning 2 AM – 4 AM

- No trains — equals current existing conditions

Total equals 180 -195 SWLRT three-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental*

[5] *Sleep Science,* Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non–existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

[7] http://metrocouncil.org/swlrt/sdeis

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment,* the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

> …the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION
The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials
Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or

groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."

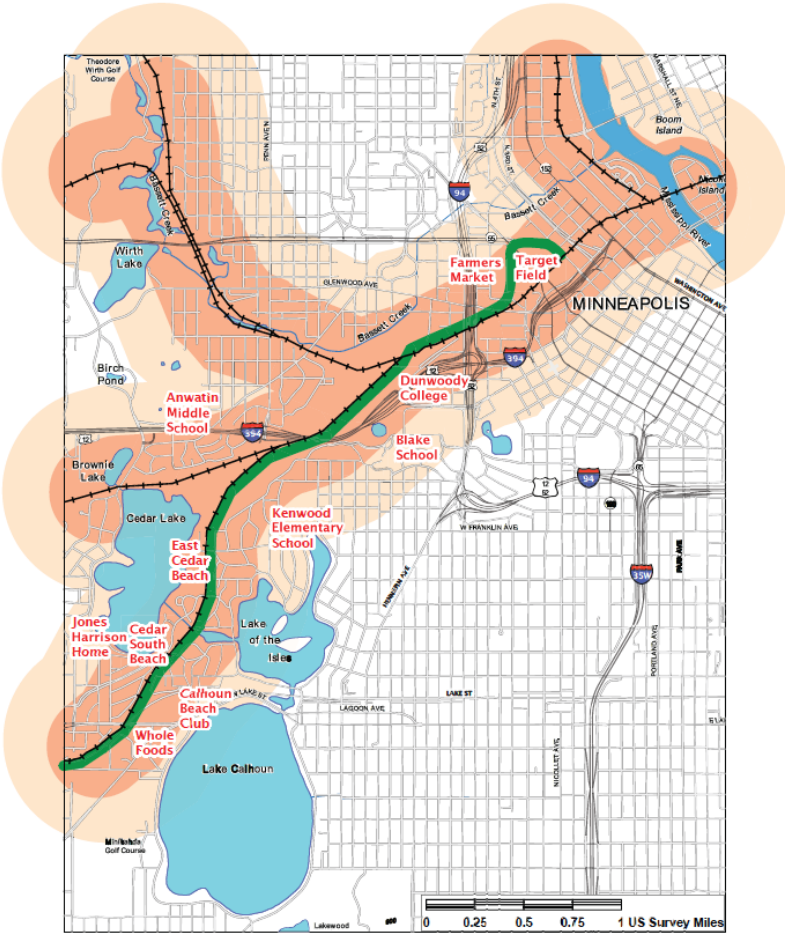
Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

The Kenilworth corridor is a high-risk evacuation blast zone.

Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.

- THIS IS THE BLAST ZONE -

SWLRT co-location with high hazard freight trains in the Kenilworth corridor



Ethanol and Oil Train Disasters:

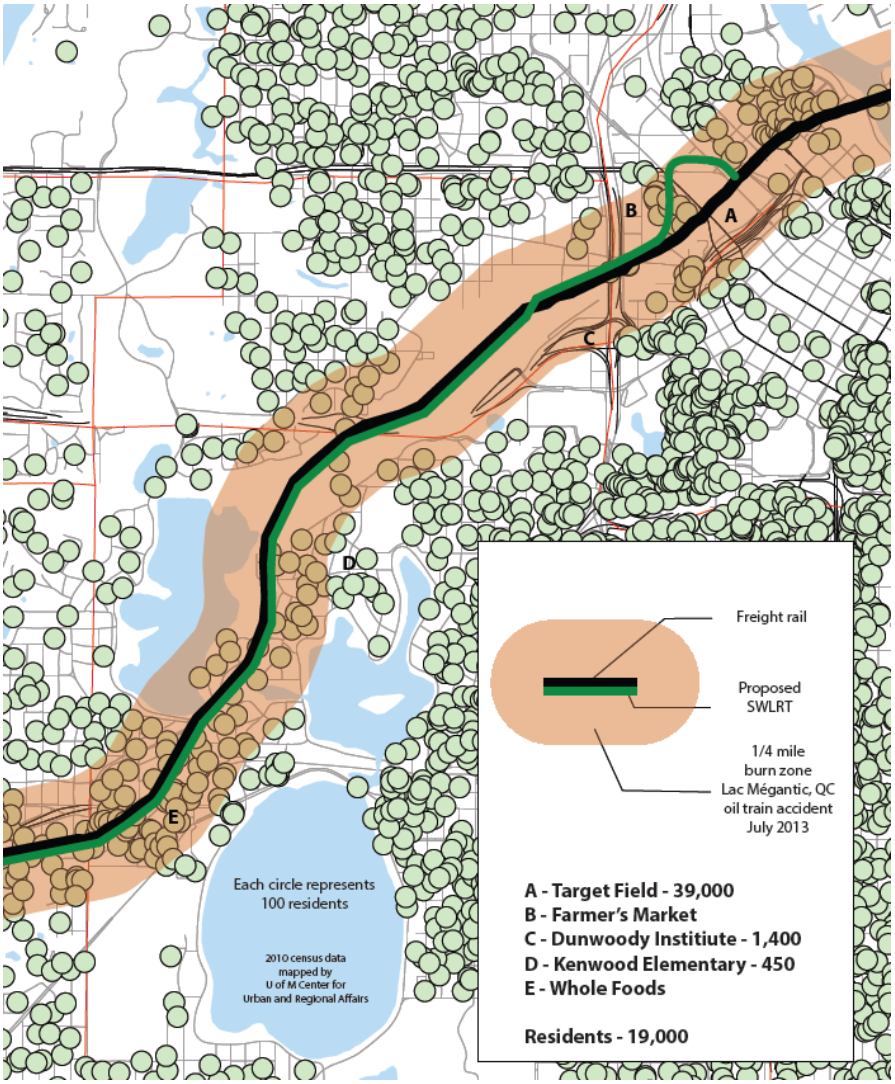
1/4 mi blast zone per Lac Mégantic, QC oil train explosion July, 2013

1/2 mi evacuation zone per US DOT safety regulations for ethanol/oil rail fires

Active Freight Rail

Proposed SWLRT in Kenilworth Corridor

Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

However, TC&W, which is a Class III rail carrier (a short line with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in DOT-111s and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from two-person crews to one- or two-person crews. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not even apply to TC&W due to their Class III status.* Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with approximately 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol,* a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rail* in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-

hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor*, this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there had only been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.

3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis.*

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis*.

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modifythedefinitionofahigh-hazardflammabletrainprovidedinSection171.8toread as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. ThePHMSAandFRArulesmustapplytoalltrainsconveyingClass3flammableliquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. ThePHMSAandFRAsafetyrulesshouldapplyequallytohhftsthatareconveyingoil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. BantheuseofDOT-111tankcarsnowfortransportinganyamountofhazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111carsshouldnotbeusedforthetransportofanycrudeoilsorfossilfuels, regardless of classification.

6. Retrofittedcarsthatfailtomeeteverystandardofthemostprotectivenewtankcar design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., ClassI -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

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From: Gibbons, Andrew
To: swlrt
Subject: SWLRT - Comments on the Supplemental Draft EIS
Date: Tuesday, July 21, 2015 4:10:35 PM
Attachments: 2015 07 21 Letter to Nani Jacobson.pdf

Ms. Jacobson:

Please find attached the comments of AGNL Health, L.L.C. to the Southwest Light Rail Transit ("LRT") Supplemental Draft Environmental Impact Statement. A hard copy of these comments is also being hand-delivered to the Southwest LRT project office today.

Respectfully Submitted,

Andrew J. Gibbons

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July 21, 2015

Via electronic mail and messenger

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit - Southwest LRT Project Office
6465 Wayzata Boulevard, Suite 500
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Re: Public Comments – Southwest Light Rail Transit Supplemental Draft Environmental Impact Statement

Dear Ms. Jacobson:

I am writing on behalf of our client, AGNL Health, L.L.C. ("AGNL Health"), regarding the Southwest Light Rail Transit Project ("SWLRT") Supplemental Draft Environmental Impact Statement ("SDEIS"). AGNL Health is the owner of the office campus located at 13625 and 13675 Technology Drive in Eden Prairie, Minnesota (the "Campus"), which is located immediately adjacent to the Eden Prairie Segment of the SWLRT (as modified and evaluated in the SDEIS) between Mitchell Road and the Southwest Station.[1] As an owner of property immediately adjacent to and in part included in the the preferred route for the Eden Prairie Segment, AGNL Health is concerned with the potential for significant impacts to the carefully-designed atmosphere of the Campus. AGNL Health's concerns with the SWLRT Project and the analysis presented in the SDEIS can be summarized as follows, and are discussed in further detail in these comments.

- The Campus is a unique receptor along the Eden Prairie Segment, and requires specific attention to its many unique features for consideration of potential impacts.
- The SWLRT Project development and environmental review processes have been disjointed and procedurally-flawed, and there continues to be significant uncertainty regarding the SWLRT Project scope and design, creating gaps in the environmental analysis.
- The SWLRT Project Scope included in the SDEIS and Final Environmental Impact Statement ("FEIS") should be modified to align with the recent decisions of the Metropolitan Council to reduce the project scope to match budget constraints.
- The SDEIS identifies multiple significant environmental issues that have yet to be analyzed, and notes that the impacts will be detailed for the first time in the FEIS. Some of these unresolved issues relate directly to the potential impacts to the Campus, and are of significant concern to AGNL Health.

[1] The Campus is referred to in the SDEIS in its entirety as the "Optum Health Services headquarters" and in reference to potential impacts to specific auditorium facilities within the Campus as the "Optum Auditorium."

- As a result, the evaluation of potential impacts of the SWLRT Project and the necessary measures to mitigate those impacts is incomplete, particularly with respect to the Campus.

- A more thorough identification and analysis of unresolved environmental impacts and potential mitigation for those impacts is necessary.

- The Metropolitan Council should not wait to address these significant issues until publication of the FEIS, and should provide AGNL Health, other members of the public, and agencies with clarity on these issues as soon as possible to facilitate an informed public participation process.

I. The AGNL Health Campus was Designed to Create a Specific Atmosphere, Which Will be Jeopardized by the Location of the SWLRT Eden Prairie Segment.

The Campus, owned by AGNL Health, consists of multiple coordinated and connected buildings with office spaces, a 300 seat auditorium that is used for broadcasting important company meetings across the country, a structured parking facility with capacity for more than 1200 vehicles, and preserved wetlands areas. The Campus is currently leased to a major Minnesota health care company, with over 1300 of its employees, including executive management, currently working at the Campus. The Campus was designed to create an atmosphere that supports connectivity and collaboration by emphasizing naturally lit open spaces and by diffusing the boundary between the buildings and the natural beauty of the Campus site. This design and atmosphere is fundamental to the Campus. The potential location of the SWLRT Project along Technology Drive threatens this fundamental character of the Campus, and would significantly diminish the quality of the experience at the Campus for employees and visitors, as further described below. Indeed, the Campus atmosphere stands to be impacted by air-borne and ground-borne noise, vibration, encroachment on buffer areas, and visual infiltration of sight-lines. Any one of these impacts would be disruptive to the Campus, and the combination of all of these factors poses a serious threat to the Campus atmosphere.

II. The SWLRT Project Design Continues to Be a Moving Target, and the Environmental Review Process Continues to Track Separately from Project Development Efforts, Thereby Creating Uncertainty and Significant Impediments to Public Participation.

The SDEIS was prepared to evaluate within the environmental review process various significant changes to the SWLRT Project design, including changes to the alignment of the Eden Prairie Segment. AGNL Health first became concerned with the potential impacts of the SWLRT when a modified alignment for the West Segment 1A was developed, relocating the SWLRT to Technology Drive. The alignment analyzed in the Draft Environmental Impact Statement ("Draft EIS"), however, identified that portion of the SWLRT as being aligned along Highway 212, not Technology Drive. As these design changes occurred following preparation of the Draft EIS, the changes "needed to be evaluated for environmental impacts that were not documented in the Project's Draft EIS and had the potential to result in new adverse impacts."[2]

[2] SDEIS at ES-3.

Despite not having evaluated at that time any of the potential impacts of the realignment along Technology Drive as part of the Draft EIS, the Metropolitan Council proceeded with the municipal consent process required pursuant to Minnesota Statutes §473.9994 for the modified alignment along Technology Drive. This created significant confusion with the public, as the municipal consent process was the first public forum in which the modified Eden Prairie Segment was presented, and ran afoul of the fundamental principal of environmental review that governmental actions be informed by the environmental review process.[3]

This confusion still continues with publication of the SDEIS. On April 27, 2015, the Metropolitan Council released a revised cost estimate for the SWLRT project of approximately $1.994 billion, a $341 million increase from the cost estimates analyzed in the SDEIS.[4] This significant increase in cost estimate triggered discussions regarding potential modifications to the SWLRT Project scope to address the budget shortfall. Yet, despite these ongoing discussions, the Metropolitan Council published and made available for public comment the SDEIS in May of 2015. Since publication of the SDEIS, and while the public comment period was still ongoing, the Metropolitan Council on July 8, 2015 approved a revised SWLRT Project plan eliminating certain features from the SWLRT Project scope to achieve necessary cost reductions.

AGNL Health supports the modifications to the SWLRT Project approved by the Metropolitan Council on July 8, 2015, as the modifications to the Eden Prairie Segment eliminate the potential for impacts to the AGNL Health Campus. It remains unclear, however, whether the scope of the SWLRT Project for the purposes of environmental review will be similarly revised, as it should be, or if environmental review will be conducted for the broader project scope identified in the SDEIS despite the clear decision by the Metropolitan Council.[5] Such uncertainty significantly jeopardizes the effectiveness of the public participation process. Furthermore, the SWLRT Project design presented in the SDEIS is characterized as "more advanced development" but still "conceptual" and impacts are "subject to change as design proceeds."[6]

The FEIS should clarify the project scope being evaluated in the environmental review process (including any design features that are considered potential future developments[7]) so that the project

[3] MEPA expressly prohibits a final governmental decision approving a project such as the SWLRT until ***after*** a FEIS is published and determined to be adequate. *See* Minn. Stat. § 116D.04, subd. 2a; Minn. R. 4410.3100, subp. 1. AGNL Health notes that the Metropolitan Council plans to initiate a second municipal consent process in light of the changes in the project scope, and that it will vote to initiate this process one day after the SDEIS comment period closes, July 22, 2015. *See* http://metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/municipal.aspx (last visited July 21, 2015). As is discussed further in these comments, the municipal consent process should include consideration of a number of potential impacts of the SWLRT that have yet to be fully evaluated for the Eden Prairie Segment.

[4] SDEIS at 5-4, Table 5.4-1, n. a.

[5] At the June 17, 2015 SDEIS public hearing held in Eden Prairie, a representative of the SWLRT Project indicated that any changes in the SWLRT Project design would not impact the environmental review process.

[6] SDEIS at 3-35.

[7] The SDEIS further states that the Metropolitan Council also "developed a design adjustment that would *initially* implement a western terminus of the proposed light rail line at the Southwest Station," and that "design plans for this western terminus would not preclude a later extension of LRT further to the west." SDEIS at 2-47, n. 25. This language in

scope evaluated in the environmental review process aligns with the project scope approved by the Metropolitan Council on July 8, 2015. The Metropolitan Council should further inform relevant agencies and the public as soon as possible that a corresponding scale-back of the project scope will be made in the FEIS to avoid confusion in other processes, such as the municipal consent process.

III. The SDEIS Analysis of the Potential Impacts of the SWLRT Eden Prairie Segment is Incomplete and Additional Analysis of the Potential Impacts of the Eden Prairie Segment and Identification of Required Mitigation Measures is Necessary.

The SDEIS identifies many significant unresolved environmental issues and notes that the impacts and mitigation will be analyzed and detailed for the first time in the FEIS. Because of the uncertainty regarding the scope of the SWLRT Project moving forward, and in particular the scope of the Eden Prairie Segment that will be included in the FEIS, it is unclear to what extent additional assessment and consideration of these unresolved issues will be completed. As is described in this section, however, many of these unresolved environmental issues relate directly to the AGNL Health Campus, and cause AGNL Health great concern about the potential impacts to its property. Accordingly, AGNL Health provides the comments below on these unresolved environmental issues for consideration if the portion of the Eden Prairie Segment between Mitchell Station and the Southwest Station is to be included in the FEIS. Given that the purpose of the SDEIS is to identify new potential significant adverse impacts associated with the SWLRT Project design adjustment, and to allow for public and agency comment on the design adjustments and associated impacts, the Metropolitan Council should address these unresolved issues and provide opportunities for public participation in advance of publication of the FEIS.

A. The SDEIS Does Not Evaluate the Noise and Vibration Impacts at the AGNL Health Campus, and Such Impacts are Likely to be Significant.

AGNL Health is concerned about the potential for noise and vibration from the SWLRT to invade the ambience of health, peace, and quietude that is a central focus of the carefully-planned atmosphere of the Campus. Generally, the noise analysis in the SDEIS is incomplete, and has yet to provide site-specific data and analysis of the AGNL Health Campus. Thus, the noise analysis for the Eden Prairie Segment will need to be corrected and supplemented, and the AGNL Health Campus evaluated, for inclusion in the FEIS. To enhance public participation in the environmental review process, AGNL Health recommends that the Metropolitan Council make these adjustments to the noise and vibration impacts analysis available to the public prior to publication in the FEIS.

The Noise and Vibration Analyses for the Eden Prairie Segment are Incomplete

The noise and vibration analyses in the SDEIS are incomplete for the Eden Prairie Segment as a whole. Table 3.1-1 indicates that, for the Eden Prairie Segment, Noise and Vibration impacts were addressed in the SDEIS,[8] but this is contrary to the detailed discussion of these impacts in Section 3.2.

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the SDEIS is contrary to the recent Metropolitan Council decision, which did not include a western extension to Mitchell Station at a future date.

[8] SDEIS at 3-3.

Indeed, the SDEIS specifically acknowledges that the noise impacts analysis is not complete, and further development of the analysis is required in the FEIS. For instance, the SDEIS recognizes that "noise mitigation measures to be incorporated into the project will be made in a noise mitigation plan and documented in the project's Final EIS."[9] Additionally, the SDEIS notes that an approach for addressing Minnesota noise pollution rules and statutes is yet to be developed with the Minnesota Pollution Control Agency ("MPCA"), and that this approach will be developed for presentation in the FEIS.[10] The SDEIS also indicates that the FEIS "will contain a comprehensive technical appendix with detailed information regarding all inputs, measurements, an impact assessment, and mitigation."[11]

The analysis of potential vibration impacts along the Eden Prairie Segment is also incomplete. The SDEIS presents analysis of long- and short-term vibration impacts at various receptors along the Eden Prairie Segment.[12] Notably absent from this analysis, however, is any discussion of short- or long-term ground-borne noise in conjunction with the vibration analysis, other than identifying that the AGNL Health Campus as a "ground-borne noise sensitive receptor."[13] The SDEIS also makes the conclusory assertion that "[t]here are no projected long-term vibration impacts in the Eden Prairie Segment, therefore no mitigation is identified"[14] but then acknowledges in a footnote that assessment of vibration and ground-borne noise at the AGNL Health Campus has yet to be completed, and "the potential for impacts and the corresponding need for any mitigation" will be presented in the Final EIS.[15] How can this conclusion regarding vibration impacts be reached when the analysis is not complete?

Finally, the SDEIS includes only a cursory mention of short-term vibration impacts, without any analysis of the potential for impacts at particular receptors, or any description of the level of such impacts. The SDEIS simply concludes that such impacts "are expected to be localized, temporary, and transient."[16] The SDEIS goes on to state that "final determinations of short-term vibration mitigation measures to be incorporated into the project for this segment will be made in a vibration mitigation plan and documented in the project's Final EIS."[17] Because of the sensitivity of Campus facilities, the close proximity of the SWLRT to the Campus, and the nature of the soils in the vicinity of the Campus, these short-term vibration and ground-borne noise impacts have the potential to be at the Campus for extended periods of time, and could also lead to major structural impacts to Campus buildings. Without any site-specific testing or analysis of the potential for these impacts, it should not be assumed that practical mitigation measures will effectively mitigate the impacts, and a detailed analysis of this issue should be completed and made available prior to the FEIS.

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[9] SDEIS at 3-14.

[10] SDEIS. at 3-15.

[11] SDEIS at 3-73.

[12] SDEIS at 3-74.

[13] *Id.*

[14] *Id.*

[15] SDEIS at 3-74, n. 17.

[16] SDEIS at 3-74.

[17] SDEIS at 3-75.

These additional assessments of noise and vibration mitigation measures, compliance with Minnesota noise standards, analysis of long-term ground-borne noise impacts, analysis of short-term vibration and ground-borne noise impacts, and comprehensive technical information underlying the analyses are essential to a complete understanding of the potential for noise and vibration impacts on the Eden Prairie Segment, including the AGNL Health Campus, and should be made available to the public and agencies in advance of the FEIS to allow for robust public and agency involvement on these issues.

The Analyses of the AGNL Health Campus Are Deferred

The SDEIS also defers until the FEIS evaluation of potential noise and vibration impacts specific to the AGNL Health Campus. As noted above, the Campus contains several areas that are highly-sensitive acoustical environments, including an auditorium and a broadcasting facility. The SDEIS recognizes this fact, noting that the auditorium at the AGNL Health Campus is a noise- and vibration-sensitive receptor.[18] The SDEIS indicates that analysis of noise and vibration impacts to the AGNL Health auditorium will be completed for the first time in the FEIS.[19] The SDEIS also indicates, however, that vibration measurements taken at the Southwest Station Condos "can be applied to the entire Eden Prairie Segment," and that there are "no vibration impacts" in the Eden Prairie Segment.[20] The Southwest Station Condos do not, however, serve as an adequate proxy for the unique conditions at the Campus, including the soil conditions and the sensitive auditorium facilities. Thus, site-specific measurements and analysis of both noise and vibration impacts at the Campus are required.

Based on the results of the noise analysis presented in the SDEIS, AGNL Health is concerned that the noise and vibration impacts to the Campus will be Moderate or Severe. The noise analysis data presented in the SDEIS are summarized in the following table.

Location	Distance from near LRT Track Centerline (feet)	Existing Noise Level (dBA)	Project Noise Levels (dBA)	Impact?
Lincoln Park Apartments	138	62	57	No
Water Tower Apartments	113	62	58	No
Southwest Station Condos	95	71	64	No
Purgatory Creek Park	269	54	53	No
Residence Inn	44	61	65	Severe
Baymont Inn	69	61	62	Moderate

[18] SDEIS at 3-72, 3-74.

[19] *Id*.

[20] SDEIS at 3-24; SDEIS, Appendix H at H-3, H-6.

As this data from the SDEIS shows, the two measurement locations where Moderate (Baymont Inn) and Severe (Residence Inn) noise impacts are predicted are also the measurement locations within the shortest distance of the SWLRT.[21] These receptors are identified as being located 69 feet and 44 feet from the SWLRT alignment, respectively.[22] Using preliminary information available from the Metropolitan Council, AGNL Health estimates that ***the proposed alignment will be located within a mere 38 feet of AGNL Health Campus offices and only 48 feet to the noise-sensitive auditorium facility at the Campus***. These distances make the AGNL Health Campus the closest of the sensitive receptors on the Eden Prairie Segment, which alone is cause for concern. Furthermore, these distances suggest that Project Noise Levels at the Campus are likely to be similar to those modeled for the Residence Inn and Baymont Inn.

The existing noise levels measured at the Residence Inn and Baymont Inn, however, likely are *not* representative of the existing noise level at the Campus, as both the Residence Inn and Baymont Inn are located in closer proximity to existing noise sources such as major roadways than the AGNL Health Campus. Of the measurement locations included in the SDEIS, the measurement location that is closest in location and surrounding environment to that of the AGNL Health Campus (and thus most likely to be representative of the existing noise level at the Campus) is the Purgatory Creek Park location, which had the lowest existing noise levels of measured locations. Applying Federal Transit Authority guidance to an existing noise level equivalent to that at Purgatory Creek Park, the Project Noise Level for the AGNL Health Campus will result in Moderate or Severe impacts depending on the receptor category assigned to the Campus.[23]

Furthermore, AGNL Health conducted its own preliminary analysis of the potential noise and vibration impacts to the Campus. This analysis found that airborne noise, ground-borne noise, and vibration criteria are exceeded under certain circumstances at the Campus auditorium, and that a more comprehensive investigation of these potential impacts is warranted.

Given the close proximity of the AGNL Health Campus to the SWLRT Project alignment, the data provided in the SDEIS for similar receptors, and the findings of AGNL Health's preliminary evaluation of noise and vibration impacts, it is evident that there will likely be noise and vibration impacts to the AGNL Health Campus. Thus, it is imperative that a detailed analysis of these long-term and short-term (construction) noise and vibration (including ground-borne noise) impacts be completed at the AGNL Health Campus as contemplated by the SDEIS. It is equally imperative to evaluate the potential of available mitigation measures to eliminate these noise and vibration impacts, as well as the viability of re-locating the alignment to avoid the impacts altogether. As noted in the SDEIS, FTA mitigation policy requires that "before mitigation measures are considered, the project sponsor should first evaluate alternative locations/alignments to determine whether it is feasible to avoid Severe impacts altogether."[24] This modeling and evaluation should be completed prior to publication in the

[21] SDEIS at 3-72.

[22] SDEIS at 3-71 to 3-72.

[23] FTA, "Transit Noise and Vibration Impact Assessment (May 2006) at 3-3. Moderate impacts would be experienced starting at 55 dBA and 60 dBA for Category 1 and Category 3 receptors, respectively, while Severe impacts would be experienced at 61 dBA and 66 dBA for Category 1 and Category 3 receptors, respectively. *Id.*

[24] SDEIS, Appendix H at H-13.

FEIS to allow for adequate participation by AGNL Health and the public on these important issues that have yet to be addressed.

B. The Visual Impacts Analysis Failed to Adequately Characterize the Impacts to the AGNL Health Campus.

Visual connectivity is an essential component of the AGNL Health Campus. As noted above, the Campus was designed to create an atmosphere of peace, quietude, and health throughout. Key to this atmosphere is a connectivity between indoor and outdoor spaces accomplished through sightlines within buildings, from one building to the next, and to the natural environment. Campus buildings have large, open spaces filled with natural light, and also offer outdoor spaces for meetings and relaxation. This sense of connectivity between the indoor and outdoor environments and overall atmosphere of the AGNL Health Campus will be significantly altered by the presence of the SWLRT Project along Technology Drive.

The SDEIS contains in Section 3.2.1.5 an assessment of visual impacts to the Eden Prairie Segment, and includes the view looking southwest along Technology Drive from the front of the AGNL Health Campus as one of the ten identified viewpoints on the segment analyzed.[25] This analysis, however, is inadequate in many respects, and fails to capture the true scope of the impacts to the visual aesthetics at the AGNL Health Campus.

The Current Visual Character of the Campus is Narrowly Characterized

As an initial matter, the viewpoint identified and analyzed in the SDEIS – the view looking southwest along Technology Drive in front of the AGNL Health Campus – is too narrowly-defined to adequately characterize the visual character of the Campus that serves as the baseline for evaluating the extent of potential visual impacts. The view from the front of the Campus and looking southwest is only one of the many viewpoints within the Campus that stand to be influenced by the addition of the SWLRT Project. Views from various vantage points and height levels from within buildings on the Campus, views from outdoor spaces, and the connectivity between these various vantage points are all essential to the Campus, and are susceptible to disturbance from the SWLRT Project. The lack of appreciation for this connectivity is evident in the SDEIS, which characterizes the AGNL Health Campus as having "moderately low visual intactness" and "moderately low overall visual unity" and having "no unifying features."[26] This characterization is far from accurate, and shows the need to reevaluate the visual character of the Campus as a whole (not from a single vantage point), and the visual impacts to that character that the SWLRT Project threatens.

The Visual Impacts Analysis Was Not Specific to the Campus

Furthermore, the SDEIS process for assessing the potential for visual impacts to the AGNL Health Campus did not specifically evaluate the AGNL Health Campus or its associated viewpoint. The SDEIS indicates that the visual impacts were assessed by comparing a current photograph of the

[25] SDEIS at 3-46.

[26] SDEIS at 3-47.

viewpoint to preliminary renderings depicting the view as it would appear with the project elements in place.[27] These renderings, however, were not prepared for all ten viewpoints. For viewpoints that did not have a rendering, "the assessments of the visual changes were made based on review of project plans and drawings, and of the visualizations that had been prepared for *other views* in which similar changes were proposed."[28] Appendix J to the SDEIS contains the photos and renderings for the various viewpoints, and no rendering was completed for the viewpoint from the AGNL Health Campus. Thus, the assessment of the visual impacts to the AGNL Health Campus was based on the comparison of the rendering for some other location, compared to the photograph of the overly-limited viewpoint associated with the Campus. Such an assessment is not adequate to evaluate visual impacts, particularly when considering the unique features of the AGNL Health Campus.

The SWLRT Project Will Not Enhance or Maintain the Visual Character of the Campus

Finally, the conclusions reached in the SDEIS regarding the visual impacts of the SWLRT Project are similarly flawed. The SDEIS concludes that the overall visual quality at the AGNL Health Campus will remain unchanged by the SWLRT Project, asserting that the SWLRT "would be integrated into the landscaping" and even going so far as to suggest that visual unity "may be enhanced through integrating the LRT to unify the infrastructure with the landscaping."[29] No information is provided to clarify what landscaping features will be used, or how those landscaping features will effectively alleviate all visual impacts to the AGNL Health Campus and even integrate the SWLRT Project into the Campus. Put quite simply, an unobtrusive trail and landscaped area owned and managed as part of the Campus would be converted into two sets of railroad tracks and associated infrastructure. How can this be found to have no overall impact to the visual quality of this site?

As state above, the visual impacts analysis needs to be reevaluated to take into consideration the various viewpoints within the Campus environment, and, if mitigation measures are to be used to alleviate these impacts, such measures need to be presented in detail to support the conclusions reached in the impacts analysis.

C. The SDEIS Fails to Identify and Evaluate the Potential Impacts Associated with the Unique Geologic Conditions at the Campus Site.

The SDEIS evaluation of the geologic conditions along the Eden Prairie Segment identifies that in certain locations soil conditions will not support installation of the SWLRT Project. Further evaluation, however, is necessary to fully understand and evaluate the locations in which such soil conditions exist along the proposed alignment, the potential implications of such soil conditions that are specific to each location, and the feasibility of mitigation and remediation measures. The AGNL Health Campus is one such location that requires additional, site-specific evaluation.

[27] SDEIS at 3-49.

[28] *Id.*

[29] SDIES at 3-50.

Geotechnical evaluations completed at the site before the construction of the Campus indicate that the particular combination of soils is unique to the Twin Cities area, and the nature of these soils could present significant engineering challenges (and associated cost increases) for the SWLRT Project. Soil conditions across the Campus site are highly variable, and include the highly-plastic, fine-grained clay soils known as "fat clays." The amount of fat clay soils present at the site is particularly unusual. In addition to presenting challenges to the SWLRT Project design, these flat clays could also cause issues with settlement for nearby structures during construction of the SWLRT Project. Indeed, the Campus has previously experienced issues with settlement directly as a result of these fat clays, and the Campus could be susceptible to additional, more significant settlement, caused by vibration and changing groundwater conditions from SWLRT Project development and operations.

Finally, the SDEIS indicates that to address these soil conditions, the soils will be removed and/or deep foundations such as pilings will be used to support the SWLRT Project. Of note in this regard is that the SDEIS indicates that bedrock is expected to be at depths of around 50 feet or more.[30] AGNL Health has information, however, that indicates the bedrock at the Campus site is much deeper – approximately 130 feet deep. A discrepancy of that magnitude can create significant challenges to, and substantial additional cost for, the use of deep foundations such as pilings.

Because of the potential challenges posed by these soil conditions, it is imperative to the safe and economic construction and operation of the SWLRT Project that (1) additional technical evaluation of the suitability of this soil environment along Technology Drive (as contemplated in the SDEIS) be completed, (2) a site-specific evaluation of the AGNL Health Campus soil conditions be completed, (3) consideration of alignment modifications be explored to assess opportunities for avoidance, and (4) a monitoring plan, including contingency actions, be developed with specificity for all locations identified as having these low-bearing soils.

D. The Proposed Property Acquisition Will Intrude on the Campus Atmosphere, and Analysis of Scenarios Involving No Acquisition of Campus Property Should be Completed.

AGNL Health opposes the proposed acquisition of a portion of the Campus property for completion of the SWLRT alignment. The SDEIS indicates that the Eden Prairie Segment alone will require acquisition of 2 full parcels and 33 partial parcels of land, including 0.7 acres of the AGNL Health Campus, and additional acquisitions may be necessary to accommodate final design plans.[31] As the SDEIS notes, property acquisitions along this portion of the Eden Prairie Segment will change the nature and appeal of the commercial properties on Technology Drive.[32] The AGNL Health Campus is no exception. In fact, in many ways the AGNL Health Campus will be subject to a more profound impact from encroachment of the SWLRT than other properties along Technology Drive.

As described above, the AGNL Health Campus is a carefully-planned site designed to create a specific atmosphere of health, peace, and quietude to cater to current and future tenants of the AGNL

[30] SDEIS at 3-56.

[31] SDEIS at 3-35, 3-37.

[32] SDEIS at 3-30.

Health Campus. The proposed acquisition of property will greatly impact and detract from the atmosphere of the Campus by intruding on buffer zones and view sheds incorporated into the Campus design, evidenced by the fact that the alignment will be located within as close as 38 feet from Campus offices. As described above, the AGNL Health Campus includes facilities that are sensitive noise and vibration receptors, and the AGNL Health property is a known location of low-bearing soils. As the noise and vibration impacts on AGNL Health's sensitive facilities have yet to be evaluated, and given the potential presence of low-bearing soils in the area targeted for acquisition, the FEIS should consider relocation of the SWLRT along Technology Drive such that acquisition of AGNL Health property is not required.

E. Traffic Impacts Are Projected to Impede Access to the Campus, and Further Analysis of Alternative Alignments, Intersection Designs, and Mitigation Measures is Necessary.

Also of concern to AGNL Health's continued and uninterrupted enjoyment of the Campus is the significant disruption that the SWLRT will cause to traffic flow between Technology Drive and the Campus for the more than 1000 employees that work at the Campus and their guests. The SDEIS and supporting documentation (AECOM, 2013) [33] indicate that the two AGNL Health Campus access driveways will, in the 2018 and 2030 Build scenarios, have Level of Service (LOS) ratings of either B or C for both A.M and P.M. peak conditions in 2018, and C for all conditions in 2030. [34] The SDEIS concludes that these LOS ratings are "acceptable," despite representing a double or even tripling of the access time to the Campus during peak hours.

AGNL Health is concerned that this decline in the LOS to the Campus will interfere with AGNL Health's fundamental rights to enjoyment of, ingress to, and egress from its property, and its reasonable expectations created by years of existing use. [35] Accordingly, additional information regarding these impacts is necessary to fully evaluate the impact potential. This addition information should include (1) design plans for the modified Campus access points under the Build scenario,[36] (2) potential modifications to the design plans, including alternative layouts, alternative signaling methods, and mitigation measures, and (3) available adaptation measures under the various layouts to provide flexibility in the event the modeling proves to be inaccurate in the future.[37] Without this level of detail in the analysis, the traffic analysis presented in the SDEIS does not provide the certainty necessary to adequately evaluate these traffic impacts.

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[33] AGNL Health notes that the supporting document referenced is Section 3.1.2.12.B of the SDEIS – the "Supplemental Draft EIS Traffic Modeling Technical Memorandum (March, 2014)" – is not referenced in Appendix C to the SDEIS, and is not available in the project documentation on the Metropolitan Council's website.

[34] SDEIS at 3-83 to 3-84.

[35] As noted above, the Campus contains a structured parking facility for more than 1200 cars that is utilized by the more than 1000 employees who work at the Campus and their guests.

[36] AGNL Health notes that the traffic analysis "anticipates" signaling will be used at the access points to the Campus, but does not commit to the installation of signals or otherwise define the anticipated layout for these access points.

[37] The Metropolitan Council should also be in the position to provide lessons-learned on modeling, design, and mitigation measures from the other LRT lines in the metro area, which would further inform the analysis and support its accuracy.

IV. Conclusion

AGNL Health appreciates the opportunity to provide these comments on the SWLRT Project SDEIS. As described in these comments, AGNL Health continues to have significant concerns regarding the lack of clarity in the environmental review process and the substantial potential for adverse impacts to the AGNL Health Campus. The environmental review process would be greatly simplified and clarified if the scope of review was changed to eliminate the portion of the Eden Prairie Segment between Mitchell Station and Southwest Station, consistent with the recent Metropolitan Council decision. This would eliminate any need to consider the detailed comments provided in this letter.

AGNL Health strongly recommends that the Metropolitan Council address these concerns regarding process clarity and evaluation of impacts prior to publication of the FEIS to provide for additional public and agency involvement. AGNL Health looks forward to working with the Metropolitan Council to develop a robust analysis of the Technology Drive Alignment and to developing a mutually-agreeable path forward for the SWLRT Project.

Respectfully Submitted,

Stinson Leonard Street LLP

Todd M. Phelps

From:	Frank Hornstein
To:	swlrt
Subject:	SWLRT Comments
Date:	Tuesday, July 21, 2015 5:55:04 PM
Attachments:	Hornstein Dibble Met Council Comments SWLRT.pdf

Hello,

Please see the attached document from Representative Hornstein and Senator Dibble regarding their comments on the Southwest Light Rail Transit (LRT) (METRO Green Line Extension) Supplemental Draft Environmental Impact Statement. Please let me know if you have any questions or concerns. Thank you,

Frank Hornstein

Minnesota House of Representatives

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

Minnesota Senate

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

July 21, 2015

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

Dear Chair Duininck,

We are writing to express our strong concerns with the sections of the Supplemental Draft Environmental Impact Statement (SDEIS) for the Southwest Light Rail project that deal with freight rail issues.

Our concerns are rooted in the longstanding decisions by the Metropolitan Council and other jurisdictions to ignore Minn. Stat. Sec. 383B.81, Subd. 6. On a number of occasions, in person and memorialized in correspondence to Metropolitan Council Chair, Sue Haigh, we cited this legal requirement that freight rail be eliminated from this reroute which was always intended to be temporary.

In late 2013, Governor Dayton convened and attended several meetings to discuss Southwest Corridor freight rail issues. The meetings included Metropolitan Council leaders, area legislators, local elected officials, and staff from cities along the alignment. The discussions led to a March 2014 Metropolitan Council report indicating that alternatives to permanent location of freight in the Kennilworth alignment were financially, technically and environmentally feasible.

Following the Council's April 2014 decision to uphold the longstanding intention, despite state law, to make freight routing through the Kenilworth Corridor permanent, the Metropolitan Council indicated that environmental and safety issues posed by that decision would be a key purpose of the SDEIS.

The document lacks an adequate discussion of freight rail issues, particularly safety concerns.

The proximity of homes, businesses, and large condominium and apartment complexes within a few hundred yards of the alignment is one of the unique challenges of permanently transporting ethanol and other hazardous materials through the Kenilworth corridor. The City of Minneapolis estimates that 20,274 residents, 54,576 employees, and 11,148 households live and work in ethanol train disaster evacuation zones along the Southwest Light Rail alignment. The level of community concern, especially among residents who live within proximity of the freight rail tracks, is extremely high.

Over the last eighteen months the state legislature initiated a number of policies and devoted significant resources to address the safety challenges of transporting Bakken crude and ethanol across Minnesota. The resulting examination has identified significant gaps in the state's emergency response to Bakken oil transportation. In 2015 those statutes were amended to add ethanol transportation to state studies and emergency response planning already underway on crude oil transportation.

The legislature took this step because ethanol carries similar safety risks as crude oil transport by rail. The cargo is highly explosive and flammable, and in recent years, like Bakken crude, is transported via unit trains composed of up to 100 cars of ethanol. Unit trains hauling ethanol regularly travel through Kenilworth, constituting 17% of the corridor's rail freight.

According the Minnesota Department of Public Safety's January 15, 2015 report, Minnesota's Preparedness for an Oil Transportation Incident, "Local governments generally do not have the equipment or personnel to respond to a significant oil transportation incident, such as a large spill or fire (page 11)." In addition, the report stated, "None of the responders rated their area's preparedness as excellent, and "As a whole, first responders surveyed for this study rated their area's preparedness for an oil transportation incident as below moderate 2.6 on a 1 to 5 scale (page 12)."

Given these realities, the SDEIS's contention that the LPA would "generally result in no changes to current operations of freight rail" (3-194) is a significant concern. The document further asserts that "no long term impacts [of freight relocation] are anticipated and therefore no mitigation measures have been identified" (3.4.3.B).

The particular safety challenges of hauling ethanol and other hazardous materials through the corridor during construction of the south shallow tunnel are not adequately addressed.

The SDEIS calls for a "freight rail operations and coordination plan," the purpose for which is to avoid, "short term economic impacts on freight operators and owners during construction" (3-196). It would appear that the Council takes impacts of construction on commerce into account without mention of residents' and business' safety concerns that would need to be addressed during construction. The SDEIS assures the railroad that, "during the time when freight rail tracks are shifted...freight rail operations would not be obstructed, discontinued or slowed (3-204)." The study discusses flagging procedures in which freight trains would be directed through the construction zone and that the costs of this operation would be "borne by the project."

The SDEIS must address serious questions regarding the safety issues posed by freight relocation both during and after construction:

- Has Twin Cities and Western Railroad Company (TC&W) shared specific information with the Minneapolis Fire Department and emergency management personnel regarding the chemical contents of ethanol and hazardous materials transported through the Kenilworth Corridor?

- Has TC&W shared specific information with the Minneapolis Fire Department and emergency management personnel regarding the frequency and size of ethanol and hazardous materials shipments through the Kennilworth corridor?

- Has an emergency response plan been developed in consultation with the Minneapolis Fire Department to address potential issues of access to the site during construction in the event of a derailment, explosion, or fire?

- Are there other examples around the country where light rail and freight rail are co-located (including the transportation of hazardous materials in close proximity of light rail trains, businesses, and residences)? If so, what safety and mitigation measures are in place in those communities?

- Are the St. Louis Park and Hopkins fire departments and emergency management personnel involved in discussions regarding co-location of light rail and freight rail in their communities?

- Given the growth of oil and ethanol transportation in the region, and associated safety concerns since co-location was made permanent two years ago, does the Metropolitan Council have any plans to discuss re-routing freight trains carrying ethanol and other hazardous materials away from Hopkins, St. Louis Park, and Minneapolis during and after construction of the Southwest Light Rail project?

Thank you very much for your consideration.

Sincerely,

Frank Hornstein
State Representative, District 61A

D. Scott Dibble
State Senator, District 61

From: Kristine Vitale
To: swlrt
Subject: SWLRT Opposition Statement
Date: Tuesday, July 21, 2015 11:52:38 PM

Good evening -- I was unable to attend the public hearings and am happy that I am able to voice my opinion via email. Thank you in advance for your time.

In1984, during my first visit to Minneapolis, I knew I needed to live here one day. With all the lakes, biking and walking paths, great restaurants, shopping, etc., I knew Minneapolis would fit my lifestyle. My favorite area was/is anywhere around the Chain of Lakes. My heart belongs there and it's where I decided to move to in 1999. I live on the north side of Cedar Lake and spend time almost everyday either in, on or around the Lakes. Every time I walk, run or bike down the very corridor you want to destroy, I thank God that I live where I live and for the beauty I am lucky enough to enjoy. I'll never understand how anyone could walk down that path, with all the glorious trees, and think "yup, we should put the SWLRT here".

I am terrified, infuriated, panicked and angry. How dare you destroy what makes Minneapolis the amazing city it is! The unrecoverable environmental impact, the dewatering of the Chain of Lake, the destruction of thousands of trees, the waste of money that should be going to our deteriorating roads and bridges -- how can these things all be overlooked?

Something to think about for those folks in the suburbs that want the SWLRT -- the lightrail will run both into the city and back out to the suburbs. The very reasons you don't live near downtown will now have 223 opportunities to make your home their home. Take a look at the Mall of America and what happened to that once the lightrail connected to it. Need I say more?

I am completely against the SWLRT going through the corridor between Lake of the Isles and Cedar Lake. Please, please, please stop this insanity and make the right choice for our city and our future.

Thank you!

Kristine Vitale
1071 Antoinette Avenue
Minneapolis, MN 55405
612-730-9111

From: alberstock@aol.com
To: swlrt
Subject: SWLRT- Please read and share with appropriate people Thanks.
Date: Tuesday, July 21, 2015 11:44:15 PM

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

Dear Nani Jacobson and To Whom it May concern;
*I, yet again, loudly voice my/our opposition to the current proposal regarding freight and Light Rail through Kenilworth Trail. This has got to stop!! This is a parkland and the environmental impact to the park and the "City of Lakes" will be irreversible. I/we are not a group of highly oppositional citizens with unreasonable requests. This objection comes from your MOST reasonable citizens in the city to say it is the WRONG location. We all support light rail for the metro completely.

*We CAN have light rail to downtown without sacrificing one of our "City of Lakes" most treasured areas! How about routing it along the Lake Harriet Parkway or along Minnehaha Falls or on the River Parkway? Why not? Because it is PARKLAND that is loved by Minneapolis citizens and many visitors to the city. Think Twin Cities Marathon or other events that have people talking about the beauty of our parks!! This is the same reason Kenilworth Trail is not the right location!!!

*Why can't we save the parkland and the peaceful areas that make us proud of our planning and of our city? We all know (and so do you) that we could find a route for the light rail that serves more of the needs of the citizens who will ride the light rail. This is possible. This takes leadership and courage.

*We will look back at this decision and either feel proud to have found a way to preserve both the parkland and to run the rail line to serve the needs of more of us. City and regional planners have been masterful (in the history of our area and in MN) in preserving the best of what we have. Why not make the decision to do the same expert planning?

*I/we know all the long history of the project, we know the gripes from other communities, etc.. This is the time to say NO to running this through Kenilworth. This truly will ruin an area that is treasured by bikers, nature lovers, swimmers, kids, boy scouts, girl scouts, elderly, running clubs, families, visitors, etc..

*I got to know a man from another country who stayed in a downtown hotel for 6 months. He ran the Kenilworth and Cedar Lake trails every morning. He could not get over the beauty and peacefulness that had been preserved in our city. One day he was running with 2 other men. He told me he was showing his friends from Europe how beautiful the area was. He was a good example of visitors who see and appreciate our good decisions about preserving the "jewels" of the area. He shared his love of Kenilworth with others which makes our city/area attractive in a business sense also.

Google Kenilworth and see how this area is described. Yes it was a long term plan to make this the light rail line. Now it needs to be altered for the good of the taxpayers and citizens. There are other ways to run light rail to downtown.
Please RERoute NOW!!! Its hard to do but it is the right thing to do.

Just one of many descriptions:
Kenilworth Regional Trail

Length: 1.5 miles
Rating: 4 ½ / 5
Surface: Asphalt
Short, yet satisfying, this convenient link will make a wonderful part of your bike ride. The Kenilworth Trail links the Cedar Lake Trail to the Midtown Greenwaynear the Saint Louis Park border, between Cedar Lake and Lake of the Isles. Though your views of these lakes will be limited, the trail is cloaked in a wonderful thick woods. It is also a "bike freeway," with three separate lanes for walkers, north-going bikers, and south-going bikers.
(Last biked Saturday, October 4th, 2014, 1 PM to 2 PM)

Beth Stockinger and all of our family
Longterm Minneapolis residents and taxpayers

From: Peter Beck
To: swlrt
Subject: SWLRT SDEIS Comment Letter
Date: Tuesday, July 21, 2015 1:40:49 PM
Attachments: Scan0638.pdf

Attached please find a written comment letter on the SWLRT SDEIS.

Thank you,

Peter Beck

2600 US Bancorp Center
800 Nicollet Mall
Minneapolis, MN 55402
(612) 991-1350

peter@peterbecklaw.com

BECK LAW OFFICE

2600 US Bancorp Center
800 Nicollet Mall
Minneapolis, MN 55402

Peter K Beck
Attorney at Law

peter@peterbecklaw.com
612-991-1350
www.peterbecklaw.com

July 20, 2015

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

Re: Comments on SWLRT Supplemental DEIS

Dear Ms. Jacobson:

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

Luther has recently been approached by representatives of SWLRT and MNDOT about the acquisition of a five-year "temporary" easement along the northerly 50 feet of the Property. This easement would: 1) take both entrances to the Property, leaving the Property with no access from a public street; 2) take the main drive aisle on the Property, leaving no way to reach the dealership building from 5th Street and no way for emergency vehicles or customers to access and circulate around the building; and 3) eliminate the most critical row of parking on the Property, the used car display row along the Northern edge of the Property that all customers drive by to reach the dealership from 5th Street. Losing these access points, the drive aisle and the parking row for up to five years would have a dramatic impact on Hopkins Honda and would, in fact, kill the business. This letter is to request that the Supplemental DEIS consider these impacts and consider alternatives to the acquisition of this temporary construction easement.

We believe there are several convenient, cost-effective alternatives to the potentially very costly acquisition of the proposed easement. Immediately to the north of the Property, across the SWLRT right-of-way, is publicly-owned property which could easily be used for the construction staging activities proposed on the Property. Alternatively, there are both public and privately-owned parcels to the east of the Property which could be used for construction staging, including a parcel owned by Luther. Luther would work with the City of Hopkins and SWLRT to make the Luther owned parcel available for SWLRT use.

Luther understands that construction of the SWLRT project will involve short-term closures of the at grade rail crossings at 5th Street and 8th Street. However, the potential for both of its access points to be taken for up to five years would have a devastating impact on the dealership and would render it impossible for Hopkins Honda to conduct business or to stay in

business during the term of the easement. This would result in a claim from Luther, as part of any condemnation process to acquire such a five-year easement, for the total value of the business.

Even litigating such a claim seems an unnecessary expense for the SWLRT project to bear when alternative staging areas are available in the immediate area of the proposed temporary easement on the Property. Therefore, we strongly suggest and request that the SDEIS consider alternatives to the acquisition of this "temporary" construction easement from the Property and that one or more of those alternatives be pursued in lieu of a taking which would put this thriving automobile dealership out of business.

Very truly yours,

PETER K. BECK ATTORNEY AT LAW PLLC

By: _____
Peter K. Beck

PKB:tk

cc: Linda McGinty
Kyle Alison

From: Peter Beck
To: swlrt
Subject: SWLRT SDEIS Comment Letter
Date: Tuesday, July 21, 2015 1:43:57 PM
Attachments: Scan0639.pdf

Attached please find a written comment letter on the SWLRT SDEIS.

Thank you,

Peter Beck

2600 US Bancorp Center
800 Nicollet Mall
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July 20, 2015

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

Re: Comments on SWLRT Supplemental DEIS

Dear Ms. Jacobson:

This comment letter is submitted on behalf of St. Paul Fire and Marine Insurance Company ("SPFM"), owner of the property located at 11311 K-Tel Drive (the "SPFM Property") in the City of Minnetonka, Minnesota. The SPFM Property is located immediately west of and adjacent to the proposed Southwest Light Rail Transit ("SWLRT") Hopkins Operation and Maintenance Facility ("O&M Facility").

SPFM has been contacted by SWLRT and MNDOT representatives regarding two separate takings from the SPFM Property for the project: (1) a permanent taking of a strip of land on the eastern edge of the SPFM Property; and (2) a five-year "temporary" construction easement over virtually all that portion of SPFM Property located east of the Building on the SPFM Property. Neither of these takings is identified or discussed in the SDEIS. The purpose of this letter is to request that the impact of these takings on the SPFM Property be addressed and that measures to mitigate those impacts be considered.

The SPFM Property is a 6.26 acre parcel of property with an existing 124,000 square foot office industrial Building (the "Building") which includes 82,000 square feet of warehouse/industrial space and 42,000 square feet of office space. The Building has 10 loading docks on its southern side serving the warehouse/industrial space. The SPFM Property currently has a total of 273 parking spaces.

SPFM has had Westwood Professional Services analyze the impacts of the proposed takings on traffic and truck movements around the SPFM Property and parking for the SPFM Property. SPFM has also engaged Shenehon Company to analyze the impacts of these takings on the value of the SPFM Property. The conclusion of these consultants is that the permanent taking will result in the loss of at least 65 parking spaces, which will leave the Building short of the number of parking spaces required to support 42,000 square feet of office space and 82,000 square feet of warehouse/industrial space. More importantly, the five-year "temporary" taking will:

1. Take one of only two access points to the SPFM Property. This creates both practical and safety issues related to access in and out of the SPFM Property for employees, deliveries and public safety vehicles.

2. Eliminate circulation around the southeast corner of the Building. This creates a public safety issue with respect to emergency vehicle access around the Building and renders the ten loading docks on the southern side of the Building unusable for most trucks.

3. Restrict, if not cut off, access around the northeast corner of the Building. This creates a public safety issue in terms of emergency vehicle access around the Building. This restriction will also, in combination with the taking of the driveway access onto K-Tel Drive in this location, cut off access to all of the parking on the east side of the Building.

4. Even if access around the northeast corner of the Building is preserved, the "Temporary" easement will take virtually all of the parking spaces on the east side of the Building. This will leave the Building far short of the parking required for any potential tenant or occupant during the term of the construction easement.

The result of the proposed temporary taking is that the Building will be rendered virtually unusable and unmarketable from this point forward through the end of the "temporary" construction easement. During this period the SPFM Property will have virtually no value because it will have almost no parking and limited truck access to the loading docks. We are also uncertain as to whether the Building will be allowed to be occupied at all with no emergency vehicle access around its perimeter. The value of the SPFM Property will also be significantly impacted over the longer term by the significant loss of parking created by the permanent taking. It is our conclusion that the two takings come very close to effecting a total take of the SPFM Property.

The Supplemental DEIS fails to identify, discuss or propose mitigation measures for these impacts on the SPFM Property. We request that these impacts be identified, and that mitigation measures be considered. Mitigation measures which we request be considered include:

1. Moving the O&M Facility and SWLRT main line to the east to avoid or minimize the takings required from the SPFM Property. The SDEIS indicates that the eastern portion of the properties acquired for the O&M Facility will not be needed and will be subsequently disposed of as remnant parcels. The SDEIS does not discuss why the O&M Facility could not move further to the east on the properties being acquired, thus obviating the need for any permanent or temporary takings from the SPFM Property. Using property already acquired for the O&M Facility in order to avoid the need for a multi-million dollar acquisition of the SPFM Property seems only sensible, especially in light of the desire to cut costs from the SWLRT project budget.

2. Even if there is an unwillingness to move the O&M Facility to the east to avoid the SPFM Property, there should be some analysis of the possibility of conducting the staging activities proposed for the SPFM Property on the excess taking areas to the east of the O&M Facility. The most significant impacts to the SPFM Property relate to the five-year "temporary" construction easement. This easement will take virtually the entire portion of the SPFM Property located east of the Building; will take one of the SPFM Property's two access points from K-Tel Drive; will eliminate access around the Building; and will eliminate access to the loading docks that serve the Building. If this construction easement can be eliminated by moving all staging activities to the apparent excess property acquisition areas to the east of the O&M Facility, many of the impacts on the SPFM Property could be eliminated.

3. If an analysis of the two options set forth above results in a decision that neither the O&M Facility nor the construction staging activities for the O&M Facility can move to the east to avoid impacts on the SPFM Property, then the SDEIS should consider taking the entire SPFM Property, as is being done with the properties to the east of the SPFM Property. The SWLRT project could then use the entire portion of the SPFM Property to the east of the existing Building, and potentially the indoor storage available in the Building itself, for construction activities. The remaining portion of the SPFM Property and the Building could then be disposed of following completion of the SWLRT project—as is proposed for the remnant parcels to the east of the SPFM Property.

4. Finally, if none of the options set forth above are to be considered or implemented, at a minimum the project must identify mitigation measures for the takings from the SPFM Property, including the significant loss of parking. The SDEIS states that no mitigation of the displacement of off-street parking spaces has been identified or discussed because all off-street parking that would be replaced is associated with businesses that will also be displaced by the O&M Facility. This is not the case. The O&M Facility will permanently displace at least 65 parking spaces on the SPFM Property, and many more than that during the temporary construction easement. These are parking spaces that the SPFM Property cannot afford to lose. If the SWLRT project cannot avoid this impact on the SPFM Property, it must consider, discuss and implement appropriate mitigation measures for the loss of these parking spaces.

5. Finally, in addition to mitigating the loss of parking spaces from the SPFM Property, the SDEIS should also consider, discuss, and identify mitigation measures for the loss of access to the loading docks that serve the Building on the SPFM Property. The SDEIS identifies the need to provide circulation to the loadings docks for the property located at 510 15th Avenue South, but contains no such discussion of the need to provide access to, or mitigate the loss of access to, the loading docks on the SPFM Property.

The permanent and temporary takings identified for the SPFM Property located at 11311 K-Tel Drive will have, and already have had, a significant impact on the value of the SPFM Property, for which SPFM will seek full compensation. We have identified in this letter a number of options which could avoid or significantly reduce those impacts, which we request that the SDEIS consider, analyze and implement. If they are not, and the SWLRT project moves ahead with the proposed takings from the SPFM Property, SPFM will seek full compensation for the impact of those takings on the value of the SPFM Property which, in our analysis, will result in a nearly total take of the SPFM Property.

Very truly yours,

PETER K. BECK ATTORNEY AT LAW PLLC

By: _____
Peter K. Beck

PKB:tk

cc: Cassandra Headrick
Mike Elnicky

From:	Jacobson, Nani
To:	swlrt
Subject:	FW: SWLRT SDEIS EPA letter 07/16/2015
Date:	Tuesday, July 21, 2015 5:26:06 PM
Attachments:	EPA-Ltr 07-16-2015_SWLRT-SDEIS.pdf

From: Laszewski, Virginia [mailto:Laszewski.Virginia@epa.gov]
Sent: Thursday, July 16, 2015 5:02 PM
To: Marisol R. Simon (marisol.simon@dot.gov)
Cc: william.wheeler@dot.gov; melissa.m.jenney@usace.army.mil; Jacobson, Nani; Horton, Andrew; Maya.Sarna@dot.gov; lisa.joyal@state.mn.us; kate.drewry@state.mn.us; brooke.haworth@state.mn.us; william.wilde@state.mn.us; catherine.neuschler@state.mn.us; jim.brist@state.mn.us; sara.beimers@mnhs.org; Leslie Stovring (lstovring@edenprairie.org)
Subject: SWLRT SDEIS EPA letter 07/16/2015

Ms. Simon,

Please see attached file for EPA's comment letter dated 07/16/2015 regarding the SDEIS for the Southwest Light Rail Transit project. Signed/dated originals are in the mail.

Thank you,

Virginia Laszewski
Environmental Scientist
US EPA, Region 5
Office of Enforcement and Compliance Assurance (OECA)
NEPA Implementation Section
77 West Jackson, Mail Code E-19J
Chicago, IL 60604
312/886-7501 (voice)
312/679-2097 (fax)

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

JUL 16 2015

REPLY TO THE ATTENTION OF:

E-19J

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

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

Re: Supplemental Draft Environmental Impact Statement – Southwest Green Line Light Rail Transit (LRT) Extension (SWLRT), Hennepin County, Minnesota CEQ # 20150132

Dear Ms. Simon and Mr. Fuhrmann:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Transit Administration's (FTA) May 2015, Supplemental Draft Environmental Impact Statement (SDEIS) for the Metropolitan Council's (Council) Southwest Green Line Light Rail Transit (LRT) Extension (SWLRT) Project. Our comments are provided pursuant 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 limited-scope SDEIS evaluates the environmental effects associated with adjustments the Council made to the locally preferred alternative (LPA) since the 2012 Draft EIS (DEIS). It updates the DEIS to reflect the design adjustments to the LPA in two specific geographic areas: 1) the Eden Prairie Segment and 2) the St. Louis Park/Minneapolis Segment, and the identification of the location of a proposed Operation and Maintenance Facility (OMF) in Hopkins. The SDEIS includes a description of the process and analyses used to identify adjustments to the LPA for those three topics and includes additional preliminary Section 4(F) *de minimis* impact findings not included in the DEIS.

EPA reviewed the 2012 DEIS and provided comments to FTA on December 27, 2012. We rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (See attached "Summary of EPA Rating Definitions and Follow-Up Actions"). Our comments and primary recommendations were to clarify the project purpose and need, and adequately analyze

alternative impacts related to the OMF, aquatic resources, water quality, neighborhoods with environmental justice concerns, air quality, and noise. We also recommended undertaking an evaluation of a possible modification to DEIS Alternative LRT-3 to avoid impacts to a major wetland area. Since the SDEIS is limited in scope, the SDEIS discloses that substantive comments FTA received during the DEIS public comment period will be addressed in the Final EIS (FEIS) and not this SDEIS (page ES-24).

Based on our review of the SDEIS, EPA rates the SDEIS as Environmental Concerns – Insufficient Information (EC-2). EPA's detailed comments on the DEIS still apply and we remain particularly concerned with potential impacts to aquatic resources, water quality and associated mitigation. See the enclosure for EPA's detailed comments regarding the SDEIS.

According to the SDEIS (page i), FTA will issue a single FEIS and Record of Decision (ROD) document. EPA recommends FTA convene a meeting of cooperating and participating resources agencies to present and discuss FTA's proposed draft written responses to SDEIS and DEIS comments prior to FTA issuing the combined FEIS/Record of Decision (ROD). This will allow the resources agencies opportunity to react to the proposed responses to the agencies' SDEIS and DEIS comments, and for revisions to be made (if appropriate) prior to release of the FEIS/ROD.

Virginia Laszewski of my staff is EPA's lead NEPA reviewer for this project. She may be reached by calling 312/886-7501 or by email at laszewski.virginia@epa.gov. EPA requests at least a two-week advance notice prior to our receipt of project materials for review and/or prior to project meetings/conference calls. We also request one hard copy and 3 DVDs of the FEIS/ROD, when it is available.

Sincerely,

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

Enclosures (2): 1) EPA Comments - FTA SWLRT SDEIS, and 2) "Summary of Rating Definitions and Follow-Up Actions."

Cc (email):

Nani Jacobson, Assistant Director, Environmental and Agreements, Metro Transit, Southwest LRT Project, Nani.Jacobson@metrotransit.org.
Melissa Jenny, USACE-St Paul, Melissa.m.jenny@usace.army.mil
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Sarah Beimers, Minnesota State Historic Preservation Office, sarah.beimers@mnhs.org
Leslie Stovring. City of Eden Prairie, lstovring@edenprairie.org

EPA Comments - Federal Transit Administration (FTA) May 2015 Supplemental Draft Environmental Impact Statement (SDEIS) – Southwest Green Line LRT Extension, Hennepin County, Minnesota
(CEQ # 20150132)

BACKGROUND

The Federal Transit Administration's (FTA) 2012 Draft Environmental Impact Statement (DEIS) presented the transportation and environmental impacts associated with the construction and operation of an approximately 16-mile Southwest Light Rail Transit (LRT) (METRO Green Line Extension) project as an extension of the METRO Green Line (Central Corridor LRT). The Southwest LRT (SWLRT) would operate from downtown Minneapolis through the communities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, passing in close proximity to Edina. The DEIS identified a Locally Preferred Alternative (LPA). The DEIS LPA encompassed DEIS Alternative 3A (relocate freight line) and Alternative 3A-1 (co-locate SWLRT along existing freight line corridor). Since the 2012 DEIS, the Metropolitan Council (Council) has made design adjustments and modifications to the LPA.

The limited-scope Supplemental DEIS (SDEIS) updates the DEIS to identify and evaluate the environmental effects to reflect the Council's revised LPA adjustments in three specific areas:

1. Eden Prairie Segment

Adjustments were made to the light rail alignment, stations, and park-and-ride lots in the Eden Prairie Segment with related bus, roadway, and bicycle/pedestrian improvements. This includes but is not limited to:

- The western terminus station (Mitchell Station) would be located on the south side of Technology Drive, west of Mitchell Road, instead of immediately south of highway 212 as identified in the DEIS.

2. Location of the Operation and Maintenance Facility

- A 15-acres site in Hopkins is proposed for the OMF (Hopkins OMF 9A). The Hopkins OMF site would be located 1,000 feet south of the proposed Shady Oak Station within an existing office/warehouse and light manufacturing development. The Hopkins site was not evaluated in the 2012 DEIS.

3. St. Louis Park/Minneapolis Segment

Adjustments were made to the light rail alignment, stations, and park-and-ride lots within the St. Louis Park/Minneapolis Segment with related bus, roadway and bicycle/pedestrian improvements, and freight rail modifications. This includes but is not limited to:

- Co-location of the light rail in this segment, retaining existing Twin Cities and Western (TC&W) freight rail service in the Kenilworth Corridor, with some modification to freight rail tracks to accommodate the light rail.

- Placement of the proposed light rail alignment in a shallow tunnel in the Kenilworth

Corridor generally between West Lake Street and the Kenilworth Lagoon (a constructed waterway that connects Lake of the Isles and Cedar Lake). The light rail alignment would rise back to grade to cross the lagoon on a new bridge and would continue at-grade throughout the remaining eastern portion of the Kenilworth Corridor.

WETLANDS

- USACE correspondence dated October 16, 2014 (SDEIS Appendix E) indicates that impacts to Waters of the United States associated with the LPA have risen from approximately 8.7 acres, identified as of April 2014, to approximately 18.5 acres, as a result of wetland delineations and further project development. Thoughtful project design and consideration of staging areas and access will likely allow for smaller permanent wetland impacts or fewer temporary wetland impacts.

  Recommendations: EPA hereby reiterates our comments on avoiding and minimizing wetland impacts, as discussed in our DEIS comment letter dated December 27, 2012. Additionally, many of the wetland impacts appear to be due to installation of pedestrian/sidewalk areas (as shown in Appendix G Conceptual Engineering Drawings). FTA and MnDOT should determine if alternatives to fill, such as elevated pedestrian boardwalks, are feasible to be used in delineated wetland areas. Reduction of fill by use of elevated boardwalks or, removal or relocation of proposed sidewalks in wetland areas, could or will significantly reduce impacts and related wetland mitigation requirements under Section 404 Clean Water Act Section 404 permitting requirements. Alternatives to fill, particularly in these areas, should be discussed in the FEIS.

- A number of Traction Power Substations (TPSSs) will be required to supply electrical power to the traction networks and passenger rail stations. They will need to be sited at approximately one-mile intervals along the final route. Page 3-46 of the SDEIS states, "*In addition to the light rail related improvements described above, the LPA will also include TPSS facilities. The specific locations for TPSSs have not been defined; however, siting of these facilities will be determined by utilizing fully developed areas, including surface parking lots, existing roadway right-of-way, and vacant parcels where feasible.*" However, specific (though general) overall locations of TPSS facilities were shown in Appendix G Conceptual Engineering Drawings. The SDEIS does not analyze or discuss detailed potential wetland impacts associated with these TPSS locations, nor are such impacts reflected in the wetland impact figures (Exhibit 3.2-5; Exhibit 3.3-2; and Exhibit 3.4-5).

  Recommendation: Review of Appendix G drawings shows potential wetland impacts due to siting of TPSS stations. TPSS stations should be sited in upland (non-wetland) locations. As there is some flexibility in siting of TPSS stations, thoughtful design and planning may further reduce wetland impacts. Examples include, but are not limited to:

  - TPSS SW-21 (Eden Prairie Segment) includes a circled area on the north side of Technology Drive, which appears to be wetland. This area does not appear to have been included as a delineated wetland but may be in the vicinity of Wetland EP-02. Approximate location: 44.857997, -93.464456.

- TPSS SW-20 (Eden Prairie Segment) includes a circled area on the north side of Technology Drive, which appears to be wetland. This may have been delineated as the wetland north of Wetland EP-12. Approximate location: 44.858280, -93.456599.

- The SDEIS stated that the Hopkins Operations & Maintenance Facility (OMF) has been selected as the LPA. The Hopkins OMF currently has mixed industrial land uses, though construction would require approximately a total of 0.68 acre of wetland fill (three separate fill locations) to Wetland NM-HOP-13, a 2.67-acre wetland.

  Recommendation: While EPA commends the use of an existing industrial site for the OMF, wetland impacts may be able to be further minimized during final site design. EPA recommends that further wetland impact minimization at this location be investigated.

- The SDEIS clarifies that the LPA, LRT 3A-1, involves freight co-location[1] instead of freight rail relocation in the St. Louis Park/Minneapolis Segment. Wetland impacts associated with the St. Louis Park/Minneapolis Segment are estimated to be approximately 0.5 acres. The SDEIS was not clear as to whether or not this 0.5 acre impact estimate includes wetland impacts associated with the 45-foot relocation of the freight rail. Specifically, the SDEIS was unclear if the areas to which the freight rail will be moved have been delineated, and if wetland impacts associated with that relocation of the freight rail have been included in wetland impact totals. Additionally, the SDEIS was unclear if the areas to which the Cedar Lake LRT trail will be moved have been delineated, and if wetland impacts associated with that trail relocation have been included in wetland impact totals.

  Recommendation: In the FEIS, please provide clarification on whether or not the new freight rail and trail corridors have been delineated. If not, a delineation should be performed and any additional wetland impacts added to impact summary tables. Updated information should be provided in the FEIS.

STORMWATER AND CONSTRUCTION STAGING

- Page 3-65 of the SDEIS states, "*The project would construct additional stormwater facilities as needed, and construction would be coordinated with the local jurisdictions to connect the new facilities to existing stormwater management facilities.*" There was no discussion of implementation of permanent best management practices (BMPs), to include detention and infiltration facilities to control and treat stormwater runoff caused by an increase in impervious surfaces as a result of project implementation. The SDEIS did not discuss any green BMPs to control stormwater, including the use of pervious pavement at park and ride

[1] Design adjustments to 3A-1 would generally place the proposed light rail alignment and stations within the current freight rail right-of-way, and the freight rail alignment would be moved approximately 45 feet north onto right-of-way currently owned by the Hennepin County Regional Railroad Authority (HCRRA) (purchased as future light rail right-of-way and where light rail would have been under the conceptual design of LRT 3A and LRT 3A-1 within Draft EIS). In addition, the Cedar Lake LRT Trail, which is a permitted temporary use within the HCRRA-owned right-of-way north of the existing freight rail alignment, would be reconstructed further north within that same right-of-way, staying north of the repositioned freight rail alignment.

areas. Most importantly, the SDEIS did not confirm that stormwater detention basins will not be built in any wetland areas.

Recommendations: All stormwater BMPs and detention areas should be built and located outside of natural wetlands and streams. Existing natural wetlands should not be used as primary detention facilities, and any treated stormwater discharged to natural wetlands should not cause a change of existing use of the wetland (e.g., should not change an emergent wetland to an open water wetland, etc.) Green stormwater technologies, including the use of pervious or porous pavement, should be utilized throughout the project where feasible. The FEIS should include figures and project plans detailing stormwater basin locations, and ensure that no stormwater/sediment/erosion control measures are proposed to be constructed in wetlands or other Waters of the U.S. This should be clearly stated and supported in all figures provided with the Final EIS.

- The SDEIS did not discuss any construction access or staging areas that may be required to implement the LPA.

Recommendations: The FEIS should include proposed construction measures, including a discussion of staging areas and their locations, access to the worksite(s), and detailed discussion on any proposed in-stream construction. EPA recommends that equipment not work actively from within any stream, and that dewatering measures such as temporary portable dams or cofferdams be installed to isolate stream flow from any active work areas. Temporary impacts to wetlands and other Waters of the U.S. should be first avoided, then minimized. Any unavoidable temporary impacts to wetlands and other Waters of the U.S. should be included in the calculation of impacts and mitigation.

WELL HEAD PROTECTION - DRINKING WATER SUPPLY

The SDEIS (page 3-59) states: *"The west end of the Eden Prairie Segment, including the area around the Mitchell Station, is located within the Wellhead Protection Area, and the remainder of the segment is located in the Drinking Water Supply Management Area. In advance of construction, the Council will coordinate with the City of Eden Prairie to insure that the construction and operation of the LPA meets the provisions of the Wellhead Protection Plan (WHPP)."*

Recommendation: We recommend the FEIS disclose how construction and operation of the LPA could meet the provisions of the WHPP.

ACRONYMS AND ABBREVIATIONS

Recommendation: Include TPSS (Traction Power Substation) in *Acronyms and Abbreviations (pages xvii – xix).*

SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION

Environmental Impact of the Action

LO-Lack of Objections
The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns
The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections
The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory
The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1-Adequate
The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alterative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information
The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment

From: Cathy Deikman
To: swlrt
Subject: SWLRT SDEIS response
Date: Tuesday, July 21, 2015 11:52:12 PM

I endorse the SWLRT SDEIS response submitted today by the organization LRT Done Right.

Cathy Deikman
Minneapolis

From: Jacobson, Nani
To: swlrt
Subject: FW: SWLRT Supplemental DEIS
Date: Tuesday, July 21, 2015 11:21:12 PM

From: dougildner [mailto:dougildner@aol.com]
Sent: Tuesday, July 21, 2015 10:54 PM
To: Jacobson, Nani
Subject: SWLRT Supplemental DEIS

Dear Ms. Jacobson,

After attending meetings too numerous to count, we hold little hope that anyone on the Metropolitan Council is paying attention to the "voice of the people," but we will add our comments for the record.

As Rep. Linda Runbeck (Mn. House of Representatives) has stated, "The proposed SWLRT poses a multitude of problems."
Unfortunately the SDEIS seems to gloss over many of these problems and does not address adequately the very large issue of public safety.
As Rep. Frank Hornstein (Mn. House of Representatives) so eloquently said when he listed the many safety issues surrounding this project, "We need more information in this SDEIS document." As you will remember, he urged the Council to delve into the dangers of hazardous materials zooming through the Kenilworth Corridor side by side with trains transporting people. He also emphasized that the dangers will increase during the construction period. Earlier in the year, he urged a "wake up call" for oil and transportation safety. In his remarks at the Dunwoody open house, he said the SDEIS "should emphasize the effects on houses and people." The SDEIS has not done so.

Many aspects of the project have changed since the original DEIS was published. However, the SDEIS virtually ignores issues like vibration and noise ("a moderate non-residential noise impact would occur at the Kenilworth Channel") pays scant attention to dewatering and deforesting, and from a perfunctory study, minimizes the potential damage to our Chain of Lakes. The construction alone poses severe threats to Cedar Lake and Lake of the Isles. The long-term damage could take years to make itself known, yet the document suggests that there will not be adverse effects. Though the SDEIS "evaluates visual and aesthetic impacts," the solutions to what are clearly man-made structures intruding on nature, are hardly in keeping with a peaceful green space. Perhaps further study would point out many more "substantial overall levels of impact." There is also the issue of railroad contamination during construction and the contamination inherent in the Cedar Lake Yards (Six potentially contaminated sites have been identified...") To what extent will mitigation be needed and what will it cost?

These and other important issues have been studied in depth and reviewed by the LRT Done Right Group. We support their comments and will add in closing, comments made by Rep. Jenifer Loon (Mn. House of Representatives.) "Overall, this project simply does not achieve the goals of connecting workers, shoppers and people in a cost effective manner."

You will note that the concerns voiced by our elected officials from both sides of the aisle, echo the concerns of the citizens they represent.
Why is it that we are not being heard by the Metropolitan Council? It is time to re-think, re-scope and re-route the SWLRT

Thank you,

Gretchen and Doug Gildner
24 Park Lane
Minneapolis

From: Julia
To: swlrt
Subject: SWLRT
Date: Tuesday, July 21, 2015 7:24:38 PM

I am writing in support of the SWLRT. We just returned from Norway and Denmark, and we so impressed with the trains and mass transits options available to all people, everywhere. In the mountains, along the fjords, in the cities, and the outskirts. For the health of our city, ourselves, we need to make this line happen. We need another spoke in the transit system that will build this area into a real community that will last for generations.

Please do everything in your power to make this line happen, these trains run. And please keep the 21st station. I'm all for creativity. Put in a highline for bikes and walkers in the narrows of Kenilworth.

The other amazing thing about Copenhagen and Oslo and cities along the way, was how little car traffic there was. We are SO blind to cars, their noise and pollution. Ditto for highways. We've come to see them as the norm, so much so, that we don't even see them anymore. With 394 being worked on, the noise of engines, cars, is down significantly. I'm not sure any of my Kenwood neighbors will admit to noticing this, being so car dependent and anti-lightrail, but it is true.

I want Minneapolis to rank with the small European cities are so livable. I want the best Minneapolis possible. And that means SWLRT.

Sincerely,
Julia Singer

From: George Puzak
To: swlrt
Subject: SWLRT--Comments on SDEIS--Please acknowledge receipt
Date: Tuesday, July 21, 2015 5:42:40 PM
Attachments: Comments on SWLRT SDEIS July 21 2015.pdf

Dear SWLRT Project Office staff,
I submitted the attached comments by email today, July 21, 2015, at 11:46 am.
Please acknowledge receipt of them. Thank you.

George Puzak
cell 612.250.6846
greenparks@comcast.net
1780 Girard Avenue South
Minneapolis, MN 55403

From: George Puzak [mailto:greenparks@comcast.net]
Sent: Tuesday, July 21, 2015 11:46 AM
To: 'swlrt@metrotransit.org'
Cc: 'adam.duininck@metc.state.mn.us'; 'gary.cunningham@metc.state.mn.us'; 'gail.dorfman@metc.state.mn.us'; 'steve.elkins@metc.state.mn.us'
Subject: SWLRT--Comments on SDEIS

Dear Ms. Jacobson and SWLRT Project Office staff,

Please accept these comments on the Supplemental Draft Environmental Impact Statement (SDEIS) for SWLRT.

The SDEIS does not adequately address alternatives for SWLRT, nor does it adequately address the impacts of freight rail in the Kenilworth Corridor. The SDEIS cannot fix this project's fundamental flaw—**Hennepin County's failure to include freight rail in the project's original "scoping process.**" Hennepin County explicitly omitted freight rail from the project when it selected the SWLRT alignment in 2009, yet added freight rail to the project in 2011. The flaw is that when Hennepin County added freight rail (a new mode) after selecting the route, it failed to re-open scoping and re-examine all alternatives and alignments. The new mode fundamentally changed all aspects of the project.

Required by the National Environmental Policy Act (NEPA), scoping is the first step in environmental review. It identifies the issues, alternatives, locations, and modes of transport to be studied in a transit project's environmental impact statement (EIS). But Hennepin County, in both its 2009 Scoping Report and 2010 Locally Preferred Alternative (LPA), failed to include freight rail as part of SWLRT. Five cities then proceeded to vote and approve the 2010 LPA. In 2011, despite receiving notice from the Federal Transit Administration (FTA) that freight rail is part of SWLRT, Hennepin County failed to amend the scoping report and re-open scoping for public comment, and thus violated NEPA.

Compounding the problem, in summer 2014, the Met Council imposed yet another, fundamentally different plan to be approved, this time through municipal consent: while the 2010 LPA approved by five cities had omitted freight rail in Minneapolis' Kenilworth corridor, the 2014 plan included it. Yet, the Met Council provided no Draft EIS on freight rail, LRT tunnels, and soil conditions before the vote. Citizens lacked critical information and officials from Minneapolis and four other cities were forced to vote on municipal consent.

The current plan would run electric-sparking LRT trains as close as 15 feet from freight trains (carrying as many as 100 cars of ethanol — an explosive whose flash point is below that of oil) through residential neighborhoods, over the Chain of Lakes Kenilworth Channel, and through downtown next to Target Field. *But this arrangement was never included in the original scoping phase. This omission limited the choice of transit options and alignments that citizens and decision makers considered.* Further, neither citizens nor public officials had information about the 2014 plan's environmental and public safety risks before the vote. Thus, the cities gave blind consent, not informed consent.

The government's own errors in following legally-required processes have now caused a conflict—the 2014 municipal consent plan includes freight rail, but the 2010 Locally Preferred Alternative (LPA) does not. The Met Council must update the LPA—triggering a new round of public hearings and municipal votes. The government's own studies also contradict the current plan. According to the December 2012 DEIS, co-location of freight rail and light rail in Kenilworth would not adequately preserve the environment and quality of life in the surrounding area. What has changed since 2012?

Contrary to law, the Met Council has limited the choice of reasonable alternatives and alignments. Reducing costs, studying freight rail in the Supplemental DEIS, and repeating municipal consent are not sufficient remedies. There are only two remedies:

1. Eliminate co-location of freight and LRT by re-locating freight rail out Kenilworth and build the plan approved in 2010; or
2. Re-open and include freight rail in SWLRT's original scoping process. This remedy will allow government and citizens to study all reasonable alternatives for LRT alignments, while acknowledging freight rail's routing, costs, and impacts.

Thank you for your consideration.

George Puzak
1780 Girard Avenue South
Minneapolis, MN 55403
cell 612.250.6846
greenparks@comcast.net

George Puzak
1780 Girard Avenue South
Minneapolis, MN 55403
cell 612-250-6846
greenparks@comcast.net

July 21, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
via email: swlrt@metrotransit.org

Dear Ms. Jacobson and SWLRT Project Office staff,

Please accept these comments on the Supplemental Draft Environmental Impact Statement (SDEIS) for SWLRT.

The SDEIS does not adequately address alternatives for SWLRT, nor does it adequately address the impacts of freight rail in the Kenilworth Corridor. The SDEIS cannot fix this project's fundamental flaw—**Hennepin County's failure to include freight rail in the project's original "scoping process."** Hennepin County explicitly omitted freight rail from the project when it selected the SWLRT alignment in 2009, yet added freight rail to the project in 2011. The flaw is that when Hennepin County added freight rail (a new mode) after selecting the route, it failed to re-open scoping and re-examine all alternatives and alignments. The new mode fundamentally changed all aspects of the project.

Required by the National Environmental Policy Act (NEPA), scoping is the first step in environmental review. It identifies the issues, alternatives, locations, and modes of transport to be studied in a transit project's environmental impact statement (EIS). But Hennepin County, in both its 2009 Scoping Report and 2010 Locally Preferred Alternative (LPA), failed to include freight rail as part of SWLRT. Five cities then proceeded to vote and approve the 2010 LPA. In 2011, despite receiving notice from the Federal Transit Administration (FTA) that freight rail is part of SWLRT, Hennepin County failed to amend the scoping report and re-open scoping for public comment, and thus violated NEPA.

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The government's own errors in following legally-required processes have now caused a conflict—the 2014 municipal consent plan includes freight rail, but the 2010 Locally Preferred Alternative (LPA) does not. The Met Council must update the LPA—triggering a new round of public hearings and municipal votes. The government's own studies also contradict the current plan. According to the December 2012 DEIS, co-location of freight rail and light rail in Kenilworth would not adequately preserve the environment and quality of life in the surrounding area. What has changed since 2012?

Contrary to law, the Met Council has limited the choice of reasonable alternatives and alignments. Reducing costs, studying freight rail in the Supplemental DEIS, and repeating municipal consent are not sufficient remedies. There are only two remedies:

1. Eliminate co-location of freight and LRT by re-locating freight rail out Kenilworth and build the plan approved in 2010; or
2. Re-open and include freight rail in SWLRT's original scoping process. This remedy will allow government and citizens to study all reasonable alternatives for LRT alignments, while acknowledging freight rail's routing, costs, and impacts.

Thank you for your consideration.

George Puzak

George Puzak

From: louschoen .
To: swlrt
Subject: The Plan
Date: Tuesday, July 21, 2015 3:20:54 PM

The biggest problem you have is that the choice for the route between Kenilworth and St. Louis Park was a false choice in the beginning.

Why not route the line through Uptown and South Minneapolis, where there's a multitude of potential passengers, instead of through Kenilworth!

--

Lou Schoen
952-374-9719
cell 612-558-0720

From: Fred Sewell
To: swlrt
Subject: Light Rail Done Horribly Wrong
Date: Tuesday, July 21, 2015 4:34:45 PM

We have just spent literally over one hour reading the document: SouthWest Light Rail Supplemental DEIS. It is terribly important that each of you on the Metropolitan Transit Office take the time to study the findings contained therein. We are disturbed beyond belief with what we have learned. How in the world can you possibly let this project continue? IF THIS PROJECT IS ALLOWED TO PROCEED AS PLANNED, THE IMPACT ON OUR BEAUTIFUL CITY WILL BE BEYOND HORRIBLE.

Please, PLEASE think about the impact of this plan, as well as the things that you have not addressed, and STOP the project immediately until all of the issues outlined in the study have been satisfactorily addressed.

Sincerely,

Fred and Gloria Sewell
16 Park Lane
Minneapolis

Comment #208

July 21, 2015

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

SUBJECT: Southwest LRT SDEIS Comments

Ms. Jacobson:

The City of Eden Prairie has reviewed the Southwest LRT Supplemental Draft Environmental Impact Statement (SDEIS). We appreciate the opportunity to review the SDEIS and respectfully submit the following comments for consideration:

General Comments

1) The City of Eden Prairie continues to support an alignment that matches the alignment evaluated in the SDEIS. This includes an end-of-line Mitchell Station located on City Center property and a Town Center Station that is centrally located midpoint between Flying Cloud Drive and Prairie Center Drive as well as Technology Drive and Singletree Lane. The City Council provided Municipal Consent to this plan on July 14, 2014.

2) The design of the Southwest LRT must complement and be coordinated with the services offered by Southwest Transit. Future Southwest Transit operations are critical to the design and operation of the Southwest LRT line. Southwest Transit needs to be an active partner in the development of Southwest Station plans. Impacts to Southwest Transit's operations during construction of LRT should be minimized.

3) The Southwest LRT bridge structure adjacent to Purgatory Creek Park and the Veteran's Memorial will be a primary visual component of the park once constructed. The bridge must be designed with appropriate context and to compliment the park setting and experience. Due to its location and its visual impacts enhanced aesthetic treatment for the bridge should be included in the base project costs. In addition the bridge will permanently impact the park's entry area and signage board located near the Prairie Center Drive / Technology Drive intersection. The Southwest LRT design must restore these park amenities to a similar or better condition.

4) The Southwest LRT construction will have temporary impacts to the Purgatory Creek Park and trail system which must be eliminated or minimized and appropriately coordinated with the City of Eden Prairie. The Purgatory Creek Park has a number of programs and events throughout the year that can be scheduled up to a year in advance and have the potential to be impacted by the SWLRT construction. It is imperative that avoiding and minimizing the impacts on these activities be accounted for in the construction schedule. In addition, the loop trail around the Purgatory Creek pond and wetland area is a primary and heavily used recreation amenity within Eden Prairie and its functionality must be maintained throughout construction.

5) The grade separated LRT crossing of Valley View Road at Flying Cloud Drive should be refined to eliminate curves. A straightened alignment significantly reduces the SWLRT travel time and has the additional benefit of reducing private property impacts, better coordinating with future improvements in the TH 212 / Valley View Road interchange area, and preserving excess right-of-way for future potential development.

6) Should the alignment, number of stations, and parking distribution be modified from the SDEIS, additional analysis should be completed to ensure adequate roadway, parking, sidewalk and trail infrastructure exists to serve the changed traffic patterns and parking demand.

7) The location, placement, and screening of the Traction Power Sub-Stations (TPSS), signal bungalows, and other LRT accessory cabinets and equipment must be closely coordinated with the City of Eden Prairie. This equipment must be located, screened, and designed as appropriate to avoid impacts to existing and future developments.

8) The project must evaluate alternatives and determine solutions for mitigating design and construction impacts of the project on all businesses, residents, and properties along the corridor. These should include ongoing communication methods such as social media, newsletters, and wayfinding signage. The City should be included as a partner in determining the appropriate solution for the identified impacts.

Detail Comments

1) Section 3.2.1.1 (Land Use)
    a. Planned land uses in the east portion of the segment tend to be office, industrial, and mixed use.
    b. The location of the proposed Mitchell Station is adjacent to Eden Prairie City Center. The Town Center refers to another area along the alignment farther to the east.
    c. Eden Prairie has prepared a TOD ordinance that will be proceeding through the

public review process. Adoption of the ordinance is anticipated for August/September 2015.

2) 3.2.1.3 (Cultural Resources) - Three areas of archeological potential were identified within the revised Eden Prairie Segment. Evaluation of one site (site C) was completed. There are two remaining sites that have not been evaluated according to the SDEIS. The City of Eden Prairie recommends that the two remaining sites (sites A and B) are fully evaluated and if any of those sites are found to meet NRHP criteria, potential effects to those sites and mitigation measures should be considered.

3) 3.2.1.5 (Visual Quality and Aesthetics) - The analysis completed with the SDEIS indicates a decrease in visual quality and aesthetics in nine out of the ten vantage points. The other vantage point maintains the same visual quality and aesthetics as in the original condition. Considering the significant impacts of the project to the built environment of the Eden Prairie community, particularly Purgatory Creek Park, aesthetic improvements such as lighting, structure design elements, and other visual treatments will be essential to maintain the quality of the character of areas adjoining the LRT line. The Southwest Project Office should closely coordinate the design of all architectural and aesthetic elements with the City of Eden Prairie. In addition, the City of Eden Prairie supports and encourages the Southwest Project Office to actively engage in outreach to residents, property owners and other stakeholders regarding the aesthetic design elements of the project.

4) 3.2.1.5 (Visual Quality and Aesthetics) - The City does not concur with the conclusion that eight of the ten vantage points evaluated will not have a substantial level of visual and aesthetic impact. As stated above the project is expected to significantly change the built environment within the corridors it is constructed. Aesthetic and visual quality treatments must be primary elements of the SWLRT design in order to best integrate the SWLRT into the existing environment. In particular, the viewpoints adjacent to and within Purgatory Creek Park will have a substantial level of visual and aesthetic impact as SWLRT and the bridge structure along Prairie Center Drive will be a primary visual component of the park once constructed. The bridge must be designed with appropriate context and to compliment the park setting and experience. Due to its location and its visual impacts enhanced aesthetic treatment for the bridge should be included in the base project costs.

5) Section 3.2.2.1 Subp. B. (Groundwater) - The SDEIS references our 2004 Wellhead Protection Plan (WHPP), the modeling has since been updated and the draft WHPP (Parts 1 & 2) sent to the MDH for approval. The Draft WHPP has been through all the relevant reviews (local government units and public comment hearings) and has been submitted to the MDH for review and approval. Approval from the MDH is expected soon. The FEIS

should be updated based on the new WHPP as the DWSMA and Wellhead Protection Area have both changed significantly.

6) Section 3.2.2.2 Subp. A. (Floodplains) - The SDEIS only references FEMA, but both Nine Mile and Riley-Purgatory-Bluff Creek Watershed Districts have done flood profile modeling and they are both close to finishing Atlas 14 models which could impact the amount of potential floodplain fill. The findings should be incorporated into the FEIS.

7) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts) - The SDEIS includes the statement that "No additional public watercourses were identified by analysis of MnDNR GIS data for the Eden Prairie Segment." There are a number of DNR Protected Wetlands on this corridor (including EP-EP-07, EP-EP-15, EP-EP-16 and EP-EP-23 that are listed as being impacted by the project as well as the creeks. These would typically be identified as public waters. The FEIS should include some clarification should be added on what is included in the definition of public watercourses (is it just lakes?). Purgatory and Nine Mile Creeks are listed as public waters later on in some of the discussions under the subtitle of Public Waters, so these should be indicated here to avoid confusion. It would also help if in the Wetlands Section a statement for those that are MnDNR public wetlands or waters was added into the individual paragraphs for each wetland.

8) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts – Wetlands)
   a. In the third sentence of the introductory paragraph it is stated that "The total wetlands filled in this segment…" This statement seems to indicate that 16 wetlands would be completely filled, whereas some of them will only be partly filled. The FEIS should state how many would be completely filled and how may would be partially filled to provide better clarity.
   b. In the list they state that EP-EP-15 is part of a larger wetland complex. However, this is actually 2 distinct areas. The northern piece (City ID 15-13-E) is a constructed wetland mitigation site. The larger, southern piece (15-14-A) is a natural wetland complex (and Purgatory Creek). The discussion for this wetland should indicate that the impacts will occur within that part that is a wetland mitigation area as this will have greater protections that must be dealt with than the remaining wetlands will.

9) Exhibit 3.2-5 - There is a map error; DIG-EP-EP-04 and associated impacts are actually north of Technology Drive.

10) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts – Floodplains) - Calculations for floodplain impacts are based on the FEMA maps only.

The FEIS should re-evaluate based on the Watershed District models once they are completed (for the Final EIS).

11) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts – Public Waters and Stormwater Management)
    a. The first paragraph states that Purgatory Creek, a public waterway, would be spanned by the proposed light rail alignment immediately south of where Technology Drive currently spans the creek. However, the next sentence states that the LPA construction limits would be close to Lake Idlewild. This is an error; the Purgatory Creek crossing is not located by Lake Idlewild, but flows between EP-EP-17 and EP-EP-15.
    b. The fifth paragraph includes the statement "Eden Prairie and the Riley-Purgatory-Bluff Creek Watershed District have stormwater management regulations and program." This should be corrected in the FEIS to read "Eden Prairie and the Nine Mile Creek and Riley-Purgatory-Bluff Creek Watershed Districts have stormwater management regulations and programs."

12) Section 3.2.2.2 Subp. B. (Short-Term Water Resources Impacts – Public Waters and Stormwater Management) - The SDEIS states that "An MnDNR-certified erosion and sediment control specialist would be employed…" This should be a University of Minnesota certified and/or MPCA approved erosion and sediment specialist.

13) Section 3.2.2.2 Subp. C. (Mitigation Measures) - This section indicates that the Section 404 permit application will identify compensatory mitigation and that this plan would be reviewed by the USACE prior to submittal of the Section 404 permit application. However, a compensatory mitigation plan will also need to be submitted to the appropriate Local Government Units for review and approval. The process for this local review and approval of the mitigation measures should be added to this section.

14) Section 3.2.2.3 (Noise) – The methodology section indicates that grade crossing bells have the highest level of cumulative noise impact and their potential use in areas of residential land uses must be evaluated and reviewed with the City. Any modification to the proposed LRT operational assumptions and how they impact grade crossings must be accounted for in the updated FEIS analysis and if necessary appropriately mitigated.

15) Section 3.2.4.1 Subp. B. (Transit – Long Term Impacts) – The City supports and see benefits in operating Express Bus Service along with LRT from Southwest Station

16) Section 3.2.4.2 Subp. B. (Roadway and Traffic) – This section identifies several intersections that are expected to operate at unacceptable level-of-services (LOS E or F) in the build condition without mitigation. Acceptable mitigation strategies must be identified and implemented for each intersection identified. Any modification to the

proposed LRT operational assumptions and how they impact traffic operations must be accounted for in the updated FEIS analysis.

17) Section 3.2.4.2 Subp. B. (Roadway and Traffic – Long Term Impacts) – Bulleted list of key changes should indicate that Technology Drive will be converted from a four-lane roadway section to a three-lane section.

18) Section 3.2.4.2 (Roadways) - The City has identified through various planning studies and processes the following locations where future roadways and trail/sidewalk crossings of SWLRT may be desired. The potential for these future crossings should be acknowledged:
    - Additional or relocated access for the UHG / Optum campus on Technology Drive
    - A second north-south roadway to the west of the proposed north-south main street and the Town Center Station
    - An east-west roadway south of West 70th Street and the Golden Triangle Station
    - An east-west roadway north of West 70th Street and the Golden Triangle Station

19) Section 3.2.4.2 Subp. B. (Roadway and Traffic – Short Term Impacts) – First bullet indicates potential roadway closures for construction of the Flying Cloud Drive / Valley View Road LRT bridge may be necessary. No long term closures of these roadways or any other roadway impacted by LRT construction should be considered. It is understood that weekend or evening closures may be necessary for certain construction activities. These closures must be coordinated with the City and all impacted businesses, residents, and properties.

20) Section 3.2.4.2 Subp. B. (Roadway and Traffic – Short Term Impacts) – Temporary construction impacts must be evaluated and to the extent possible minimized and mitigated. This includes providing viable access to all properties at all times.

21) Section 3.2.4.2 and 3.2.4.3 (Roadway and Traffic / Parking) – The parking demand and roadway impacts for end-of-line parking should be planned for in the design of the build project. This is in reference to the statement in Note 20 on page 3-82 that indicates that the structured park-and-ride lot at Southwest Station would increase by approximately 600 spaces if Mitchell Station were eliminated and Southwest Station was the western terminus of the line.

22) Section 3.2.4.3 Subp. B. (Parking) – The SDEIS does not identify the parking impacts to the Eden Prairie City Center building (8080 Mitchell Road). There are both short and long term impacts for the property that would need to be mitigated.

23) Section 3.2.4.4 Subp. B. (Bicycle and Pedestrian) – The loop trail around the Purgatory Creek pond and wetland area is a primary and heavily used recreation amenity within

Eden Prairie and any closure of this trail would have significant impacts. The functionality of this trail must be maintained throughout construction.

24) Section 3.2.4.4 Subp. B. (Bicycle and Pedestrian) – The design of Southwest LRT should not preclude or increase the cost of providing a direct trail connection between the Prairie Center Drive / Technology Drive intersection and the Southwest Station platform.

25) Section 3.2.4 (Utilities) – The City of Eden Prairie has a number of large diameter collector and distribution water lines within the proposed SWLRT project limits. Shut down of these lines would have a significant impact on the City's water operation and cannot be permitted during the peak demand months. Shut downs to other lines may also need to restricted. All watermain shut downs must be coordinated with the City and impacted businesses, residents, and property owners. In addition any impacts to sanitary sewer lines and services must also be coordinated with the City and impacted businesses, residents, and property owners.

26) Exhibit F-32 (LRCIs) – LRCIs 5 and 7 should also be shown along Eden Road.

Sincerely,

Rick Getschow
City Manager

CC: Mayor and City Council

CITY OF EDEN PRAIRIE, MINNESOTA
8080 Mitchell Rd | Eden Prairie, MN | 55344-4485
Engineering

ZIP 55305
02 1W
$ 001.20⁰
0001386502 JUL 22 2015

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

RECEIVED
JUL 23 2015
BY: SPO

M.2-1021

From: Chris Johnson
To: swlrt
Subject: SWLRT SDEIS
Date: Wednesday, July 22, 2015 10:30:12 PM

Dear Met Council,

I support LRT Done Right's response to the SDEIS.

Kenilworth is the wrong place to route SWLRT, and everyone knows it.

Co-location of freight, light rail, bicycle, and pedestrians in the narrow corridor is beyond absurd and totally unsafe.

The successful metro areas of the future will prioritize green space, walkability and bikeability in addition to mass transit. More bike paths, walking paths, and green spaces. More public transit options. Healthier citizens. Less cars. Therefore...

LRT should displace cars, not trees. New LRT infrastructure should take the place of automobile infrastructure, rather than bike paths, walking paths, parks and woods.

I have not seen any reasonable explanation for why the SWLRT can't be routed away from Kenilworth. Through Uptown, for example, or along existing freeway corridors.

Please do what is right, and change the route!

Christopher J. Johnson

From:	Jacobson, Nani
To:	swlrt
Subject:	FW: Comments- Southwest Light Rail Transit (Metro Green Line Extension), Hennepin County, Minnesota
Date:	Wednesday, July 22, 2015 5:07:07 PM
Attachments:	er15-311.pdf

SDEIS comment.

From: Mathis, Gregory (DOT) [mailto:greg.mathis@state.mn.us]
Sent: Wednesday, July 22, 2015 3:09 PM
To: Jacobson, Nani; Leon Skiles (skiles@comcast.net)
Cc: Campbell, Kelcie
Subject: FW: Comments- Southwest Light Rail Transit (Metro Green Line Extension), Hennepin County, Minnesota

Nani and Leon – FYI

Greg Mathis
Cultural Resources Unit
Office of Environmental Stewardship
Minnesota Department of Transportation
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155
Office: 651-366-4292 / Fax: 651-366-3603
greg.mathis@state.mn.us

From: Sarah Beimers [mailto:sarah.beimers@mnhs.org]
Sent: Wednesday, July 22, 2015 11:20 AM
To: Mathis, Gregory (DOT)
Subject: Fwd: Comments- Southwest Light Rail Transit (Metro Green Line Extension), Hennepin County, Minnesota

FYI

Sarah Beimers
Manager of Government Programs & Compliance | Minnesota Historic Preservation Office
Heritage Preservation Department | Minnesota Historical Society | 345 Kellogg Boulevard West | St. Paul MN 55102
tel: 651-259-3456 | e: sarah.beimers@mnhs.org

---------- Forwarded message ----------
From: **Barbara Howard** <barbara.howard@mnhs.org>
Date: Sat, Jul 18, 2015 at 6:59 AM
Subject: Fwd: Comments- Southwest Light Rail Transit (Metro Green Line Extension), Hennepin County, Minnesota
To: Kelly <kelly.graggjohnson@mnhs.org>, Sarah Beimers <sarah.beimers@mnhs.org>

Sent from my iPad.

Begin forwarded message:

From: "Darby, Valincia" <valincia_darby@ios.doi.gov>
Date: July 17, 2015 at 10:56:21 AM CDT
To: <Marisol.simon@fta.dot.gov>
Cc: <barbara.howard@mnhs.org>,
<commissioner.mclaughlin@hennepin.us>
Subject: Comments- Southwest Light Rail Transit (Metro Green Line Extension), Hennepin County, Minnesota

Ms. Simon,

The U.S. Department of the Interior offers the following comments on the subject project. If there are questions, please contact this office at (215) 597-5378.

Best Regards,

Valincia

--

Valincia Darby

Regional Environmental Protection Assistant

Department of the Interior, OEPC

200 Chestnut Street, Rm. 244

Philadelphia, PA 19106

Phone: (215) 597-5378 Fax: (215) 597-9845

Valincia_Darby@ios.doi.gov

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

IN REPLY REFER TO:

July 17, 2015

9043.1
ER 15/0311

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

Dear Ms. Simon:

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

Section 4(f) Comments

This document considers effects to properties identified in the project study area as eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303 § 771.135) associated with a 15-mile light rail transit (LRT) line in the Minneapolis/St. Paul region, the proposed Southwest Transitway (Project). The Federal Transit Administration (FTA), along with the Hennepin County Regional Railroad Authority (HCRRA) and the Metropolitan Council Regional Transit Board (RTB), have proposed the Project that connects downtown Minneapolis to the cities of St. Louis Park, Hopkins, Edina, Minnetonka, and Eden Prairie. The intent of the Project is to improve access and mobility to the jobs and activity centers in the Minneapolis Central Business District, as well as to the expanding suburban employment centers. The Project was identified by the RTB in the late 1990's as warranting a high-level of transit investment to respond to increasing travel demand in a highly congested area of the region. A draft environmental impact statement (EIS) for the Project was released in the late fall of 2012 and the Department provided comments on the Section 4(f) impacts. We felt at that time the analysis in the Section 4(f) was too preliminary to be able to concur in any findings.

In 2013 and 2014, the FTA determined that design adjustments made to the preferred alternative that was identified in the Draft EIS needed to be evaluated for environmental impacts not documented in the Draft EIS and with the potential to result in new adverse impacts. The FTA, with the RTB, further determined those design changes in the preferred alternative warranted a specific review in a supplemental draft EIS document.

In the SDEIS, the FTA considered the impacts to several 4(f)-eligible resources; 12 were parks or recreation areas and 28 were historic properties either individually eligible for or listed on the National Register of Historic Places (NRHP), or were contributing elements to historic districts. A few properties were eligible both as park/recreation and historic properties. After considering the changes to the preferred alternative and its impacts on these resources, the FTA has made preliminary determinations that of the 12 park properties, 1 property (Purgatory Creek Park) would be affected only temporarily by construction (no permanent use), and 3 properties (Kenilworth Channel/Lagoon, Cedar Lake Park, and Byrn Mawr Meadows Park) would have *de minimis* impacts; the rest of the eligible park properties would have no 4(f) use. Of the 28 eligible historic properties, the FTA made preliminary determinations that the Project would have adverse effects on two properties (the Grand Rounds Historic District and Kenilworth Lagoon), and a *de minimis* effect on one property (the St. Paul, Minneapolis & Manitoba Railroad Historic District). In addition, two properties (the Minikahda Club and Cedar Lake Parkway/Grand Rounds Historic District) would be temporarily affected by construction activities, but no permanent use would occur.

The FTA will allow the public to comment on the SDEIS and this 4(f) evaluation before finalizing their determinations. For now, the FTA has concluded at least preliminarily that there are no feasible or prudent avoidance alternatives, other than the preferred alternative, that results in disturbances to 4(f) eligible properties. The Department concurs with the preliminary determinations of effect by the FTA, assuming that there are no subsequent changes to the preferred alternative or in the impacts to the eligible properties. We have no authority to agree to the determinations of *de minimis* impacts, but we would state that those determinations appear to have been decided correctly. The Department would likely concur with the preliminary determination that all measures to minimize harm have been employed concerning the two historic resources that will be subject to 4(f) use. This concurrence assumes the FTA and the State Historic Preservation Officer, along with the Section 106 consulting parties, come to some agreement on the mitigation necessary for the two resources, and an agreement document is signed by all parties. We will reserve our concurrence until we are provided a copy of the signed agreement.

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

We appreciate the opportunity to provide these comments.

Sincerely,

Lindy Nelson
Regional Environmental Officer

cc:
SHPO-MN (Barbara Howard barbara.howard@mnhs.org)
HCRRA (Peter McLaughlin commissioner.mclaughlin@hennepin.us)

From: JoycElvira@aol.com
To: swlrt
Subject: decision making for the future
Date: Wednesday, July 22, 2015 8:01:18 AM

To one and all whose seats and power rest on unelected office

I am writing to ask those in power to reconsider your decisions about where to locate the SWLRT line here in Minneapolis. Minneapolis is a beautiful and unique city. It is probably one of the few cities in the world, that still has so much wilderness and natural beauty left within its parks and borders. And then there are the unique lakes for the use of our citizens for pleasure from walking to playing to swimming and fishing.

I am asking you to consider this when you make use of your power to make your decisions about destroying these historic attributes You may not even have the right to make these decisions to destroy the historic attributes of this city for the future. Once they are gone they are gone Why should a few people have the right to make this decision for the future citizens of this city to destroy this historic beauty We should be stewards of this beauty rather than destroyers I am not even sure that these few unelected few have the right to do this If they proceed they become tyrants the few deciding for the many and the many having no rights or power to conserve

Another reason to locate this rail line and trains across the street from a public swimming beach where there will be small excited children running across the line to get to the beach This is an accident or death waiting to happen and then the tears will flow and hand wringing begin but it won't matter nor bring back lives. Right now all of you unelected decision makers have the opportunity to make this crossing safe When was the last time you had the opportunity to prevent tragedy? Right now you do have that opportunity to do the right thing and locate the SWLRT line in a less dangerous, destructive, and I might add expensive location. There are so many reasons to not place this line in this spot as the recent ongoing controversies and lawsuits have pointed out so listen and do the right thing

Minneapolis lover and citizen, Joyce Murphy

From: Bonnie Black
To: swlrt
Subject: Endorsement of Done Right SWLRT comments
Date: Wednesday, July 22, 2015 9:15:04 AM

I fully concur with the DONE RIGHT organization's comments on the SWLRT. The project has been seriously flawed from the onset, contains many potential problems, and has been pushed through "to get the federal money" without careful consideration of many aspects of the project. There has been gross distortion of ridership at several of the Minneapolis stations, some political conflict of interest issues. The entire plan should be chucked.

I'm a strong advocate for light rail when it is carefully, thoroughly, and wisely done, none of which seems to be the case in the present plan.

With literally a hundred apartments buildings being built along the Greenway between Hennepin Ave and Lyndale (and beyond) with thousands of residents living there, why oh why is the SWLRT bypassing this Minneapolis population and going through 3 miles of relatively upopulated area in the Kenilworth area. This makes no sense. I thought the federal money was dependent upon "serving the populace of Minneapolis." The present plan does not.

Edith Black

From: Laura Kinkead
To: swlrt
Subject: I endorse LRT Done Right
Date: Wednesday, July 22, 2015 12:09:51 PM

I fully support the comments submitted to the Met Council by LRT Done Right regarding the SDEIS.

Let's do this right and not negatively impact a shared metro wide resource!

Laura A. Kinkead
Guiding People, Guiding Ideas
612-926-0290

Upcoming programs: Courage and Renewal Academy for Leaders starting October 2015. Learn more here http://www.couragerenewal.org/events/2015-16-leaders-academy-mn/

From: Louise Delagran
To: swlrt; peter.wagenius@minneapolismn.gov
Subject: I endorse LRT Done Right"s statement
Date: Wednesday, July 22, 2015 9:33:10 AM

Dear Members of the Met Council:
Please read this thorough and careful analysis of the issues surrounding LRT in the Kenilworth corridor. As someone who lives a block from the tracks, a particular concern to me are the safety issues around freight rail carrying large volumes of flammable material and light rail electricity close by, not to mention concerns during construction of LRT. I strongly oppose changing oversight of this track from the FRA.

In addition, I would like you to get serious and specific about mitigation efforts to address the visual and auditory impact the LRT track and 21st station will have. To quote from the LRT Done Right response:

At Viewpoint 6, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point"— that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. **The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the projec**t.

This area is part of the greatly loved Chain of Lakes and Grand Rounds in Minneapolis, used by millions of bikers, walkers, skiers, bird watchers, fishermen, and canoeists each year. The focal point is the water, the green spaces, the trees, the birds and animal life--not a concrete station that we can see anywhere else in the city. Please keep it that way.
--
Louise Delagran
2456 W 24th St.

From: Thad Spencer
To: swlrt
Subject: LRT Done Right
Date: Wednesday, July 22, 2015 10:33:27 AM

Dear Ms. Jacobson,

I am writing you as a concerned resident of Minneapolis to tell you that am in complete agreement with the comments submitted by Light Rail Transit Done Right, (LRTDR).

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

Thad & Shiela Spencer
1918 Queen Avenue South
Mpls, MN 55405

From: Melissa Lally
To: swlrt
Subject: LRT Done Right"s comments to the SDEIS
Date: Wednesday, July 22, 2015 8:57:05 AM

ATTN: Met Council

I fully support LRT Done Right's comments to the SDEIS and hope you will take these concerns and conclusions to heart for the well being of our fine city.

Respectfully,

Melissa Lally

Melissa Lally

PERSONNEL ¦DIRECTIONS
☎ **612.339.3408**
✉ mlally@personneldirections.com
www.personneldirections.com
, LinkedIn

From: Laila Schirrmeister
To: swlrt
Subject: LRT-Done Right comments
Date: Wednesday, July 22, 2015 7:52:58 AM

I am a Kenwood resident who STRONGLY ENDORSES the comments recently submitted by the LRT-Done Right Minneapolis residents organization.
You would do well to take advantage of the research done by this group since you have not been capable of doing this level and quality of research on your own.

Laila Schirrmeister
1940 Sheridan Ave S
Mpls

From: hgetting@aol.com
To: swlrt
Cc: friedarlene@hotmail.com; info@lakesandparks.com
Subject: SWLRT
Date: Wednesday, July 22, 2015 8:58:54 AM

Metropolitan Council

RE: **SWLRT Comments (SDEIS)**

I support all comments. concerns and recommendations regarding SWLRT as communicated in the Lakes & Parks Alliance / LRT Done Right letter which was forwarded to your offices yesterday. I would also hope that you consider the wide range of **non-LRT options for transit** originally requested by Governor Dayton and documented in the letter from Mr. Bob Carney to the Metropolitan Council.

Sincerely yours,

Harvey Ettinger
Chair, East Isles Residents Association Parks Committee

From: herb jones
To: swlrt
Subject: SW LRT
Date: Wednesday, July 22, 2015 1:21:28 AM

I would like to see the project routed along 394 or lake street where there will be many more opportunities for use instead of thru a few miles of beautiful park/lake land that is used by thousands daily who enjoy the beauty and quietude of the Kenilworth Trail. I use the trail daily to bike to work at HCMC. While I do not live in close proximity to the line (3508 W. 28th street) I feel bad for the people who do and I think it could dramatically injure one of the most special commuting and recreational routes.

Thank you,

Herb Jones

Larkin Hoffman
ATTORNEYS

Larkin Hoffman

8300 Norman Center Drive
Suite 1000
Minneapolis, Minnesota 55437-1060

GENERAL: 952-835-3800
FAX: 952-896-3333
WEB: www.larkinhoffman.com

July 21, 2015

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

Re: Southwest Light Rail Transit ("SWLRT") Supplemental Draft Environmental Impact Statement

Dear Ms. Jacobson:

This letter supplements our previous comment letters, dated December 28, 2012, and August 12, 2013, on behalf of SFI Partnership 54, the owner of the Claremont (the "Claremont"). In our meetings with officials of Metro Transit and project management, we have continued to express strong concerns that Segment 3 of the SW LRT-LPA severely and negatively impacts the Claremont Apartments and the public recreational trail (the "Public Trail").

Introduction

The Southwest Light Rail Transit (SWLRT) Supplemental Draft Environmental Impact Statement (SDEIS) was released on May 22, 2015. Our comments summarize our review with respect to the anticipated impacts of the light rail project on the Claremont Apartments and the Public Trail, as well as public open space owned by the City of Minnetonka, immediately east and south of the Claremont (the "Open Space"). We have also summarized the relevant noise and vibration findings in the DEIS. Due to the narrow scope of the supplemental information provided in the SDEIS, there was limited supplemental information on any of the issues as they relate to the Claremont, the Public Trail, or Open Space, and in addition, the environmental review for the project once again failed to evaluate the Open Space as a Section 4(f) property.

Discussion

1. Section 4(f) Properties:

Section 4(f) of the US Department of Transportation Act of 1966, 49 USC 303(c) protects "publicly owned parks, recreation areas, wildlife and/or waterfowl refuges, as well as significant historic sites, whether publicly or privately owned." The SDEIS discussion of Section 4(f) evaluations focused primarily on the areas of change in the LPA elsewhere along the route, but not near the Claremont, and did not include the Public Trail or Open Space. The discussion and analysis of Section 4(f) methodologies is described in far more detail in the SDEIS than that DEIS. However, the SDEIS Section 4(f) evaluation update is narrower in scope and addresses only the following issues:

1) design adjustments to the LPA identified by the Council in April and July 2014;

2) preliminary determinations of effect on historic properties on properties within the LPA made by FTA, in consultation with the Council, MnSHPO and consulting parties as part of the project's Section 106 assessment of historical and archaeological resources;

3) provide opportunity for public comment in FTA's intent to make a de minimis impact determination; and

4) revised preliminary determinations for Section 4(f) protected properties, including preliminary non-de minimis and de minimis use determinations and temporary occupancy exception determinations.

SDEIS 3-218. Because the SDEIS Section 4(f) discussion was narrow, it did not include any new information about the Public Trail, Open Space, or Opus Hill. Updated Tables 3.5-1 and 3.5-2 list the Section 4(f) properties that have been determined to be impacted, none of which are the Public Trail or Open Space. Table 3.5-3 also shows all potential Section 4(f) properties evaluated in the SDEIS Section 4(f) update, but focuses on newly impacted Section 4(f) properties that result from the alignment revisions; therefore, it does not include the Public Trail or Open Space.

It is worth noting that despite not classifying the Open Space as impacted Section 4(f) property, or potential Section 4(f) property, Exhibit 3.5-2 of the SDEIS does identify the Open Space as "Parklands, Recreation Areas, and Open Spaces," within the Section 4(f) study area. *See Attached Exhibit 3.5-2.* No information or analysis is provided to explain why, despite being publicly-owned and classified as a "parkland, recreation area, and open space" in the SDEIS, the Open Space was not treated as a Section 4(f) property. Thus, the SDEIS has failed to provide the necessary and required analysis for permanent occupation and use of a Section 4(f) property.

2. Noise and Vibration

The Supplemental Draft EIS noise impact analysis is based on the same noise standards and methodology used for the Draft EIS, including the same FTA noise impact thresholds for severe and moderate noise impacts, which can be found in Transit Noise and Vibration Impact Assessment (FTA, 2006). *SDEIS 3-12.* The SDEIS does not revise or amend the calculations for noise or vibration levels for the Claremont, the Public Trail or Open Space, but it does provide further insight on methodology. Based on the additional information provided in the SDEIS, we believe the Council used flawed methodology in performing both the noise analysis and the vibration analysis. The issues with the methodology are described further below.

a. Noise Levels

For classification of noise impacts, the DEIS classifies affected properties as either "No Impact," "Moderate Impact," or "Severe Impact," depending on the anticipated volume and frequency of noise. The anticipated noise levels qualify as a "Severe Impact" for the Claremont. The Claremont is identified as a Category 2 (residential) Noise Sensitive Land Use. *DEIS Figure 4.7-2.* The noise assessment table identifies properties only by a "cluster identifier," and includes five Category 2 clusters without reference to an address or property. *Noise Assessment Table, Page 2 of 11.* However, using the FTA Noise Impact Assessment Spreadsheet and the assumptions used by the Council as described in the DEIS, we were able to reproduce the analysis with a result of "Severe Impact" classification for the Claremont. *See attached FTA Spreadsheet.* A Severe Impact classification is described as:

> A significant percentage of people are highly annoyed by noise in this range. Noise mitigation would normally be specified for severe impact areas unless it is not feasible or reasonable (unless there is no practical method of mitigating the impact).

DEIS 4-77. Because the Claremont is identified as a Noise-Sensitive Land Use, **we request a copy of the Met Council's FTA Noise Impact Assessment Spreadsheet specifically for the Claremont**. Of the five clusters shown in the Noise Assessment Table, it appears that the Claremont is located in the cluster identified as 3-F-EB-2-18, based on the SWT Noise Assessment Table. *DEIS Noise Assessment Table, Page 2 of 11.*

b. Vibration Levels

For classification of vibration impacts, the DEIS classifies affected properties as either "Impacted" or not impacted. While the DEIS does not identify the specific properties by name or address in the Vibration Assessment Table, the predicted noise levels appear to be 74 VdB for the Claremont, which exceeds the classification of "Residential Annoyance" and qualifies as an "Impacted" property. The DEIS identifies the Claremont as a Vibration-Sensitive Land Use; although, similar to the noise assessment, the vibration data does not indicate the specific properties by name. *DEIS Figure 4.8-2.* There appears to be a discrepancy with the number of properties identified as vibration sensitive land uses and reviewed under the vibration analysis in Segment 3F. The Vibration-Sensitive Land Use map in Figure 4.8-2 identifies three vibration-

sensitive Category 2 (residential) parcels in Segment 3F, including the Claremont; however, the data only lists one such Cluster ID. *DEIS 4-115.* That single Category 2 cluster shows a vibration level of 74 VdB. *DEIS Vibration Assessment Results by Segment, Table 2.* This means that two of the uses were either deemed to have "no impact," were omitted, or all three uses were calculated as one single cluster. If all were calculated as a single cluster, it would likely yield an inaccurate result in light of the fact that the three parcels cover a distance of more than .80 miles. In addition, the single Category 2 cluster also indicates a distance of 133 feet from the track to the building for the 74 VdB forecast. However, the Claremont, which consists of five (5) buildings, includes two buildings at a distance of only 86 feet from the track, and the other three range from 100 to 110 feet to the tracks. A much greater vibration should be felt at a closer distance. **We request the underlying vibration analysis data on Segment 3F for further analysis**.

The DEIS also addresses soils in the LPA and describes the likelihood that soils will affect vibration. The Claremont is located in Segment 3 of the LPA. Given the geologic conditions and increased train speeds anticipated in Segment 3, the DEIS notes that "Segment 3 geologic conditions are predominantly characterized as having a high potential for efficient vibration propagation. There are few homogenous zones of ground with normal propagation characteristics." *DEIS 4-115.* These geologic conditions should be adequately accounted for in the vibration assessment for the Claremont, as they are likely to result in vibration effects that exceed those projected.

c. Noise Methodology Discrepancy

The SDEIS and the DEIS both purport to analyze the noise impacts consistently with the methodology described in the FTA manual titled Transit Noise and Vibration Impact Assessment (FTA, 2006) (the "FTA Manual"). However, according to the methodology described in the DEIS for assessing the number of affected dwelling units, the Claremont was calculated as one dwelling unit, as opposed to the approximately 330 apartments with 600 residents that actually exist. The unit counts for the analysis were determined through Hennepin County GIS parcel data. In counting the number of dwelling units in each multi-family apartment building, the Met Council used the number of property owners to estimate the number of units. *DEIS 4-85.* This methodology is inconsistent with the methodology described in the FTA Manual, and results in a dramatic under-counting the dwellings affected by SWLRT noise and vibration.

The FTA Manual describes the importance of counting dwelling units for noise impacts and states that "In some cases it may be necessary to supplement the land-use information or determine the number of dwelling units within a multi-family building with a visual survey." *FTA Manual, 5-17.* The steps for developing an assessment of noise impact are described as follows:

> 1. Construct tables for all the noise-sensitive land uses identified in the three land-use categories from Section 5.4.

2. Tabulate buildings and sites that lie between the impact contours and the project boundary. For residential buildings, an estimate of the number of dwelling units is satisfactory. This is done for each alternative being considered.

3. Prepare summary tables showing the number of buildings (and estimated dwelling units, if available) within each impact zone for each alternative. Various alternatives can be compared in this way, including those with and without noise mitigation measures.

4. Determine the need for mitigation based on the policy considerations discussed in Section 3.2.4 and the application guidelines provided in Section 6.8.

FTA Manual, 5-17 (emphasis added). Additionally, when establishing the noise-assessment inventory tables for rail and bus facilities, the FTA Manual states that the tables should include the following types of information:

- Receiver identification and location
- Land-use description
- Number of noise-sensitive sites represented (number of dwelling units in residences or acres of outdoor noise-sensitive land)
- Closest distance to the project
- Existing noise exposure
- Project noise exposure
- Level of noise impact (No Impact, Moderate Impact, or Severe Impact)

These tables should provide a sum of the total number of receivers, especially numbers of dwelling units, predicted to experience Moderate Impact or Severe Impact.

FTA Manual 6-34–6-35 (emphasis added). Despite the guidance in the FTA Manual to estimate dwelling units in multi-family units, it appears the Council simply based the calculation off of property owners listed on Hennepin County records. This means that the Council failed to adequately ascertain the number of dwelling units in non-owner-occupied multi-family dwellings, which results in a gross under-calculation of affected dwelling units that disproportionately affects renters.

3. Proposed Cost Reductions

In May and June of 2015, the Council proposed the elimination of two pedestrian underpasses near the Opus station that would result in increased risks and reduced access for the

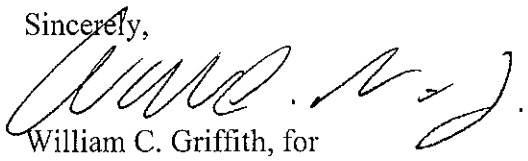
approximately 600 residents of the Claremont who may attempt to use the pedestrian trails near the station. The reduction in access will make it more difficult and dangerous for Claremont residents to access Opus Station and use the SWLRT. While there are no details regarding which two of the four underpasses near the Opus station would be eliminated, any elimination would be detrimental to the residents of the Claremont and would not likely yield the anticipated $1-2 million in savings. These underpasses were included in the original plan for safety to allow the existing trails to be used without disruption. While the details are yet to be revealed, the elimination of underpasses is unlikely to yield the $1-2 million in capital cost savings because any alternative methods of pedestrian access must be constructed, whether it is to reroute existing trails or construct at-grade pedestrian crossings. Not only would any alternative plans be expensive, but they would result in increased risk and reduced access for the Claremont residents.

Conclusion

The SDEIS provides little new information about the evaluation of the impacts of the SWLRT on the Claremont, in terms of noise and vibration, or on the Public Trail, or on the Open Space as Section 4(f) land. It does, however, confirm that the Council has not revised its earlier analysis based on the Section 4(f) information that has been made available by SFI. In addition, the review of the methodology used in both the DEIS and the SDEIS indicates that the approach used for counting dwelling units for the purposes of noise assessments was inconsistent with the Federal guidelines. Similarly, the vibration assessments are not accurate as they pertain to the Claremont and the impact is grossly understated, with vibration levels that are likely significantly higher than the 72 VdB impact threshold and much higher than the 74 VdB represented. In addition, the recently announced elimination of pedestrian underpasses near the Opus station would cause the residents of the Claremont to bear even more of the burden of the SWLRT than previously proposed, by eliminating pedestrian access and decreasing safety.

Please include this comment letter in the official record for environmental review of the project. In addition, please provide the requested data which was highlighted within our comments contained in this letter.

Sincerely,



William C. Griffith, for
Larkin Hoffman

Direct Dial: 952-896-3290
Direct Fax: 952-842-1729
Email: wgriffith@larkinhoffman.com

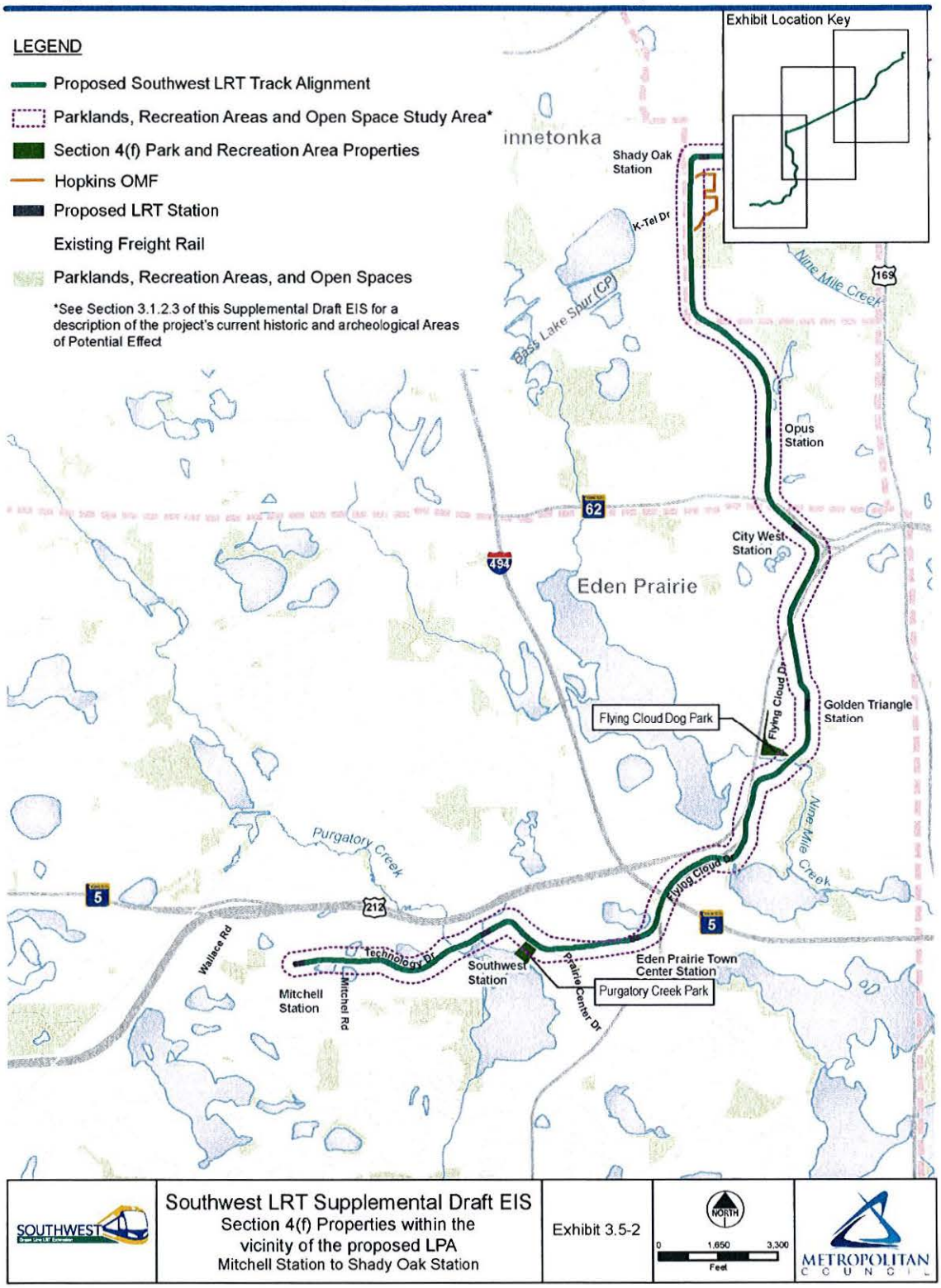
cc: Brian Lamb, Metro Transit
Don Meuting, Metropolitan Council

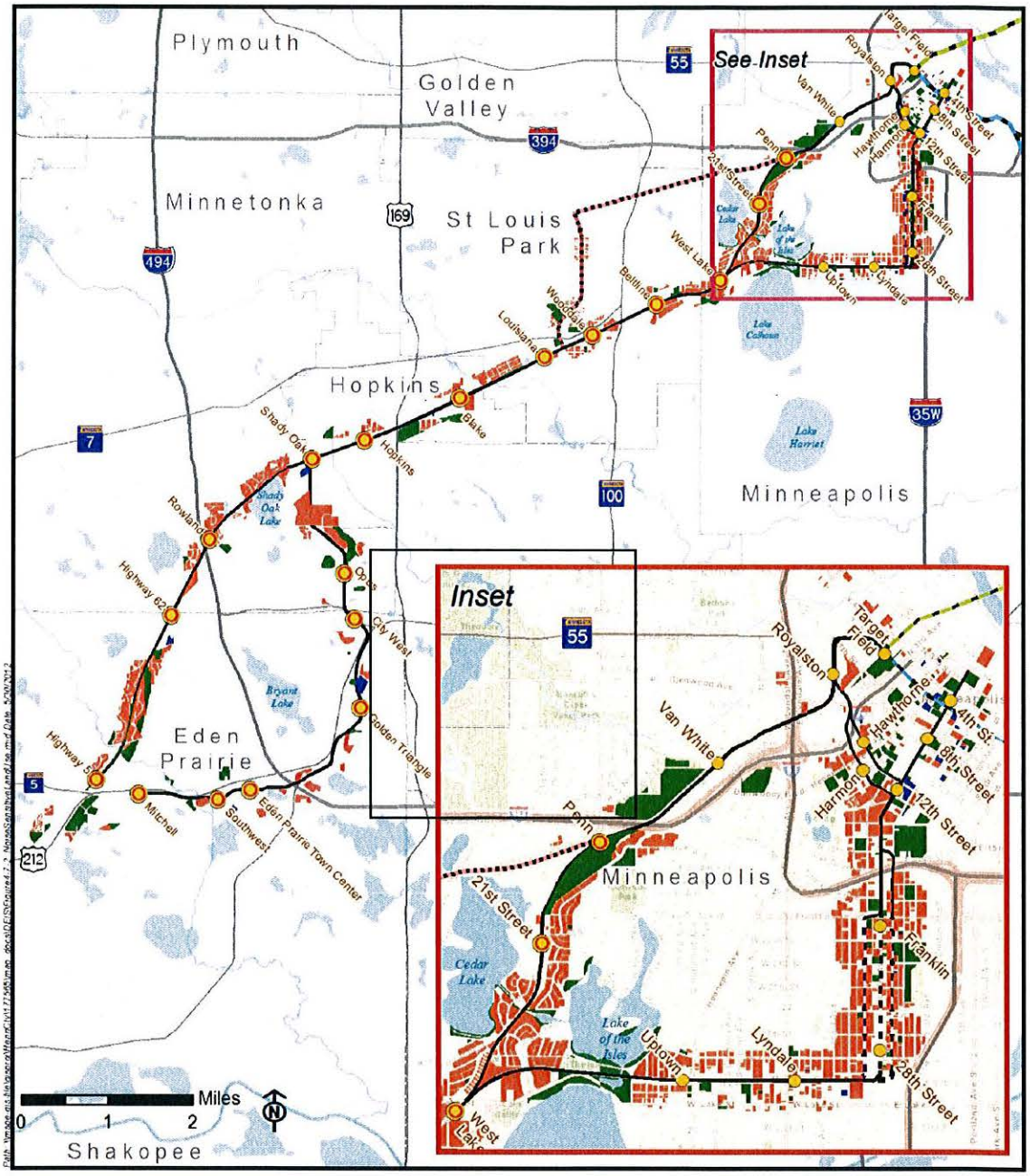
Mark Fuhrmann, Metro Transit
Members of the Metropolitan Council

4843-2146-2054, v. 2

EXHIBIT 3.5-2

Section 4(f) Properties within the vicinity of the proposed LPA – Mitchell Station to Shady Oak Station





Legend

- Station
- Park & Ride Station
- LRT Alignment Alternatives
- Freight Rail Relocation
- Northstar Commuter Rail
- Hiawatha Light Rail

Noise-sensitive land use categories

- Category 1 noise sensitive land use
- Category 2 noise sensitive land use
- Category 3 noise sensitive land use

Figure 4.7-2
Noise Sensitive Land Use

SOUTHWEST transitway

Data: MnDOT, DNR, MetCouncil, Hennepin County

Noise Assessment Table

Alternatives with Freight-rail Traffic Relocation

Representative Receptor/Cluster Identifier	Count: Land (qty)	Count: Unit (qty)	Use Category (1,2 or 3)	Side of Guideway (EB/WB)	Distance to Track (feet)	Train Speed (mph)	Noise Assessment Metric (Leq/Ldn)	Existing Noise Level (dBA)	Impact Criteria: Moderate (dBA)	Impact Criteria: Severe (dBA)	Project Related Noise (dBA)	Cumulative Noise Level (dBA)	Increase Over Existing (dBA)	Impact Level	Number of Impacted Receptors: Moderate (land [units])	Number of Impacted Receptors: Severe (land [units])
1-C-EB-2-32	1	1	2	EB	663	40	Ldn	55	55	61	50	56	1	None	-	-
1-C-EB-2-38	6	6	2	EB	89	40	Ldn	55	55	61	60	61	6	Moderate	6 [6]	-
1-C-EB-2-39	8	8	2	EB	312	40	Ldn	55	55	61	51	56	1	None	-	-
1-C-EB-3-7	1	1	3	EB	1407	40	Leq	60	63	68	44	60	0	None	-	-
1-C-WB-2-24	13	13	2	WB	125	40	Ldn	64	60	66	62	66	2	Moderate	13 [13]	-
1-C-WB-2-25	17	17	2	WB	489	40	Ldn	64	60	66	53	64	0	None	-	-
1-C-WB-2-26	13	12	2	WB	443	40	Ldn	55	55	61	54	58	3	None	-	-
1-C-WB-2-33	10	10	2	WB	210	40	Ldn	55	55	61	60	61	6	Moderate	10 [10]	-
1-C-WB-2-34	6	6	2	WB	121	40	Ldn	55	55	61	60	61	6	Moderate	6 [6]	-
1-C-WB-2-35	26	26	2	WB	413	40	Ldn	55	55	61	53	57	2	None	-	-
1-C-WB-2-36	13	13	2	WB	115	40	Ldn	55	55	61	59	60	5	Moderate	13 [13]	-
1-C-WB-2-37	43	43	2	WB	305	40	Ldn	55	55	61	52	57	2	None	-	-
3-A-EB-2-1	1	91	2	EB	20	50	Ldn	63	60	65	71	72	9	Severe	-	1 [91]
3-A-EB-2-2	2	146	2	EB	125	50	Ldn	63	60	65	63	66	3	Moderate	2 [146]	-
3-A-EB-3-1	1	1	3	EB	154	50	Leq	62	64	69	58	63	1	None	-	-
3-A-WB-3-9	1	1	3	WB	1040	50	Leq	62	64	69	51	62	0	None	-	-
3-B-EB-1-1	1	1	1	EB	758	20	Leq	62	59	64	51	62	0	None	-	-
3-B-WB-3-2	1	1	3	WB	912	20	Leq	62	64	69	53	63	1	None	-	-
3-C-EB-2-3	4	4	2	EB	1293	30	Ldn	63	60	65	51	63	0	None	-	-
3-C-EB-2-4	2	2	2	EB	719	30	Ldn	61	58	64	54	62	1	None	-	-
3-C-EB-2-5	2	2	2	EB	702	30	Ldn	61	58	64	51	61	0	None	-	-
3-C-EB-2-6	2	2	2	EB	256	30	Ldn	61	58	64	57	62	1	None	-	-
3-C-EB-2-8	2	97	2	EB	653	30	Ldn	65	61	66	53	65	0	None	-	-
3-C-EB-3-3	1	1	3	EB	240	30	Leq	64	65	71	58	65	1	None	-	-
3-C-WB-2-23	4	4	2	WB	1112	30	Ldn	65	61	66	51	65	0	None	-	-
3-C-WB-2-7	2	2	2	WB	233	30	Ldn	61	58	64	58	63	2	None	-	-
3-D-EB-1-2	1	1	1	EB	213	30	Leq	58	57	62	55	60	2	None	-	-
3-D-EB-2-10	1	1	2	EB	627	30	Ldn	65	61	66	54	65	0	None	-	-
3-D-EB-2-9	1	1	2	EB	269	30	Ldn	65	61	66	56	66	1	None	-	-
3-D-WB-2-11	2	2	2	WB	791	30	Ldn	65	61	66	52	65	0	None	-	-
3-D-WB-3-4	1	1	3	WB	89	30	Leq	58	62	67	57	61	3	None	-	-
3-D-WB-3-5	1	1	3	WB	617	30	Leq	58	62	67	51	59	1	None	-	-
3-E-EB-3-6	1	1	3	EB	768	30	Leq	62	64	69	49	62	0	None	-	-
3-E-WB-2-12	1	1	2	WB	1237	30	Ldn	65	61	66	51	65	0	None	-	-
3-F-EB-2-13	3	99	2	EB	938	50	Ldn	62	59	64	55	63	1	None	-	-
3-F-EB-2-14	1	1	2	EB	187	50	Ldn	62	59	64	66	67	5	Severe	-	1 [1]
3-F-EB-2-15	1	1	2	EB	164	50	Ldn	62	59	64	71	72	10	Severe	-	1 [1]
3-F-EB-2-18	1	1	2	EB	230	50	Ldn	62	59	64	66	67	5	Severe	-	1 [1]
3-F-EB-2-19	3	3	2	EB	528	50	Ldn	62	59	64	63	66	4	Moderate	3 [3]	-
3-F-EB-3-8	1	1	3	EB	607	50	Leq	62	64	69	57	63	1	None	-	-

Federal Transit Administration
Noise Impact Assessment Spreadsheet

version: 7/3/2007

Project:	Claremont

Receiver Parameters	
Receivor:	Claremont
Land Use Category:	2. Residential
Existing Noise (Measured or Generic Value):	62 dBA

Noise Source Parameters	
Number of Noise Sources:	4

Noise Source Parameters		Source 1
	Source Type:	Fixed Guideway
	Specific Source:	Electric Locomotive
Daytime hrs	Avg. Number of Locos/train	1
	Speed (mph)	50
	Avg. Number of Events/hr	13.2
Nighttime hrs	Avg. Number of Locos/train	1
	Speed (mph)	50
	Avg. Number of Events/hr	6.66
Distance	Distance from Source to Receiver (ft)	500
	Number of Intervening Rows of Buildings	0
Adjustments		

Noise Source Parameters		Source 2
	Source Type:	Fixed Guideway
	Specific Source:	Rail Car
Daytime hrs	Avg. Number of Rail Cars/train	3
	Speed (mph)	50
	Avg. Number of Events/hr	13.2
Nighttime hrs	Avg. Number of Rail Cars/train	3
	Speed (mph)	50
	Avg. Number of Events/hr	6.66
Distance	Distance from Source to Receiver (ft)	500
	Number of Intervening Rows of Buildings	
Adjustments	Noise Barrier?	No
	Jointed Track?	No
	Embedded Track?	No
	Aerial Structure?	No

Noise Source Parameters		Source 3
	Source Type:	Fixed Guideway
	Specific Source:	Locomotive Warning Horn
Daytime hrs		
	Speed	50
	Avg. Number of Events/hr	13.2
Nighttime hrs		
	Speed	50
	Avg. Number of Events/hr	6.66
Distance	Distance from Source to Receiver (ft)	500
	Number of Intervening Rows of Buildings	0
Adjustments		

Noise Source Parameters		Source 4
	Source Type:	Stationary Source
	Specific Source:	Crossing Signals
Daytime hrs	Signal Duration/hr (seconds)	5
Nighttime hrs	Signal Duration/hr (seconds)	5
Distance	Distance from Source to Receiver (ft)	1500
	Number of Intervening Rows of Buildings	0
Adjustments	Noise Barrier?	No

Project Results Summary

Existing Ldn:	62 dBA
Total Project Ldn:	75 dBA
Total Noise Exposure:	75 dBA
Increase:	13 dB
Impact?:	Severe

Distance to Impact Contours

Dist to Mod. Impact Contour:	---
Dist to Sev. Impact Contour:	---

Source 1 Results

Leq(day):	50.6 dBA
Leq(night):	47.6 dBA
Ldn:	54.6 dBA

Source 2 Results

Leq(day):	47.4 dBA
Leq(night):	44.4 dBA
Ldn:	51.4 dBA
Incremental Ldn (Src 1-2):	56.3 dBA

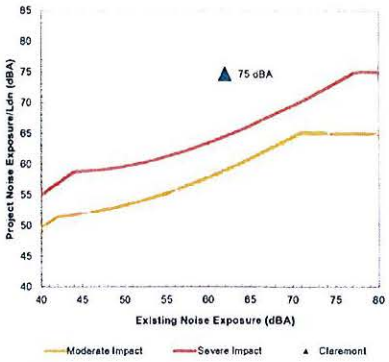
Source 3 Results

Leq(day):	70.6 dBA
Leq(night):	67.6 dBA
Ldn:	74.6 dBA
Incremental Ldn (Src 1-3):	74.7 dBA

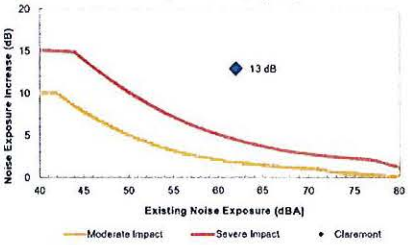
Source 4 Results

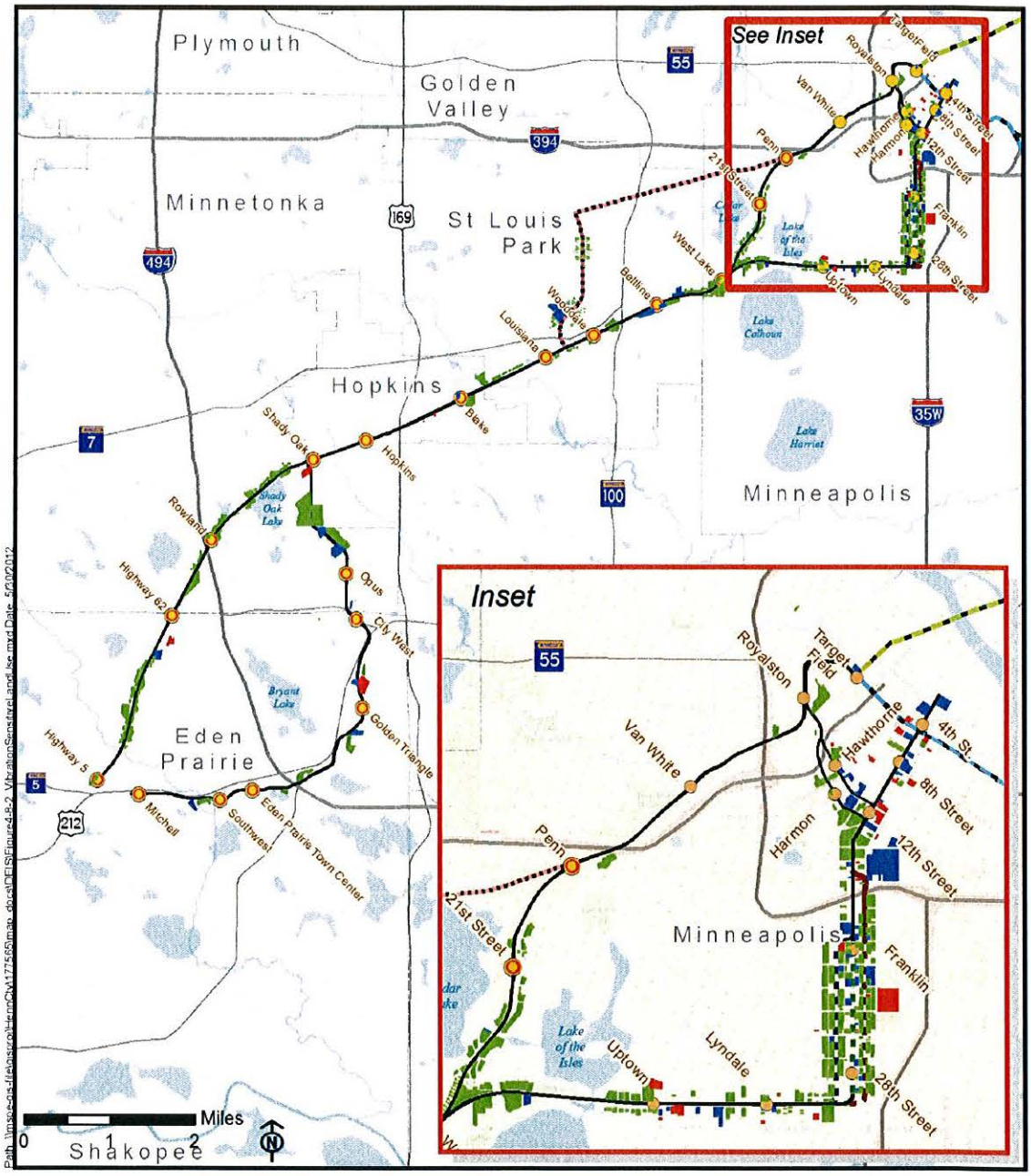
Leq(day):	7.9 dBA
Leq(night):	7.9 dBA
Ldn:	14.3 dBA
Incremental Ldn (Src 1-4):	74.7 dBA

Noise Impact Criteria
(FTA Manual, Fig 3-1)



Increase In Cumulative Noise Levels Allowed
(FTA Manual, Fig 3-2)





Legend

- LRT Alignment Alternatives
- Station
- Park & Ride Station
- Freight Rail Relocation
- Northstar Commuter Rail
- Hiawatha Light Rail

Vibration-sensitive Land Use Categories

- Land use category 1
- Land use category 2
- Land use category 3

Figure 4.8-2
Vibration Sensitive Land Use

SOUTHWEST transitway

Data: MnDOT, DNR, MetCouncil, Hennepin County

Table 2. Segment 3 (LRT 3A, LRT 3C-1, and LRT 3C-2)
General Vibration Assessment Results

Cluster ID	Land Use Category	Side of Track	Distance to Track (feet)	Speed (mph)	Predicted Vibration Level (VdB)	Impact Criterion (VdB)	Number of Impacts (No. of impacted units)
Segment 3 between Mitchell Station and Southwest Station							
3-A-EB-2-1	2	EB	38	50	85	72	1 (91)
3-A-EB-2-2	2	EB	124	50	75	72	2 (146)
Segment 3 between Southwest Station and Eden Prairie Town Center Station							
No Predicted Impacts							
Segment 3 between Eden Prairie Town Center Station and Golden Triangle Station							
No Predicted Impacts							
Segment 3 between Golden Triangle Station and City West Station							
3-D-EB-1-1	1	EB	160	30	68	65	1 (1)
Segment 3 between City West Station and Opus Station							
No Predicted Impacts							
Segment 3 between Opus Station and Shady Oak Station							
3-F-EB-2-7	2	EB	133	50	74	72	3 (3)
3-F-EB-3-3	3	EB	26	50	87	75	1 (1)
3-F-WB-1-2	1	WB	107	50	66	65	1 (1)
3-F-WB-3-4	3	WB	50	50	83	75	2 (2)
					Total Number of Segment 3 Impacts		**11 (245)**

Table 3. Segment 4 (LRT 1A, LRT 3A, LRT 3C-1, and LRT 3C-2)
General Vibration Assessment Results

Cluster ID	Land Use Category	Side of Track	Distance to Track (feet)	Speed (mph)	Predicted Vibration Level (VdB)	Impact Criterion (VdB)	Number of Impacts (No. of impacted units)
Segment 4 between Shady Oak Station and Hopkins Station							
No Predicted Impacts							
Segment 4 between Hopkins Station and Blake Station							
4-B-EB-1-1	1	EB	111	50	76	65	1 (1)
4-B-WB-3-1	3	WB	104	50	77	75	1 (1)
Segment 4 between Blake Station and Louisiana Station							
4-C-EB-2-2	2	EB	162	50	72	72	1 (1)
Segment 4 between Louisiana Station and Wooddale Station							
No Predicted Impacts							
Segment 4 between Wooddale Station and Beltline Station							
No Predicted Impacts							
Segment 4 between Beltline Station and West Lake Station							
4-F-EB-2-11	2	EB	101	40	75	72	12 (12)
						Total Number of Segment 4 Impacts	**15 (15)**

- Light Rail Vehicle horns are sounded at grade crossings and crosswalks where vehicle speeds exceed 45 mph (not including 45 mph).
- Stationary bells are used at preemptive grade crossings and crosswalks for five seconds at each passing of a train.
- This analysis modeled each segment-specific speed to accurately account for proposed operational conditions. Additionally, the acoustical shielding effects of intervening buildings were applied where more than one row of buildings existed. The analysis applied ground attenuation where applicable.

4.7.3.5 Assessment

The unit counts for this analysis were arrived at using Hennepin County GIS parcel data. These data identify multiple property owners for the same parcel of residential property. Using aerial photographs to verify the parcel data, these were determined to be multiunit residences. Each parcel was counted as one land-use, and the number of owners was used to estimate the number of units. This may have omitted from the unit count some multiunit housing where there is one owner with one or more tenants, but these properties would still be counted in the land-uses.

Ambient noise is measured by what is present in existing conditions. Low ambient noise levels cause the impact threshold (the point at which there is an impact) to be lower. Ambient noise levels were as low as 48 dBA on an Leq basis and 51 dBA on an Ldn basis for Segment 1, 55 dBA on an Leq basis and 56 dBA on an Ldn basis for Segment 3, 56 dBA on an Leq basis and 54 dBA on an Ldn basis for Segment 4, 44 dBA on an Leq basis and 52 dBA on an Ldn basis for Segment A, and 58 dBA on an Leq basis and 58 dBA on an Ldn basis for Segment C.

Table 4.7-3 summarizes the results of the noise impact assessment included category 1, 2 and 3 land uses for the four major alternatives. Both the land parcel and individual housing/business unit impacts are presented. Brief discussions of noise impacts along the corridor follow, separated by track segment. A complete list of representative receptors is provided Appendix H, Supporting Technical Reports and Memoranda. Each representative receptor was assessed for project-related noise and it is compared to the existing noise level. LRT 3A (LPA) and LRT 3A-1 (co-location alternative) include the fewest number of moderate and severe impacts overall. LRT 1A has a lower number of moderate and severe impacts than LRT 3C-1 (Nicollet Mall) and LRT 3C-2 (11th/12th Street) because it has a lower number of total units than these alternatives. LRT C-1 (Nicollet Mall) and LRT 3C-2 (11th/12th Street) are located in more densely populated urban areas with a greater number of units per residential parcel.

Larkin Hoffman
8300 Norman Center Drive
Suite 1000
Minneapolis, Minnesota 55437-1060

Larkin Hoffman
ATTORNEYS

TO

Mr. Mark Fuhrmann
Program Director for New Starts
Metro Transit
Park Place West
Suite 500
6465 Wayzata Boulevard
St. Louis Park, MN 55426

M.2-1051

Lebold, BillieJo

From: Susu <susujeffrey@msn.com>
Sent: Thursday, July 23, 2015 9:30 AM
To: swlrt
Subject: Fw: Comments on the Southwest LRT SDEIS
Attachments: SWLRT Comments on the SDEIS 7-21-15.docx

Dear Ms. Jacobson,
I have not yet received a read receipt from this July 21st email.
Kindly acknowledge receipt of this message and the attachment sent in before the deadline expired.
Sincerely,
Susu Jeffrey

From: Susu
Sent: Tuesday, July 21, 2015 8:09 PM
To: Nani Jacobson
Subject: Comments on the Southwest LRT SDEIS

FRIENDS OF COLDWATER

1063 Antoinette Avenue Minneapolis MN 55405-2102 612-396-6966
www.friendsofcoldwater.org info@friendsofcoldwater.org

July 21, 2015

Nani Jacobson, Assistant Director
Environmental and Agreements
Metro Transit—Southwest Light Rail Transit Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park MN 55426
SWLRT@metrotransit.org

Dear Ms. Jacobson,

Please see the attached Comments on the Southwest LRT SDEIS.

Friends of Coldwater is a Minnesota non-profit, non-governmental organization founded in 2001 to educate citizens to protect our water commons.

Sincerely,
Susu Jeffrey

Attachment: Comments on the Southwest LRT SDEIS

FRIENDS OF COLDWATER

1063 Antoinette Avenue Minneapolis MN 55405-2102 612-396-6966
www.friendsofcoldwater.org info@friendsofcoldwater.org

July 21, 2015

Nani Jacobson, Assistant Director
Environmental and Agreements
Metro Transit—Southwest Light Rail Transit Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park MN 55426
SWLRT@metrotransit.org

Comments on the Southwest Light Rail Transit Project SDEIS

The Southwest Light Rail Transit (SWLRT) public process by Hennepin County Commission and Metropolitan Council has been an exercise in pretend democracy. From the beginning the LRT was presented by elected and appointed government officials as a fait accompli.

Although design plans have morphed since 2014 no new municipal consent procedure appears to be planned. With an estimated cost approaching $2-billion, half the funds from federal sources, SWLRT is the most expensive tax-payer program ever imagined for Minnesota.

Co-Location

The off and on again co-location of heavy and light rail traffic was a bait-&-switch tactic. To illustrate the intent to deceive the public about the safety of co-location no "blast zone" map of ethanol rail cars next to the SWLRT was produced for citizen inspection and comment.

From St. Louis Park to the baseball stadium, through the Chain of Lakes, the half mile wide residential and park land remains menaced. The manipulation of promises and threats reifies citizen mistrust of government powers.

The "Equity Train"

The "equity" argument for the SWLRT was a brilliant public relations maneuver to silence guilt-prone white people. Equity is P.C. The pitch was that underserved black

Northsiders would get transportation to jobs in the southwest suburbs. Like the promise to move heavy freight with dangerous ethanol traffic out of the urban zone, the equity promise lapsed.

SWLRT was never planned to move the densely populated Minneapolis black Northside or white Uptown populations. In addition to being a construction jobs program the SWLRT was apparently designed as infrastructure for workers to get to suburban cubical factories.

Urban vs. Suburban

The wealthy southwest suburbs pitted their financial clout against urban public parklands and people—and money won. Furthermore the outcome was assured ahead of time since the elected Hennepin County Commission and the appointed Metropolitan Council are dominated by white suburbanites. Apparently black economic lives do not matter here.

Reducing Cars and Auto Emissions

The Draft EIS predicted no reduction in automobile greenhouse gas emissions with SWLRT until after 2050.

Water

Destruction of parkland is the hallmark of recent transportation development in Minneapolis. Our famous parks, the only undeveloped urban land, are actually lakes, creeks and wetlands previously too wet for development

The Great Medicine Spring and Glenwood Spring

The Interstate-394 corridor is dewatered daily at the rate of 2.5-million gallons. Plastic drain tile pipes with little holes where groundwater infiltrates funnel the water into a series of ponds from the Highway 394/100 intersection to Sweeney Lake and out Bassett Creek, under downtown Minneapolis, to the Mississippi. A sign at the mouth of Bassett Creek used to warn pregnant women and children under six not to eat fish caught there.

Two springs dried up with Highway 394 permanent dewatering: Glenwood Spring, formerly sold as commercial spring (now well) water and the Great Medicine Spring in Theodore Wirth Park. Indian people "came hundreds of miles to get the benefit of its medicinal qualities" Col. John H. Stevens, first white Minneapolis resident, said of the Great Medicine Spring in 1874.

The place is still there but no water runs. Treated city water is now piped into Wirth Park. The Minneapolis Park and Recreation Board waited 10-years for the spring to recharge. In 1999 a 150-foot well was drilled with negligible results.

Coldwater Springs

The Hiawatha LRT project reduced the flow to Coldwater by more than 35-percent. Coldwater is the last natural spring in Hennepin County, is a federally recognized Dakota sacred site, it furnished water to Fort Snelling 1820-1920, and is considered the birthplace of Minnesota where the first Euro-American community developed to service the fort.

MnDOT offered to pump treated city water into the Coldwater reservoir before it was forced to redesign the Hwy 55/62 interchange. Nevertheless Hiawatha LRT and Highway 55 reroute construction resulted in the loss of 46,000 gal/day—from 130,000 down to 84,000. The Hwy 55/62 interchange pipes out 27,500 gal/day but a mysterious 18,500 gallons is simply gone.

“How could your professionals be so far off in their hydrology? What facts were not available to you,” Judge Franklin Knoll asked MnDOT attorneys in Hennepin County court 9/13/01. “MnDOT is one of the largest and most well-staffed departments in Minnesota. Your engineers, geologists and water specialists all signed off on this design,” Knoll said.

MnDOT attorney Lisa Crum said “MnDOT (design) standards were based on reasonable estimates.” Coldwater supporters were repeatedly told that the groundwater would "just flow around" sunken highways built into the water table. The inference was that the water would just flow around and return to its former paths. It did not.

Removing groundwater results in dirty water and dry land. The land dries out when groundwater is prohibited from running through nature's slower filtration system. The water gets dumped into the lakes, creeks and the Mississippi with contaminants adhering to dirt particles. Think of mercury poisoning from fish taken in our northern lakes far from the coal-fired power plants that vented into the air.

Dry soil does not easily absorb the increasingly heavy storms events experienced with climate change. Storm water runs off quickly with top soil, fertilizers, air and road impurities, and goose and duck poop.

Tunnel Through the Chain of Lakes

A half-mile tunnel would be inserted (after tree removal) between Cedar, Lake of the Isles and Calhoun. Solid steel walls would be sunken 55-feet down for the length of the tunnel to anchor the 35-foot wide structure. Otherwise it would float up or down with fluctuating underground water levels.

According to the Burns and McDonnell Engineering Company water study for the Metropolitan Council as much as 24,000 gallons per day from inside and around the tunnel would be pumped out. Less groundwater flow into and out of the lakes would

allow more contaminants and particulate matter to fill in and remain in our public waters, our water commons.

Again citizens are being assured that the groundwater will "just flow around" a half mile long "shallow" tunnel—built into the already saturated land between the lakes. In fact the very same expert consultants in hydrology and geology are employing the very same language to assure Metropolitan Council appointees, Hennepin County Commissioners, Minnehaha Creek Watershed District staff and managers, and concerned citizens that groundwater will "just flow around" a huge underground tunnel in the land between the Minneapolis Chain of Lakes.

The idea that people can "manage" water is being sold like comfort food. Hydrologists, geologists, architects and engineers are hired to plan waterproof structures. Sure—in a virtual world. In our world infrastructure is I-35W falling into the Mississippi or a brain-eating amoeba in Lake Minnewaska.

The US business model did not evolve to plan sustainably. Public works programs are funded on a formula of minimum cost because cost is somehow limited to the cost of construction.

Although SWLRT is the most expensive public works program ever proposed in Minnesota wet soil conditions along the proposed route would multiply costs. "Reasonable estimates" versus digging down into a saturated landscape will become obvious if this project makes it through the legal hurtles set up to protect citizens from government-business collusion.

Conflict of Interest

The last hurtle before golden shovels break the soil is normally a permit from the Minnehaha Creek Watershed District (MCWD). The district purchased 17-acres of land across the street from the proposed SWLRT station at Blake Road with a $15-million tax payer bond.

Odds are the appointed MCWD Board of Managers would vote to permit SWLRT.

When developers take over a watershed the mandate to protect the water commons is compromised. So ownership of a $15-million parcel of land at the proposed SWLRT Blake station appears to have influenced MCWD's favorable study of the proposed shallow tunnel plan.

Below are transcribed legal audio minutes of the May 8, 2014 regular meeting of the Minnehaha Creek Watershed District Board of Managers (appointed by the Hennepin and Carver County Board of Commissioners).

The discussion centers on the SWLRT and 17-acres at Blake Road and West Lake Street, south of Knollwood Mall, in Hopkins, across the street from the proposed Blake

SWLRT station. The station location is now part of a strip mall, just south of the railroad tracks and Pizza Luce at 210 North Blake Road.

The parcel includes a large cold food storage warehouse, and borders Minnehaha Creek and the Cedar Lake bike trail which is next to the RR tracks. The land was purchased about four years ago for $15-million for redevelopment investment, for storm water ponds (water storage) and Minnehaha Creek restoration.

At a MCWD Board of Managers meeting the question of interest payments on the $15-million bond was posed by SWLRT opponent Bob Carney. Managers skirted the question. Approximately $100,000 per year in interest payments would be expected.

The players in this 2014 audio transcription include MCWD Board of Managers:
--Sherry Davis White, president, Orono, term expired 3/15 (wife of former Orono mayor, Jim White who organizes housing developments), reappointed until 3/18
--Brian Shekleton, vice president, St. Louis Park, term expires 3//16 (works for Hennepin County Commissioner Peter McLaughlin)
--Richard Miller, treasurer, Edina, 3/17 (former Wells Fargo employee who arranged bonding, government finance)
--Jeff Casale, secretary., Shorewood, 3/15 (realtor) Kurt Rogness of Minneapolis, architect, was appointed for a three-year term replacing Casale. Minor felony charges against Casale for using MCWD staff in his private real estate business were dropped because "the alleged embezzlement occurred outside the statute of limitations."

Three managers were absent:
--Jim Calkins, Minnetonka, 3/16 (PhD, professor Horticultural Science UMN)
--Pamela Blixt, Minneapolis, 3/17 (MA public administration, City of Minneapolis emergency services)
--Bill Olson, Victoria, 3/16 (engineer Rockwell International)

--Richard Miller "…the worst could be that LRT didn't get approved…we've got to do a quiet plan if LRT doesn't go through and it (the land) doesn't have its commercial value at its highest and best use as a train station site....We've got to build in our budget someplace (for) the losses we're going to absorb on disposing of that site, because we always know [sic] we've got more in it than we'll get from it but the benefits of the (Minnehaha) creek frontage, and the (storm water) storage capacity, etc. you know it had certain value to us and so that could cover the, but you know, if we do have a problem in 2 or 3 years or 4 years you know let's not have it in a situation where we're in a disaster with no plan. And I don't think it would take much of an effort to plan it out, you know, how we're going to pay for the costs.

[The bonding loan to be paid back with tax money comes due in 2017]

--James Wisker, MCWD staff Director of Planning, Projects & Land Conservation: "By the end of July we should have a lot more clarity…worst case scenario planning we should revisit like, July 24th by then all municipal consent should have occurred."

[In a 6/16/14 email Wisker wrote to the author: "Regarding (SWLRT) dewatering. I referenced that there would be no system in place to perpetually dewater following construction completion."

--Richard Miller: "We can't be naked when that $15-million comes due (in) 2017….We're planning for the best but we're ready for the worst".

--unidentified male voice: "When we started on this…we had very strong interest in senior housing…there's no question it's going to be more valuable with light rail…

--Brian Shekleton: "And I will offer that light rail will happen...
--Jeff Casale: (interrupts) "That's going in the minutes I think."
-- (laugh)
--Brian Shekleton continues: "and by every indication I get that commitment from (Minneapolis) city council members."

Jeff Casale: If we're going to have this on the record…disaster is nothing like I would have considered it as. I think the property has been improved significantly from the work that we've done surrounding it…whether or not LRT goes in that property will have significant real estate value and I would not characterize it at all as disaster planning.

Richard Miller: "Well, you can call it what you want but it will be (a disaster) when the note comes due and we got a third of the value of the note."

The rhetorical questions are: who's watching out for the water and is this land purchase a conflict of interest for MCWD managers who would be voting to permit the SWLRT?

It appears that citizens, not officials or paid experts or politicians or white suburban developers, care about the sustainability of keeping Minneapolis waters clean enough for human recreation.

Clearly the voting managers of a permitting agency should be leery of the appearance of a conflict of interest regarding public money and political power. It certainly appears to be conflict of interest, legally actionable or not.

The Minnehaha Creek Watershed District deciders have violated public trust with their ambitious financial scheme that supersedes the preservation and protection of the water commons.

Water Standards Enforcement

Neither the MCWD nor the state Department of Natural Resources (DNR) has enforcement powers. The state legislature did not grant permitting agencies police powers.

It took the DNR three years to win a court order to stop illegal pumping of groundwater from 1800 West Lake Street into the lagoon. Some 240,000 gallons per day of water from a sub-sub basement parking garage was piped into a city sewer emptying into the lagoon between Lake of the Isles and Calhoun.

Two kinds of pollution flowed into the lagoon and Calhoun and down the chain: a temperature differential and garage drippings including grains of heavy metals from cars mixed with oil products. The temperature change was noticed by Loppett organizers when parts of the lagoon failed to freeze which could have allowed skiers to fall through rotten ice.

The problem was "solved" by moving the discharge pipe. Before the 1800 West Lake Street upscale apartment construction the Minneapolis Park Board spent a quarter million dollars on Lake Calhoun clean up.

Calhoun and Cedar lakes have six of the city's dozen swimming beaches. Lake Hiawatha at the butt end of Minnehaha Creek accumulates all the flowing pollutants from much of Hennepin County and most of Minneapolis since water obeys gravity.

The Park Board plans to close the beach at Hiawatha, remove the sand and build an "open pavilion." While the beach is a neighborhood treasure the shallow lake is a pollution catch basin. A new $7-million natural filtration public swimming pool at Webber Park in north Minneapolis seems to be the future of safe swimming.

Small Scale Flexibility

Nobody is disputing the need for transportation.

LRT is 20th century technology—big, clunky, really pricey and fixed. We need to have smaller, more numerous and flexible transport choices. The greater Twin Cities are growing in an expanding circumference with multiple "centers." People commute from a 27-county radius.

The push to build big rather than to decentralize is less efficient in both time and money, does not provide jobs and sabotages our water. The current SWLRT proposal is a dinosaur.

Sincerely,
Susu Jeffrey
for Friends of Coldwater
susujeffrey@msn.com

Lebold, BillieJo

From: Jerry Van Amerongen <jerryvan@comcast.net>
Sent: Thursday, July 23, 2015 9:11 AM
To: swlrt
Subject: LRTDR Draft

I am writing to state that I fully support the LRTDR draft submission. I've lived within a few hundred yards of the channel crossing for the last 25yrs., and I particularly support section 3.4.1.3 of the document. Present plans will massively impact the channel area rendering the area unrecognizable, and dangerous. Freight rail traffic has been allow to increase over the last 12 to 24 mo.'s, large "long haul" engines, pulling heavier longer trains often carrying Bakken crude oil and ethonal is an accident waiting to happen.

Thank you,

Jerry Van Amerongen
2533 Washburn Ave. So

Comment #223

Tell us what you think!

I will ride this route(s) ~~most~~ often: First, thank-you for your work, keeping hope alive. Now let's have it become reality!

I live in this city: St. Louis Park Thanks for observing cultural resources, like historical bldgs.

How well do you think the plan addresses the ~~five~~ types of ~~bus~~ improvement identified:

- routes that serve new areas
- ~~routes that begin operating earlier and end later~~
- routes that have more frequent trips
- ~~faster travel time~~
- ~~reverse commute service~~

Re parks & historical bldgs., it would have been better to mention Jorvig Park along with its Nationally Registered Depot bldg. & vice versa. St. Louis Pk. & Mpls. were grouped together. This took more time to get through materials to find what directly affects each.

___ Very well. I like the plan; Move ahead!

___ It's okay. It needs work in these areas: ~~(check all that apply)~~

- ~~Serving new areas~~
- ~~Routes operating earlier and later~~
- ~~More frequent trips~~
- ~~Faster travel~~
- ~~Reverse commute service~~

___ ~~Not at all. I do not like the plan for these reason(s):~~ *(check all that apply)*

- ~~Serving new areas~~
- ~~Routes operating earlier and later~~
- ~~More frequent trips~~
- ~~Faster travel~~
- ~~Reverse commute service~~

___ No strong opinion.

Other comments: I still am confused as to the later-included but maybe now budget cuts-affected "swap" in central St. L Pk, & whether a wye in the area will be changed w. a South rte. Hope there'll be a further clarification & a chance to voice support, changes, or opposition.

Thanks for keeping the 21st St. Station. It's good for Native Americans to get to jobs. I'm glad there can be mitigations in Kenilworth.

Thank-you for keeping heavy rail out of St. L. Pk.'s neighborhoods & business areas. The rail operators didn't want relocation. The bike trail through Kenilworth was the option that could be moved elsewhere if a crunch came/comes.

To return your completed form, fold it in thirds and attach tape where marked.
Comments must be postmarked by ~~Nov. 29, 2014~~. Jul. 21, 2015

You may also provide comments at public meetings Nov. 5-18, by phone at 651-602-1500 or by email at sip@metrotransit.org.

Learn more at metrotransit.org/sip.

Yours, Diane Steen-Hinderlie
(v. address label)

Metro Transit

M.2-1061

place tape here to seal

Ms Diane Steen-Hinderlie
2829 Yosemite Ave S
Minneapolis, MN 55416

MINNEAPOLIS MN 554

21 JUL 2015 PM 9T

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Nani Jacobson, Ass't. Dir.
METRO TRANSIT - SW LRT Proj. Off.
~~560 SIXTH AVE N~~ 6465 Wayzata Blvd., Ste. 500
MINNEAPOLIS MN ~~55411-9208~~ 55426

RECEIVED
JUL 24 2015
BY:

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Lebold, BillieJo

From: Jean Thomson <jean.thomson@dashe.com>
Sent: Friday, July 24, 2015 10:59 PM
To: swlrt
Subject: Support of LRT Done Right

My husband and I endorse the comments on the SDEIS in the report "LRT-Done Right", which comments have just been submitted by email to the Met Council.

Thank you,
Jean Thomson and John Sandbo

Jean Thomson
612-387-7725 mobile

Lebold, BillieJo

From: Richardson, Mary
Sent: Wednesday, July 29, 2015 5:39 AM
To: Pfeiffer, Daniel; O'Connell, Sam
Cc: Lebold, BillieJo
Subject: FW: LRT-Done Right comments, corrected
Attachments: LRTDR SDEIS Response_Corrected 7-23-15.doc

From: Mary Pattock [mailto:patto017@umn.edu]
Sent: Tuesday, July 28, 2015 1:50 PM
To: swlrt
Subject: LRT-Done Right comments, corrected

Please see attached, corrected, version of LRT-Done Right's comments on the SDEIS.

The small corrections occur on page 27; they are highlighted for your ready reference.

Would you please use them instead of the previous version we sent you? Thanks you.

MP

Mary Pattock
612-922-7609

LRT-Done Right

Corrected Release July 23, 2015

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

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

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail.*

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see: http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001

[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

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

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:
Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:
Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:
Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

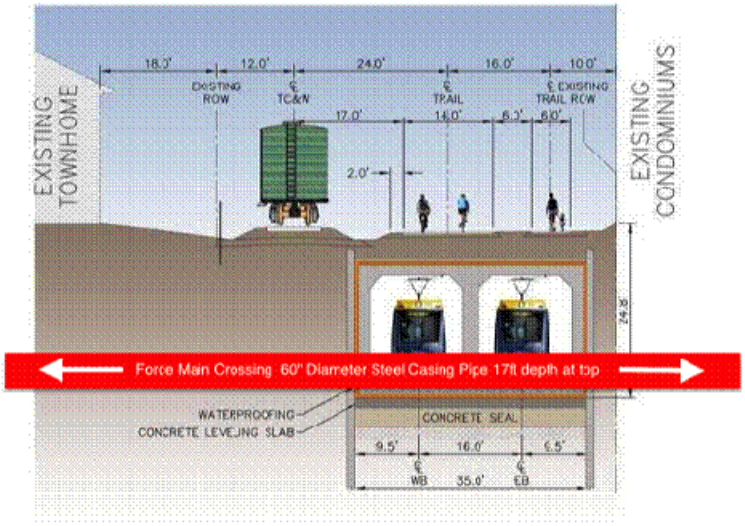


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

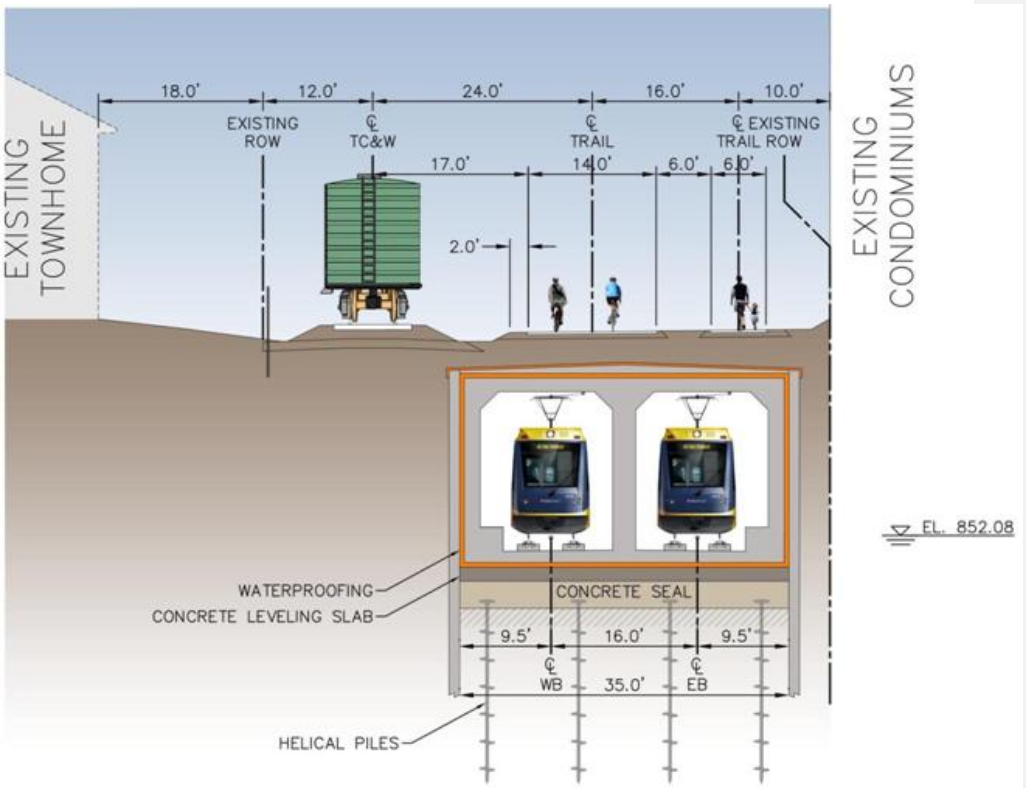
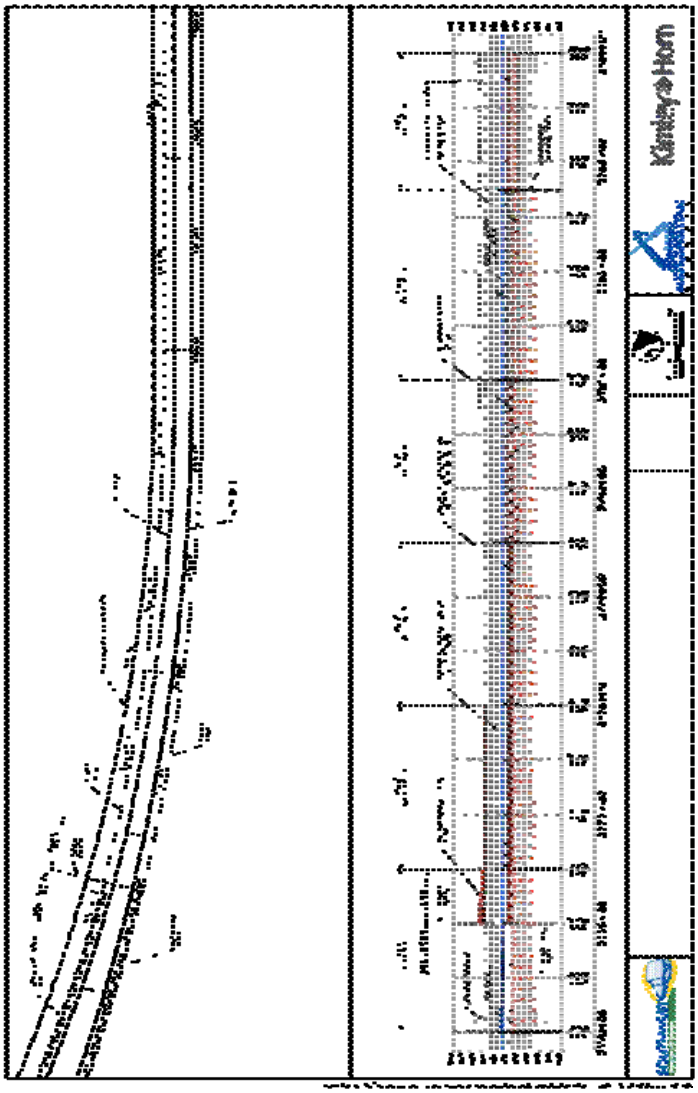


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**. [4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

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[3] http://metrocouncil.org/swlrt/sdeis

[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations — once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
-
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25-plus + seconds of bell noise (5 seconds at 88 dBA, plus + 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train at every 5 minutes
- Would produce 25-plus + seconds of bell noise (5 seconds at 88 dBA, plus + 20 seconds at 106A dBA , plus + unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals 12 to 16 trains per dayevening between 9 PM and 11 PM
- This means 1 SWLRT train at every 7.5 to 10 minutes
- Would entail 25-plus + seconds of bell noise (5 seconds at 88 dBA, plus + 20 seconds at 106 dBA, plus + unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals 2 trains per day night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25-plus + seconds of bells ((5 seconds 88 dBA, plus + 20 seconds at 106 dBA, plus + unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

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Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals= 2 to 4 trains per day – between 12 AM and – 2 AM
- This means 1 SWLRT train every 30 to– 60 minutes
- Would entail 25-plus+ seconds of bell noise (5 seconds at 88 dBA, plus +20 seconds at 106 dBA, plus+ unspecified seconds of bell noise as train enters and exits the station) every 30 to– 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total =equals 211-220 SWLRT three-3-car trains per weekday

WEEKENDS

Early morning 4:30 AM to– 9 AM

- 6-8 trains per hour equals= 26 to- 36 trains per day– between 4:30 AM and– 9 AM
- This means 1 SWLRT train every 7.5 to– 10 minutes
- Would entail 25-plus+ seconds of bell noise (5 seconds at 88 dBA, plus +20 seconds at 106 dBA, plus +unspecified seconds of bell noise as train enters and exits the station) every 7.5 to– 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour =equals 120 trains per day between– 9 AM and– 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail At at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus +- unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will would consist of bell noise at 88dBA and 106 dBA bell noise
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA bell noise

Evening 7 PM to 9 PM

- 8 trains per hour =equals 16 trains per day between– 7 PM and– 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25-plus+ seconds of bell noise (5 seconds at 88 dBA, plus +20 seconds at 106 dBA, plus +unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour =equals 12 to 16 trains per day – 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25+- plus seconds of bell noise (5 seconds 88 dBA +plus 20 seconds 106 dBA+- unspecified seconds of bell noise as train enters and exits the station) every 7.5 to -10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour =equals 4 trains per day between 11 PM and– 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to– 12 AM weekend train frequency is double the weekday frequency of 11 AM to– 12 AM

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- Would entail 25-plus+ seconds of bell noise (5 seconds 88 dBA, plus+ 20 seconds at 106 dBA, +plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to– 2 AM

- 2 to 4 trains per hour =equals 4-8 trains per day between 12 AM and– 2 AM
- This means 1 SWLRT train every 15 to– 30 minutes
- 12 AM to– 2 AM ~~the~~ weekend train frequency is double the weekday frequency of 12 AM to– 2 AM
- 25-plus+ seconds of bell noise (5 seconds at 88 dBA, plus+ 20 seconds at 106 dBA, plus+ unspecified seconds of bell noise as train enters and exits the station) every 15 to– 30 minutes

Very early morning 2 AM – 4 AM

- No trains — =equals current existing conditions

Total =equals 180 -195 SWLRT three3-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such

[5] *Sleep Science,* Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

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opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.*

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non–existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of

[7] http://metrocouncil.org/swlrt/sdeis

noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest

throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a

ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment*, the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

> …the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION

The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel

storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative

impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."

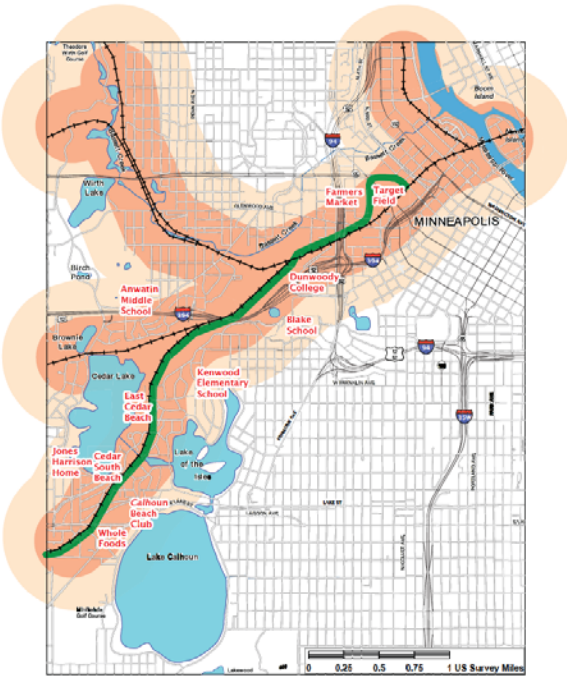
Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

The Kenilworth corridor is a high-risk evacuation blast zone.

Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.

- THIS IS THE BLAST ZONE -

SWLRT co-location with high hazard freight trains in the Kenilworth corridor



Ethanol and Oil Train Disasters:

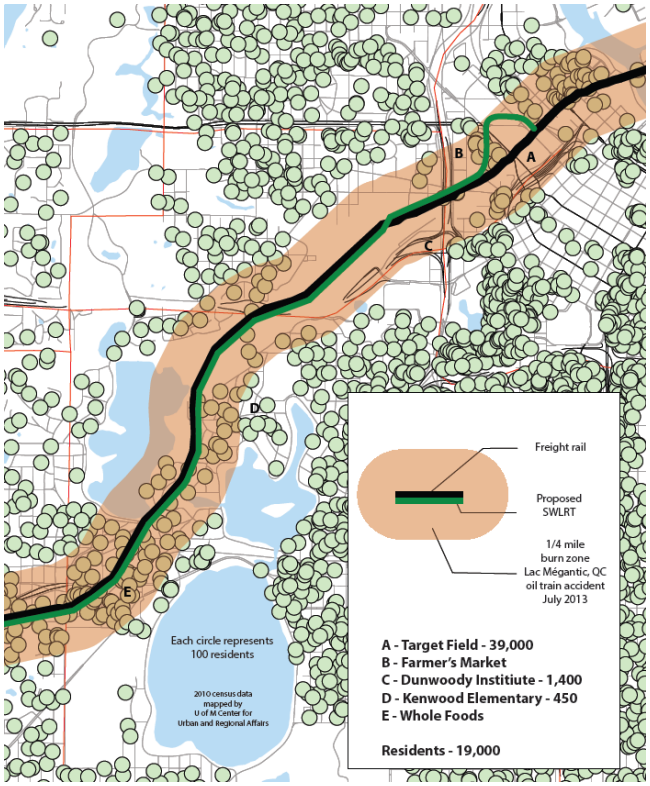
1/4 mi blast zone per Lac Mégantic, QC oil train explosion July, 2013

1/2 mi evacuation zone per US DOT safety regulations for ethanol/oil rail fires

Active Freight Rail

Proposed SWLRT in Kenilworth Corridor

Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened some safety standards for high hazard freight trains. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

TC&W is a Class III rail carrier with short lines and lower revenues, which means it has less ability to cover the liability of a catastrophic event such as a high hazard freight train derailment. TC&W hauls ethanol in DOT-111 tanker cars and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from mandated two-person crews to a one-person/operator requirement. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not apply to TC&W, such as the braking requirement, and this increases the risks of riding the SWLRT Green Line Extension in the Kenilworth corridor.* Class III railroads typically have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with an estimated 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol*, a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rai*l in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the

summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor, *this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated.

Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there has been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.

3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis*.

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis*.

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modifythedefinitionofahigh-hazardflammabletrainprovidedinSection171.8toread as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. ThePHMSAandFRArulesmustapplytoalltrainsconveyingClass3flammableliquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. ThePHMSAandFRAsafetyrulesshouldapplyequallytohhftsthatareconveyingoil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. BantheuseofDOT-111tankcarsnowfortransportinganyamountofhazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111carsshouldnotbeusedforthetransportofanycrudeoilsorfossilfuels, regardless of classification.

6. Retrofittedcarsthatfailtomeeteverystandardofthemostprotectivenewtankcar design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., ClassI -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

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July 10, 2015

Marisol R. Simon
Regional Administrator
U.S. Department of Transportation
Federal Transit Administration
200 West Adams Street
Suite 320
Chicago IL 60606

Dear Ms. Simon,

As the Chair of the Minnesota House of Representatives Transportation Committee, I would like to inform you about a recent funding proposal by the Metropolitan Council for the Southwest Light Rail Transit (SWLRT) project in our state.

As recently as late April, it was announced by the council that the cost of the SWLRT Green Line extension had grown to almost $2 billion while initial estimates were $1.2 billion. The council's current approach denies our state and our communities adequate time to deliberate the costs and issues associated with the SWLRT project.

Please find enclosed a letter detailing my concerns that was delivered to the Chair of the Metropolitan Council Adam on June 23, 2015.

Please do not hesitate to contact me directly with any questions or concerns.

Sincerely,

State Representative Tim Kelly
Chair, House Transportation Committee

Tim Kelly
State Representative
District 21A
Goodhue and Wabasha Counties

Minnesota House of Representatives

COMMITTEES:
CHAIR, TRANSPORTATION POLICY AND FINANCE
ETHICS
HEALTH AND HUMAN SERVICES REFORM
RULES AND LEGISLATIVE ADMINISTRATION

June 23, 2015

Via Electronic Delivery

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

Dear Chair Duininck,

At a Met Council Transportation Committee meeting on June 10th, 2015, Light Rail Transit Director Mark Fuhrmann and Finance Director Mary Bogie presented a cash flow financing plan for the Southwest Light Rail Transit (SWLRT) project that raises serious concerns.

In short, the proposal would use Certificates of Participation (COP) with Motor Vehicle Sales Tax (MVST) funds as a funding stream for these obligations. The council's proposal would take $13 million from MVST reserves and uses COPs to fund another $165 million in SWLRT costs. Belying the council's claim that COPs are not debt, COPs are the same funding mechanism used to authorize construction of the controversial Senate Office Building.

As recently as late April, it was announced by the council that the cost of the SWLRT Green Line extension had grown by nearly 70 percent (initial estimates were $1.2 billion and recent reports stated a new cost of $1.994 billion). Even Governor Mark Dayton was rightfully "shocked and appalled" at this continued escalation in costs. I agree with the governor's statement that this dramatic increase "raises serious questions about its viability and affordability".

Despite the fact Minnesotans and the public servants elected to represent them have raised concerns about the current SWLRT project due to recent increased costs as well as ongoing litigation, the Met Council appears to be moving forward full steam ahead.

In late April, Governor Dayton said he "would not entrust additional public money for the organization of the council for this project" until questions about how the costs skyrocketed and why officials were not informed earlier have been answered. In light of the bipartisan concerns about the line's ballooning cost, and the unusual funding scheme proposed by the council, I have additional questions we need answered with supporting documents:

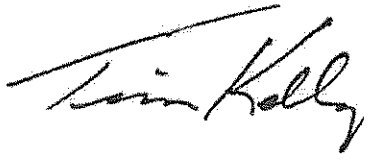
P.O. Box 412, Red Wing, MN 55066
559 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd. St. Paul, Minnesota 55155-1298
(651) 380-4345
(651) 296-8635
FAX: (651) 296-5378 Email: rep.tim.kelly@house.mn

- Is there statutory authority allowing the Met Council to issue COPs?
- What is the legal basis for being allowed to use COPs as a funding source for transit projects? Is there precedent?
- Who would issue these COPs?
- What terms and debt service would be required to pay these obligations off?
- What transit projects will not be funded now because of the use of these MVST funds being reserved to pay off these COPs?
- For what other projects, or elements of projects, does the Met Council envision COPs as proper and legitimate funding source?
- What precedent would be set by committing the use of funds from a state dedicated constitutional revenue stream for bonding without any legislative approval?
- How would this impact state debt guidelines?

The implications of the council's proposed alternative funding scheme are staggering for taxpayers and state and local policymakers. Greater consideration of the proposal's legality and risk are needed before any further action is taken.

Respectfully, I request a response to the above questions, and any additional documentation that supports the proposal, no later than July 12, 2015.

Sincerely,



State Representative Tim Kelly
Chair, House Transportation Committee