



Review Comment (Environmental) (ERC) - 965

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|------------------------|-------------------------------------|-------------------|--|
| Project: | SWLRT Technical Collaboration | Project Number: | |
| Process Document: | ERC - 965 | Overall Due Date: | |
| Current Workflow Step: | Spawn / Data Entry on Spawned Items | Step Due Date: | |
| Subject: | [No Subject] | | |
| Status: | Submitted | | |

Entered Data

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|-------------------------------------|-------------------------------|
| Communication Comment Letter (CCL): | 0965 |
| Title: | |
| Commenter ID: | |
| Commenter: | Jeff Jacobs |
| Commenter First Name: | Jeff |
| Commenter Last Name: | Jacobs |
| Commenter Organization: | City of St. Louis Park |
| Commenter Email: | Not Provided |
| Commenter Phone: | 952-924-2500 |
| Commenter Street Address: | 5005 Minnetonka Blvd. |
| Commenter City: | St. Louis Park |

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|-----------------------------------|--|
| Commenter State: | MN |
| Commenter ZIP: | 55416-2216 |
| Commenter Type: | |
| Submitted by Business?: | Unknown |
| About a Business?: | Unknown |
| Source: | Postal Mail |
| Comment Date: | 12.21.2012 |
| Date Received by Hennepin County: | 12.27.2012 |
| Batch Date: | 12.28.2012 |
| Hennepin County Comment Number: | 413 |
| Comment: | <p>December 21 , 2012 www.stlouispark.org</p> <p>Hennepin County Housing, Community Works & Transit ATTN: Southwest Transitway 701 Fourth Avenue South, Suite 400 Minneapolis, MN 55415 SUBJECT: Comments on the Southwest Transitway Draft Environmental Impact Statement (SW DEIS)</p> <p>The City of St. Louis Park appreciates the opportunity to comment on the Southwest Transitway Draft Environmental Impact Statement (SW DEIS). Attached are comments derived from applying the City's SW LRT and freight rail policies to the information presented in the SW DEIS, and general comments regarding information and analyses in the SW DEIS.</p> <p>In its September 2011 letter to the Met Council, the Federal Transit Administration (FTA)</p> |

required that routing of freight rail traffic be incorporated into the SW Transitway project and DEIS as a condition of the FTA's funding of the SWLRT project. Alternative 3A-1 (co-locating freight rail and light rail in the Kenilworth corridor) was subsequently added into the SW DEIS. The SW DEIS concludes that Alternative 3A (LRT in Kenilworth corridor and freight rail relocated to the MN&S/BNSF) should be considered the "Environmentally Preferred Alternative."

Overall, the City of St. Louis Park has not found information in the SW DEIS that supports this conclusion. There is not a fair, even and consistent comparison of the freight alternatives, and the data provided does not equate with the summary conclusions put forth in the SW DEIS.

The DEIS shows alternatives 3A and 3A-1 to be equal in many regards. Both achieve the basic purpose of constructing a LRT project well; ridership projections are equal, and operating costs are estimated to be equal. Improvements to regional mobility, access to jobs, and improvements to air quality are also equal. However, it is unclear on what basis Alternative 3A (relocation) was judged to be superior to alternative 3A-1 (colocation); we explain in detail our specific concerns in the attached comments.

The City of St. Louis Park requests that Hennepin County and the Metropolitan Council address the inadequacies in the SW DEIS to provide a much more fair and even evaluation of the two freight rail alternatives in order that the Metropolitan Council has a sound basis for making a responsible routing decision.
Sincerely,

Jeff Jacobs
Mayor

5005 Minnetonka Blvd. ☐ St. Louis Park, Minnesota 55416-2216
Phone: (952) 924-2500 ☐ Fax: (952) 924-2170 ☐ Hearing Impaired: (952) 924-2518

[see attachment "SLPAttachments 1 - 16-Comment#413.pdf"]

Auxiliary
Comment Text:

Spawning

Attachments:

1. City of St. Louis Park Resolutions: 10-070; 10-071; 10-005
2. FTA PE Approval Letter SW Corridor 09-02-11
3. Letter from City to Metropolitan Council dated 9-23-11
4. Letter from Metropolitan Council dated 10-21-11
5. EAW
 - a. MNS EAW Track profiles (by Kimley Horn and AECOM)
 - b. CP and TC&W letters of 06-14-11 on EAW
 - c. SEH Technical Memos 1-3
 - d. City comments on EAW; SEH Tech Memo #4 and attachments, including:
 - Southern connection drawing
 - Skunk Hollow wye area
 - Wider r-o-w north of Highway 5
 - Comparison of Alternative 3A and 3A-1 Freight Rail Corridor Widths and Proximity to Homes
 - e. North frontage road under MN&S
6. MnDOT EAW Withdrawal Resolution
7. Letter to HCRRA dated 10-14-08
8. Wooddale and Beltline Grade Separation Summary 05-05-11
9. Railroad Easement
10. SW LRT Traffic Review by SRF
11. TKDA Final Report 11-18-09
12. TKDA Plan Set 2009
13. RL Banks Study Presentation 11-29-10
14. TCWR Route Alternatives Study by Amfahr 11-29-10
15. STB questions, HCRRA response, City response
16. Specific Comments DEIS by page

RESOLUTION NO. 10-005

RESOLUTION RELATING TO HENNEPIN COUNTY'S DECISION OF A LOCALLY PREFERRED ALTERNATIVE FOR THE SOUTHWEST TRANSITWAY

WHEREAS, the City of St. Louis Park has been an active participant and supporter of transit in the Southwest corridor, and

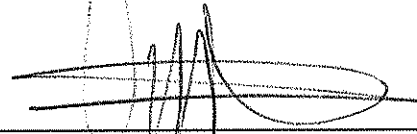
WHEREAS, the City of St. Louis Park has participated in the Technical, Policy and Community Advisory Committees for the Southwest Transitway, and

WHEREAS, the Technical Advisory Committee (TAC) unanimously recommended the selection of Route 3A as the locally preferred alternative with conditions including that agencies work cooperatively to identify impacts, mitigation requirements, and mitigation funding options to address the potential of rerouting freight rail in a parallel process with the Southwest LRT DEIS and to identify the freight rail issue and impacts as a part of the "secondary and cumulative impacts."

WHEREAS, the Policy Advisory Committee (PAC) recommended the selection of Route 3A as the locally preferred alternative with the conditions as recommended by the TAC.

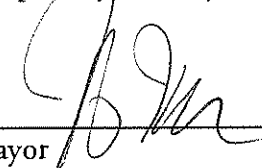
NOW THEREFORE BE IT RESOLVED by the City Council of St. Louis Park that it supports Hennepin County's decision of LRT alignment 3A as the locally preferred alternative for the Southwest Transitway.

Reviewed for Administration:



City Manager

Adopted by the City Council January 19, 2010



Mayor

Attest:



City Clerk

RESOLUTION NO. 10-070

RESOLUTION RELATING TO FREIGHT RAIL ACTIVITY IN
THE CITY OF ST. LOUIS PARK

WHEREAS, the City of St. Louis Park is committed to protect and enhance the quality of its neighborhoods; and,

WHEREAS, several railroads operate within the City of St. Louis Park and railroad operations can have adverse impacts on the City and its neighborhoods; and,

WHEREAS, the City of St. Louis Park seeks to provide a clear, concise statement of its position regarding freight rail activity in the City today and in the future; and,

WHEREAS, the City of St. Louis Park has always opposed the rerouting of freight rail traffic through our community; and

WHEREAS, the City of St. Louis Park adopted the Railroad Task Force Recommendations of May 23, 2001 by Resolution No. 01-120, which included St. Louis Park's opposition to the rerouting of freight rail; and,

WHEREAS, the City of St. Louis Park has been an active participant and supporter of transit in the Southwest corridor, and

WHEREAS, the City of St. Louis Park has participated in the Technical, Policy and Community Advisory Committees for the Southwest Transitway, and

WHEREAS, the Technical Advisory Committee (TAC) unanimously recommended the selection of Route 3A as the locally preferred alternative with conditions including that agencies work cooperatively to identify impacts, mitigation requirements, and mitigation funding options to address the potential of rerouting freight rail in a parallel process with the Southwest LRT DEIS and to identify the freight rail issue and impacts as a part of the "secondary and cumulative impacts."; and,

WHEREAS, the City of St. Louis Park adopted Resolution No. 10-05 in support of Hennepin County's decision of LRT alignment 3A (through the Kenilworth Corridor) as the locally preferred alternative for the Southwest Transitway ; and,

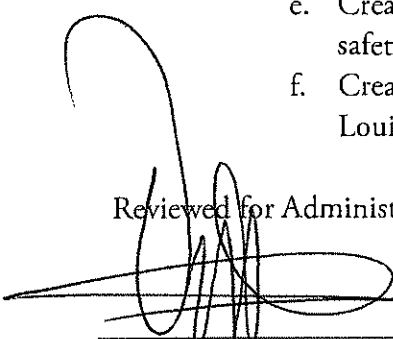
WHEREAS, the City of St. Louis Park participated in the Technical, Policy and Community Advisory Committees for the Southwest Transitway.

NOW THEREFORE BE IT RESOLVED by the City Council of St. Louis Park that the City of St. Louis Park:

1. Supports the implementation of the Southwest Transitway LRT project; and,
2. Continues to support the May 23, 2001 Railroad Task Force Recommendations adopted by the City Council October 21, 2001; and,
3. Opposes the introduction of any rerouted freight rail traffic north and south through the City of St. Louis Park; and,
4. Opposes the rerouting of freight rail traffic from the Kenilworth corridor to St. Louis Park unless the following conditions are clearly met:
 - a. It is established through a very thorough and careful analysis that no other viable route exists;
 - b. There is appropriate mitigation of any and all negative impacts associated with rail rerouting, funded by sources other than the City of St. Louis Park. Potential negative impacts that should be addressed include but are not limited to noise, vibration, odors, traffic congestion and safety, school use and safety, park use and safety; and, circulation/access in the community by vehicle, pedestrian, transit and bicycle;
 - c. Elimination of railroad switching, sorting and blocking operations within the City of St. Louis Park; and funded by some other source than the City of St. Louis Park;
 - d. Removal of the existing "wye" rail tracks in the vicinity of Oxford Street and any other tracks not needed for through train traffic including the rail tracks east of any new interconnections between the East-West CP-TCWR tracks and the North-South CP-MNS tracks;
 - e. Creation of a freight rail single track corridor with significant right-of-way and safety measures incorporated between the track and adjacent properties;
 - f. Creation of a whistle-quiet zone funded by sources other than the City of St. Louis Park throughout the entire north-south MNS corridor.

Reviewed for Administration:

Adopted by the City Council July 6, 2010

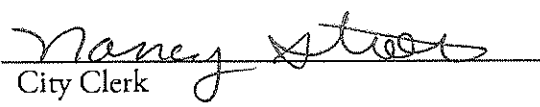


City Manager



Mayor

Attest:



City Clerk

RESOLUTION NO. 10-071

RESOLUTION REQUESTING HENNEPIN COUNTY REGIONAL RAIL AUTHORITY
(HCRRA) REANALYZE THE POTENTIAL ROUTES IN THE 2009 TCWR FREIGHT
RAIL REALIGNMENT STUDY IN GREATER DETAIL

WHEREAS, in 2009 Hennepin County Regional Rail Authority conducted a study titled, "TCWR Freight Rail Realignment Study" that evaluated options for moving freight rail from the Kenilworth corridor; and

WHEREAS, this study considered six options for TCWR operations, and

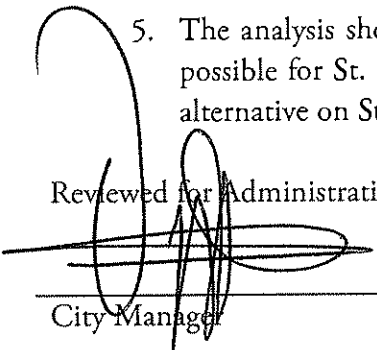
WHEREAS, the six options were not adequately or equally evaluated in the report, and

WHEREAS, additional information that evenly applies criteria to each option is necessary to ensure a viable, cost-effective route is selected.

NOW THEREFORE BE IT RESOLVED BY the City Council of the City of St. Louis Park:

1. The City Council hereby requests Hennepin County Regional Rail Authority more fully evaluate the six options previously evaluated.
2. The additional study should evenly apply the same evaluation criteria to each route.
3. The evaluation should include, but not be limited to, such items as: an explanation of the future routes to Minneapolis and St. Paul; impacts to crossing Highway 100; a quantification of the number of at-grade road crossings and number and proximity of homes, schools and other sensitive uses along each route; impacts on public safety and transportation networks; operational impacts for TCWR and cost to compensate for possible competitive TC&W disadvantage due to route selection; an analysis of routing both freight rail and light rail through the Kenilworth corridor right-of way; and more detailed analysis of the projected costs for each route, including property acquisitions, environmental mitigation, and other factors outlined in the letter from St. Louis Park to the County in July 2009.
4. The evaluation should ensure that the analysis and criteria are applied consistently and equally for each route to provide a basis and understanding for decision making.
5. The analysis should be done in sufficient detail and reported in a format that makes it possible for St. Louis Park to fully understand the positive and negative impacts of each alternative on St. Louis Park itself.

Reviewed for Administration:



City Manager

Adopted by the City Council July 6, 2010



Mayor

Attest:



City Clerk



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

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

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

The Honorable Susan Haigh
Chairman
Metropolitan Council
390 Robert Street North
St. Paul, MN 55101-1805

September 2, 2011

Re: Preliminary Engineering Approval for the Minneapolis Southwest Corridor Light Rail Project

Dear Ms. Haigh:

The Federal Transit Administration (FTA) is pleased to inform you that the Metropolitan Council's (MC) Southwest Corridor light rail transit (LRT) project located in the City of Minneapolis and Hennepin County has been approved into the preliminary engineering (PE) phase of project development of the New Starts program. This approval for the initiation of PE is a requirement of Federal transit law governing the New Starts program [40 U.S.C. Section 5309(e)(6)].

This PE approval is for an approximately 15.8-mile double track light rail line extending from the current Target Field station on the eastern end of the route in downtown Minneapolis through several suburban municipalities, including Minnetonka, Hopkins, St. Louis Park and terminating in Eden Prairie at Mitchell Road/Trunk Highway 5 on the western end of the route. The project includes construction of 17 new at-grade stations, 15 park-and-ride facilities with 3,500 total spaces, 26 light rail vehicles and a new rail maintenance facility. The project will operate in a dedicated surface transitway in the median of existing streets, with approximately 1.47 miles of elevated guideway via a flyover bridge over active Burlington Northern Santa Fe Railway freight tracks at Lyndale Junction in Minneapolis and 0.2 miles of tunnel where the LRT line will operate under existing streets near Target Field. The project will link to the existing Hiawatha LRT and the Northstar commuter rail lines and the Central Corridor LRT line, currently under construction, at Target Field and will share tracks with the Central Corridor on 5th Street in downtown Minneapolis, thus providing a one-seat ride from Eden Prairie to Union Depot in downtown St. Paul. The estimated capital cost of the project in year-of-expenditure dollars is \$1,250.48 million. MC is seeking \$625.24 million (50 percent) in Section 5309 New Starts funds. The Southwest LRT line is expected to carry 29,700 average weekday riders in 2030.

With this approval, MC has pre-award authority to incur costs for PE activities prior to grant approval while retaining eligibility for future FTA grant assistance for the incurred costs. This pre-award authority does not constitute an FTA commitment that future Federal funds will be approved for the project. As with all pre-award authority, all Federal requirements must be met prior to incurring costs in order to retain eligibility of the costs for future FTA grant assistance. FTA's approval to initiate PE is not a commitment to approve or fund any final design or construction activities. Such a decision must await the outcome of the analyses to be performed during PE, including completion of the environmental review process.

FTA is required by law to evaluate a proposed project against a number of New Starts criteria and ensure that prospective grant recipients demonstrate the technical, legal and financial capability to implement the project. Based on an evaluation of the Southwest LRT project against these criteria, FTA has assigned the project an overall rating of “*Medium.*”

FTA and its Project Management Oversight Contractor (PMOC) conducted a detailed review of the scope, schedule, cost and project risks of the Southwest LRT and the technical capacity and capability of MC to implement the project. FTA has determined that the project meets the requirements for entry into PE and that the MC possesses the technical capacity and capability to implement the project. Some of the key items that MC must address during PE include:

Project Scope

- Solidify the scope for an Operating and Maintenance Facility (OMF). It is unclear if a heavy OMF or a light OMF will be needed. MC must make a decision as early in PE as possible so the corresponding impacts can be properly evaluated during the environmental review process.
- In consultation with the Federal Railroad Administration (FRA), determine the design requirements for adequate safety features for street-grade crossings between the Southwest LRT line and existing freight rail tracks. During PE, MC must address any design standards that FRA requires such as crash walls or grade separations between the Southwest LRT and freight traffic prior to seeking entry into Final Design.
- Analyze the impacts of relocating the Twin Cities & Western freight line, which currently operates on a segment of the planned Southwest LRT route, in the project’s Environmental Impact Statement (EIS). Because the freight relocation is necessary for MC to be able to implement the Southwest LRT project as planned, the cost and scope of the freight line relocation must be included in the Southwest LRT project scope and budget, regardless of the funding sources that may be identified to pay for the work. This must be completed prior to seeking entry into Final Design.
- Analyze the reconfiguration of the Canadian Pacific Railroad’s freight tracks where they will be elevated over the Southwest LRT line and include the analysis in the Southwest LRT project’s EIS and cost and scope. The planned flyover, as currently designed by MC, shows sharp curvature, steep grades, and insufficient clearances. This must be completed prior to seeking entry into Final Design.
- Analyze the infrastructure needs, implementation schedule, and planned operations of the Interchange project as it may impact the design, cost, and operations of the Southwest LRT project. The evaluation must be completed prior to seeking entry into Final Design.

Project Schedule

- Based on the results of FTA’s pre-PE risk assessment, the schedule for the project is overly aggressive. MC currently projects a Revenue Service Date (RSD) of April 2017. FTA recommends a RSD no earlier than the first quarter of 2018. MC should work with FTA during PE to arrive at an agreed upon schedule.

- During PE, MC should develop a comprehensive third party coordination plan to address all stakeholder issues, particularly right-of-way acquisition plans, memoranda of agreement (if appropriate), and all requisite permits.

Project Cost

- MC should implement design-to-budget controls and procedures that would require the design team to continually monitor the affect of design development and evolution on the overall project cost, in conjunction with cost estimating activities.

Technical Capacity

- During PE, MC should revise the Project Management Plan (PMP) to specify that staff from the Central Corridor LRT project will also be used for the Southwest LRT project. The MC needs to ensure that adequate staff with the requisite technical expertise will be available to manage the Southwest LRT project's implementation.

Project Funding

The payout of FTA Section 5309 New Starts funds in MC's financial plan exceeds \$100 million per year from 2015 through 2017. Given the current uncertainty surrounding a timeframe for surface transportation reauthorization, the significantly reduced Fiscal Year (FY) 2011 budget for the New Starts program, and the current conversations in Congress surrounding development of the FY 2012 budget, MC should assume no more than \$100 million per year in annual New Starts funding. Given the considerable number of large, high cost projects currently in the New Starts pipeline, it is not possible for the program to provide significantly higher amounts than this on an annual basis to any one project should the program funding level remain at its FY 2011 level of \$1.6 billion. In the event the New Starts program's funding level increases prior to execution of a Full Funding Grant Agreement for the project, FTA will reconsider adjustments to the annual New Starts funding assumptions and coordinate with MC appropriately.

Civil Rights Compliance

Pursuant to the Civil Rights Act of 1964 and its implementing regulations, including FTA Circular 4702.1 (Title VI Program Guidelines for FTA Recipients, Part II, Section 114), FTA approved MC's Title VI program on March 17, 2011. MC must submit a Title VI program update at least 30 calendar days before the current Title VI approval expires on March 17, 2014.

MC has an approved Disadvantaged Business Enterprise goal (DBE). An updated DBE three-year goal is due to FTA on August 1, 2014. MC's most recent Equal Employment Opportunity Plan expires on November 11, 2013.

As project development continues, MC is reminded to ensure that the vehicles, stations and facilities are designed and engineered to ensure compliance with current standards for accessibility under U.S. Department of Transportation regulations implementing the transportation provisions of the Americans with Disabilities Act of 1990 (ADA). MC is advised to independently verify manufacturers' claims of ADA compliance, and to consult with FTA's Office of Civil Rights concerning ADA requirements as project development progresses. The Office of Civil Rights will provide MC a separate letter further detailing ADA compliance issues in the near future.

MC must work with FTA during PE to address the concerns identified above, along with any others that are identified as project development progresses. As PE proceeds, FTA will provide more detail to MC regarding other deliverables that should be completed prior to requesting approval to enter Final Design.

FTA looks forward to working closely with MC during the development of the Southwest light rail project. If you have any questions regarding this letter, please contact Cyrell McLemore of my office at (312) 886-1625.

Sincerely,



Marisol R. Simón

September 23, 2011

Ms. Susan Haigh, Chair
Metropolitan Council
390 Robert St. North
St. Paul, MN 55101-1805

Dear Ms. Haigh,

Congratulations to you and the Metropolitan Council on receiving authorization from the Federal Transit Administration (FTA) to enter into the Preliminary Engineering (PE) phase for the Southwest Light Rail Transit (SWLRT) project. As has been stated a number of times in the past, the City of St. Louis Park is a strong supporter of the SWLRT project and is truly excited to have received the news that the project will be taking this significant step toward implementation. We look forward to working in partnership with the Metropolitan Council, Hennepin County, MnDOT and our partner communities along the SWLRT Corridor on the planning, design and ultimately construction of this next component of the regional LRT system.

The FTA letter authorizing PE included a list of "key items" that must be addressed during the PE process which have significant implications for St. Louis Park. Of particular note for St. Louis Park are the items that deal with (1) analyzing the impacts of relocating the TC&W freight line within the SWLRT Environmental Impact Statement (EIS); (2) required the freight rail relocation issue to be included in the SWLRT project scope and budget; (3) referenced a Canadian Pacific "flyover" of the SWLRT line; and, (4) noted the need for Federal Railroad Administration (FRA) involvement in determining appropriate standards for safety features and separation between SWLRT and freight traffic.

While the inclusion of the freight rail issue in the SWLRT project is a significant development in the on-going Freight Rail/LRT debate, we recognize that the references to freight rail in the FTA's letter are far from a detailed plan on how to proceed. It does not necessarily resolve the issue of where TC&W trains will be routed and does not resolve specifically what mitigation for freight rail relocation is needed. The FTA requirement to include freight rail relocation and the analysis of potential impacts in the SWLRT project raises many questions about how this will be done and what happens next.

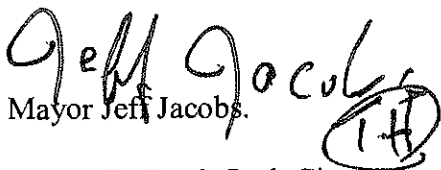
The City of St. Louis Park respectfully requests that the Metropolitan Council provide clarification at the earliest possible date as to how the key items listed in the FTA letter will be addressed during the PE process. More specifically we ask the following:

1. The third bullet in the Project Scope list in the FTA letter states that the impacts of relocating the TC&W freight line be analyzed in the SWLRT EIS. The City is requesting

- clarification about how this will be done, who will do the work and when, and how will the NEPA required EIS scoping process be handled?
2. At the core of the NEPA process is the requirement to consider and evaluate alternatives. Based on this requirement, can St. Louis Park assume that, at a minimum, one of the alternatives for the routing of the TC&W trains that will be considered and evaluated is co-location of freight and LRT trains in the Kenilworth Corridor? Please note that St. Louis Park has analyzed co-location of freight and LRT in the Kenilworth Corridor and has found it to be feasible and advantageous for a variety of reasons including safety and cost. We would be happy to share this information with you.
 3. The fourth Project Scope bullet refers to "reconfiguration of the Canadian Pacific Railroad's freight tracks..." It also references a "flyover". Clarification is sought as to where the referenced tracks are located; and, if it is referring to tracks in St. Louis Park. The City requests participation in the analysis and design process required by FTA.
 4. The second Project Scope bullet states that design requirements and standards regarding freight rail/LRT crossings and freight rail/LRT separations need to be developed in consultation with the FRA. The City would like to know when and how the Met Council will satisfy this FTA requirement and requests inclusion in this process.
 5. What will be the overall plan for allowing public participation and information sharing during the PE process?

We look forward to your response to this letter and working together in partnership toward successful implementation of the SWLRT project. We believe authorization by the FTA to begin SWLRT PE makes it all the more important that we move forward to address unresolved issues in a spirit of cooperation and a focus on problem solving. We believe inclusion of the freight rail issue in the SWLRT PE process can be embraced as a constructive step and an opportunity to move forward the overall SW LRT project. We hope that you will see this request for clarification and information in that light.

Sincerely,


Mayor Jeff Jacobs.

CC: St. Louis Park City Council
Jim Brimeyer, District 6 Representative, Metropolitan Council
Mark Fuhrman, Metropolitan Council
Hennepin County Commissioner Gail Dorfman
Phil Eckhert, Director of Housing, Community Works and Transit
Marisol R. Simon, FTA

October 21, 2011

Mayor Jeff Jacobs
City of St. Louis Park
5005 Minnetonka Blvd.
St. Louis Park, MN 55416

Dear Mayor Jacobs,

I am writing in response to your letter dated September 23, 2011 where you ask several questions on behalf of St. Louis Park related to the Federal Transit Administration's (FTA) letter authorizing the Southwest Light Rail Transit Project (SWLRT) entry into Preliminary Engineering.

On behalf of the Metropolitan Council, thank you for your community's strong commitment to partnering in the success of this project. We are all excited to have received the FTA letter allowing us to begin the necessary planning and engineering work to resolve this project's critical challenges.

The Met Council understands the city's concerns regarding the freight rail relocation issue. As we are still early in the development process of the SWLRT project, we are not able to readily answer all of your questions at this time. What we do know is the FTA is now considering the work related to resolving this issue part of the scope and budget of SWLRT. The FTA has not weighed in on what roles local agencies are to take in this process and view this determination as a local decision. Hennepin County Regional Railroad Authority has been the lead agency on the Draft Environmental Impact Statement for SWLRT and will continue in that role with ongoing support from the project office.

The Met Council and the project office recognize the importance of local stakeholders in the development and evaluation of all critical elements of the project, including Freight Rail Relocation. We understand St. Louis Park's desire to be a participant in the technical evaluations of the Freight Rail Relocation issue and will invite city staff to participate in these discussions when appropriate.

The project office is currently in the process of seeking a senior management position that will be responsible for communications and outreach for SWLRT. This person will be responsible for the development of a proactive communications plan that allows for ample public participation and for effective delivery of project information to stakeholders as well as the general public. We hope to have this individual working on the project within the next 30 – 60 days.

Again, thank you for your strong interest in SWLRT. We look forward to St. Louis Park's continued support.

Sincerely,



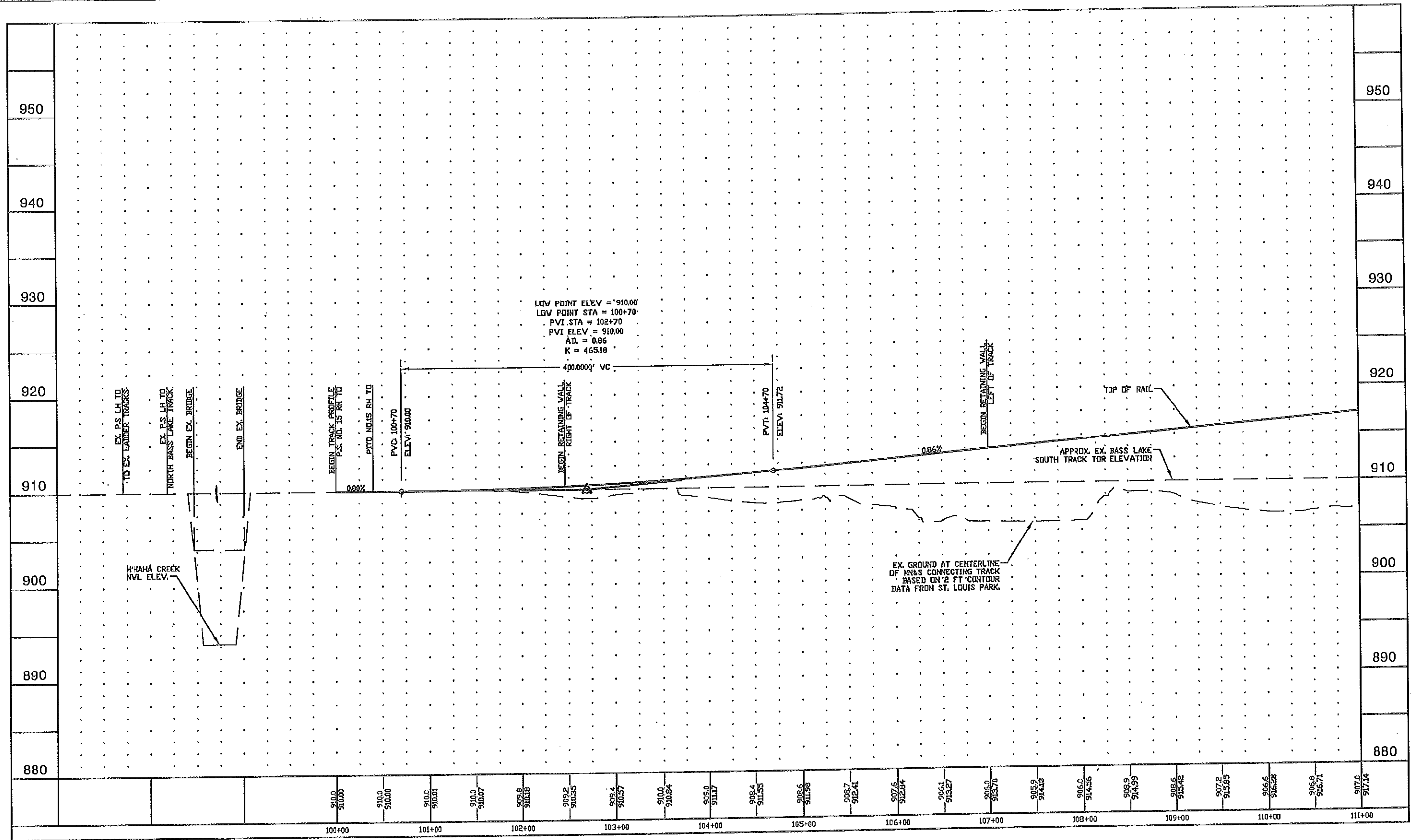
Susan Haigh
Chair, Metropolitan Council

cc: St. Louis Park City Council
Jim Brimeyer, Metropolitan Council Member
Mark Fuhrmann, CCPO

Henn. Co. Commissioner Gail Dorfman
Phil Eckhert, Hennepin County
Marisol Simon, FTA

www.metrocouncil.org

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PRELIMINARY
DRAFT
NOT FOR
CONSTRUCTION



AECOM



HENNEPIN
COUNTY



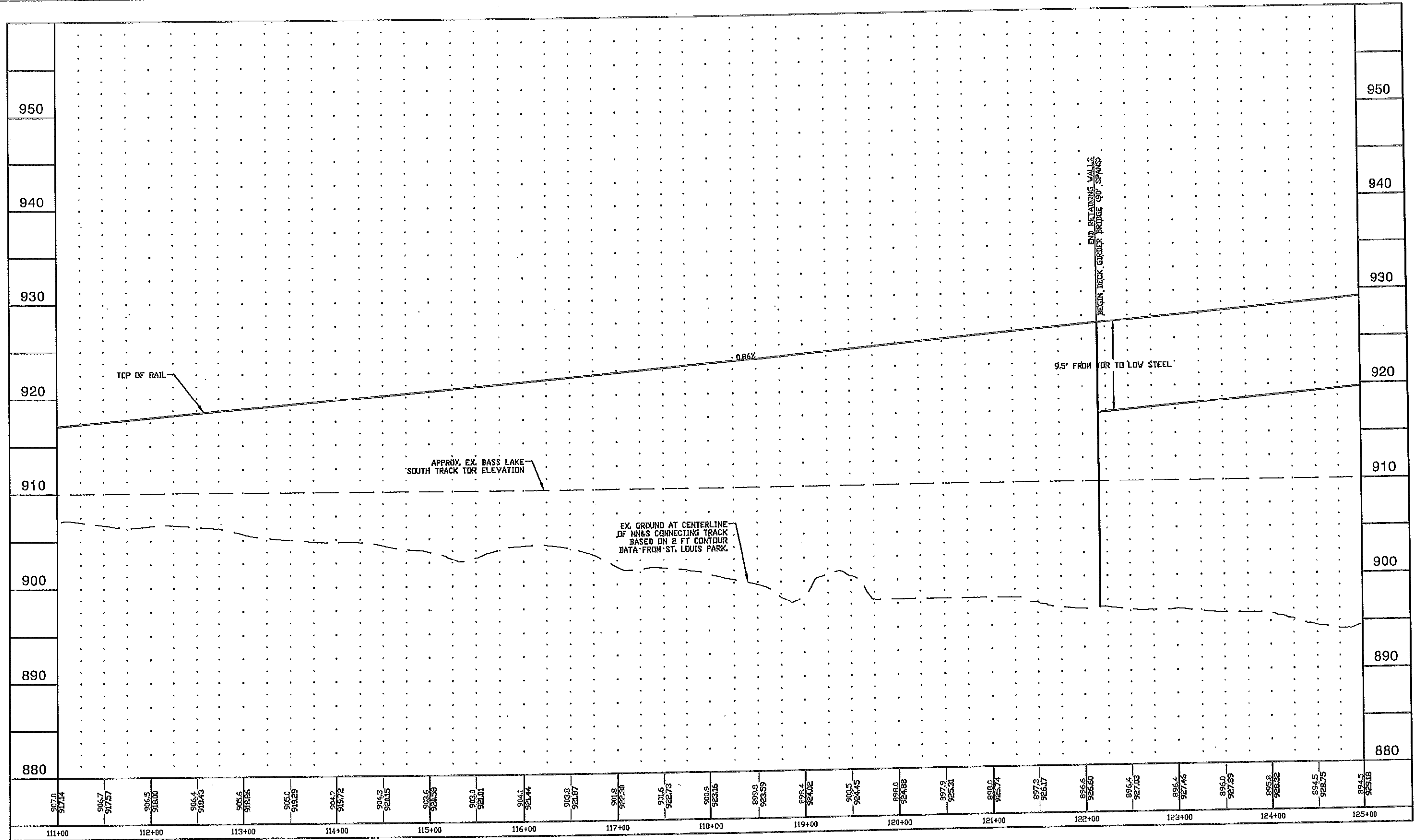
MINNESOTA DEPT. OF
TRANSPORTATION

MIN&S FREIGHT RAIL STUDY

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Kimley-Horn
and Associates, Inc.

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HENNEPIN
COUNTY



MINNESOTA DEPT. OF
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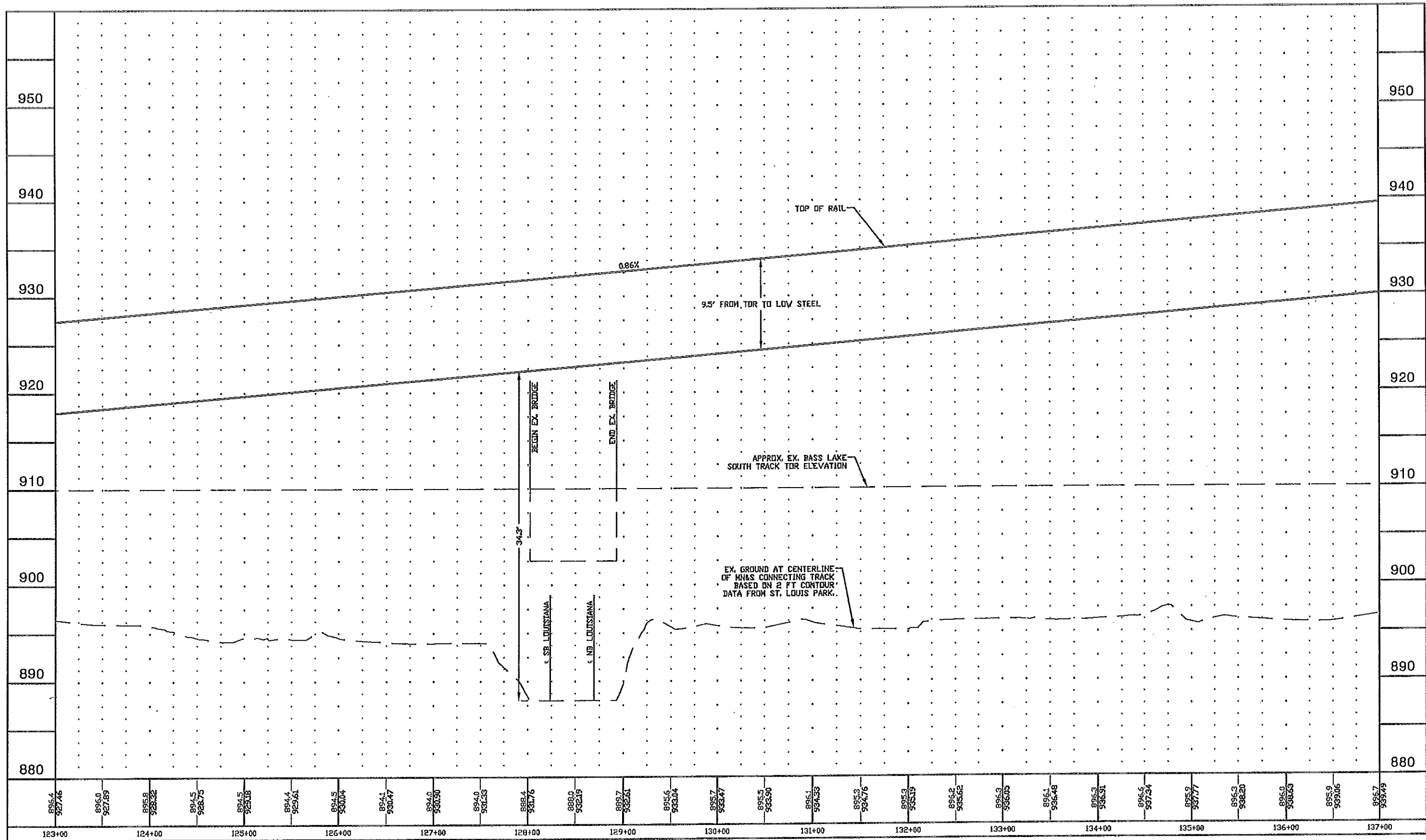
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HENNEPIN
COUNTY



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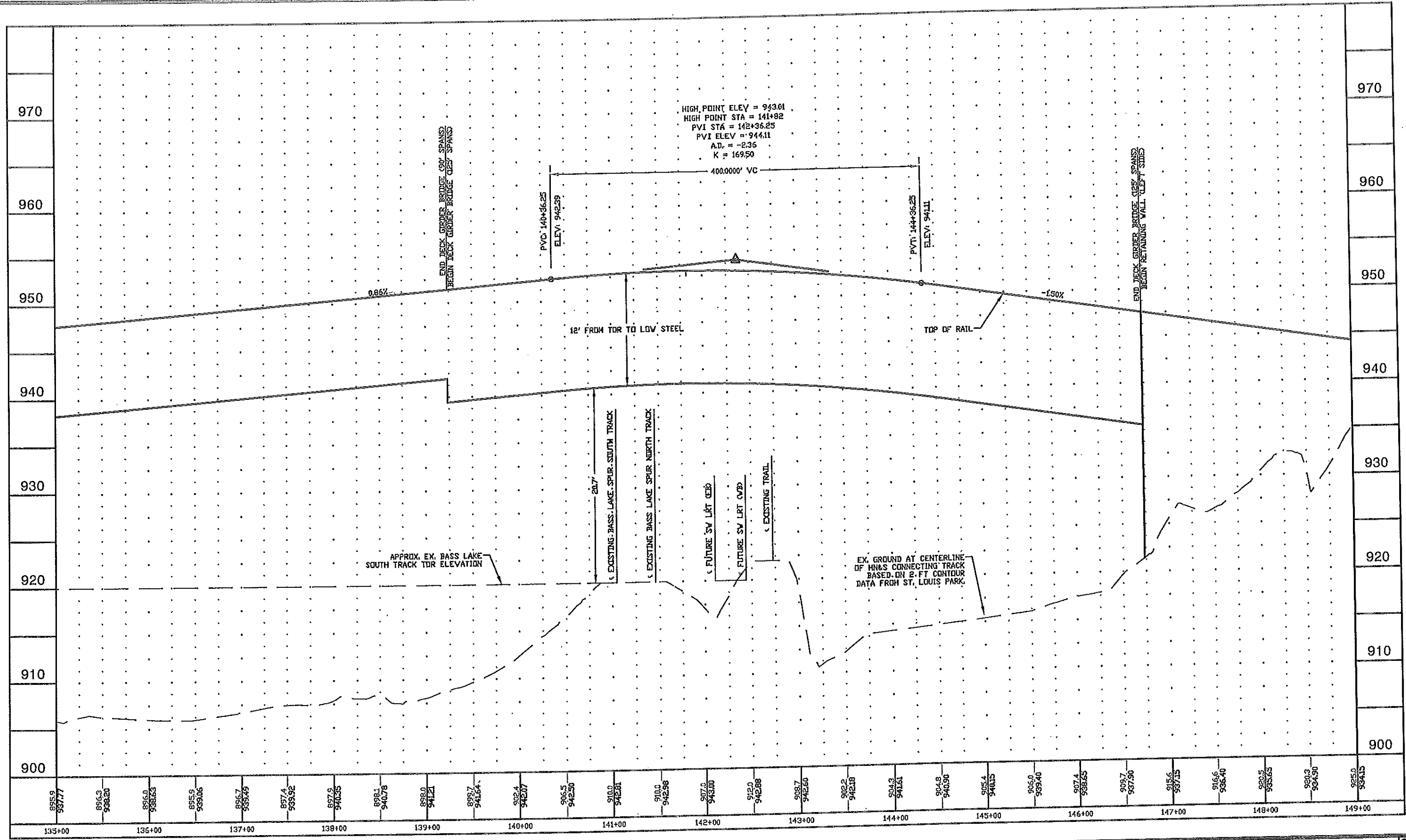
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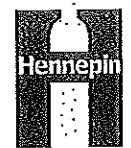


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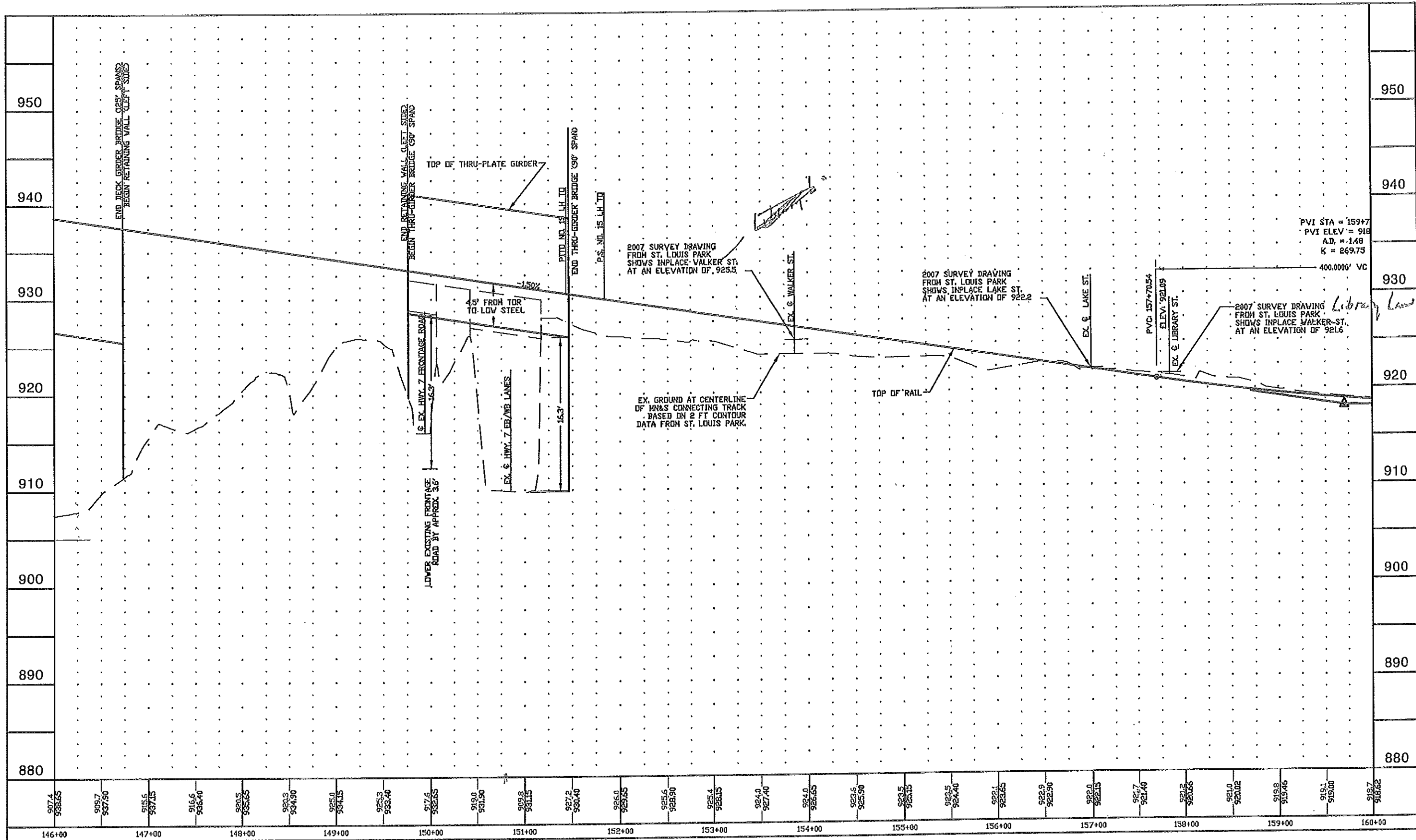
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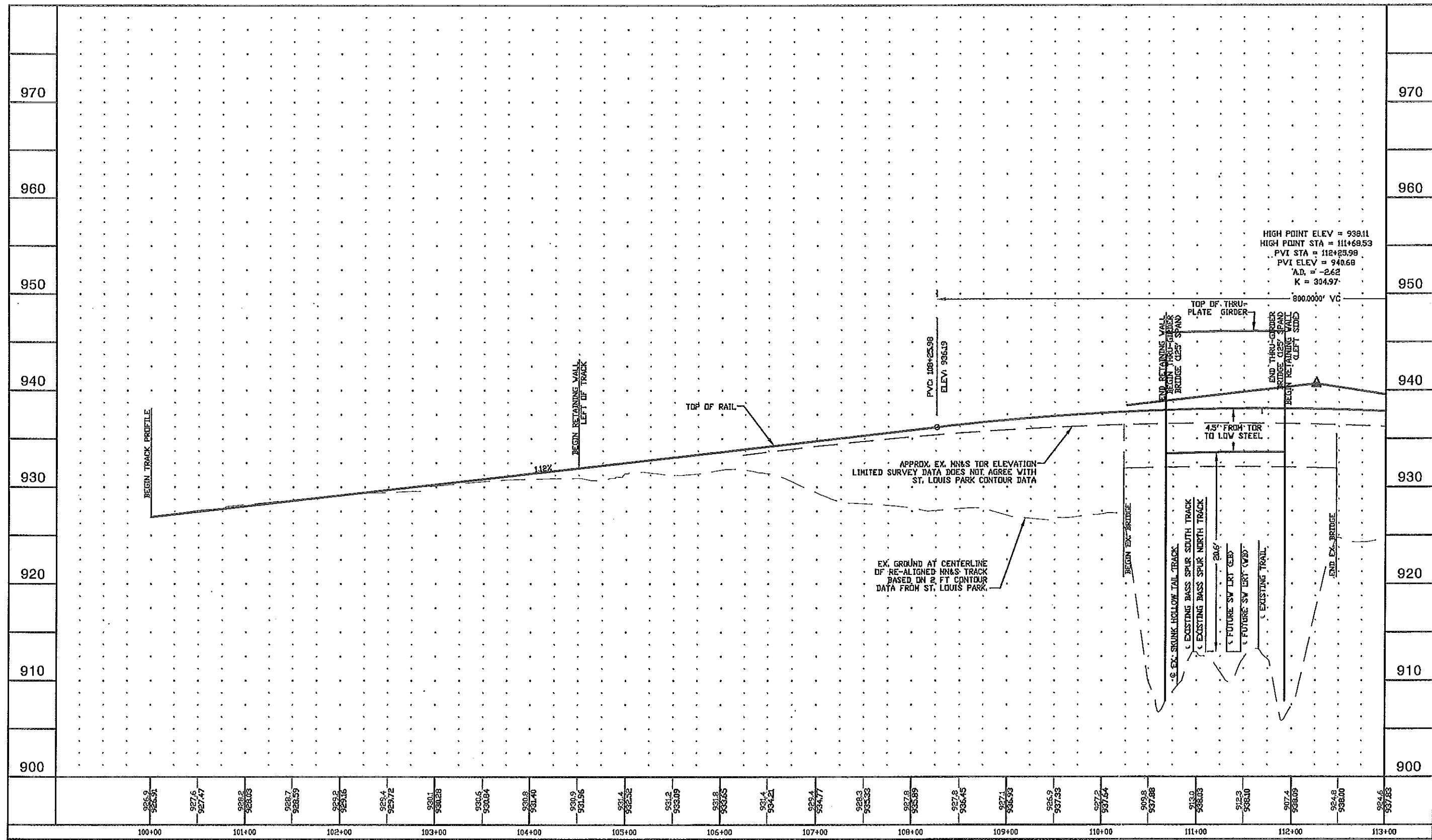
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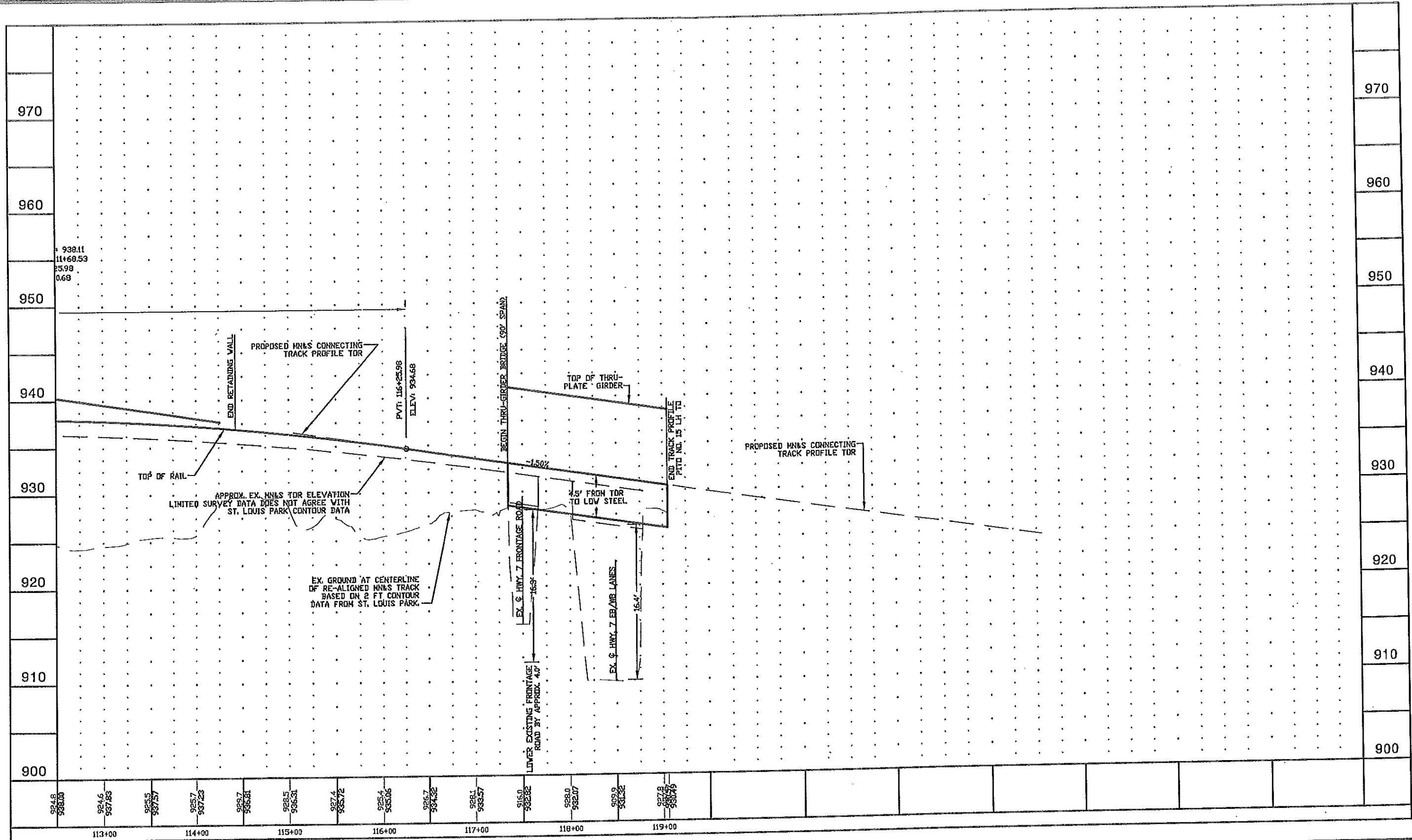
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 ST. LOUIS PARK CONTOUR DATA

EX. GROUND AT CENTERLINE
 OF RE-ALIGNED MN&S TRACK
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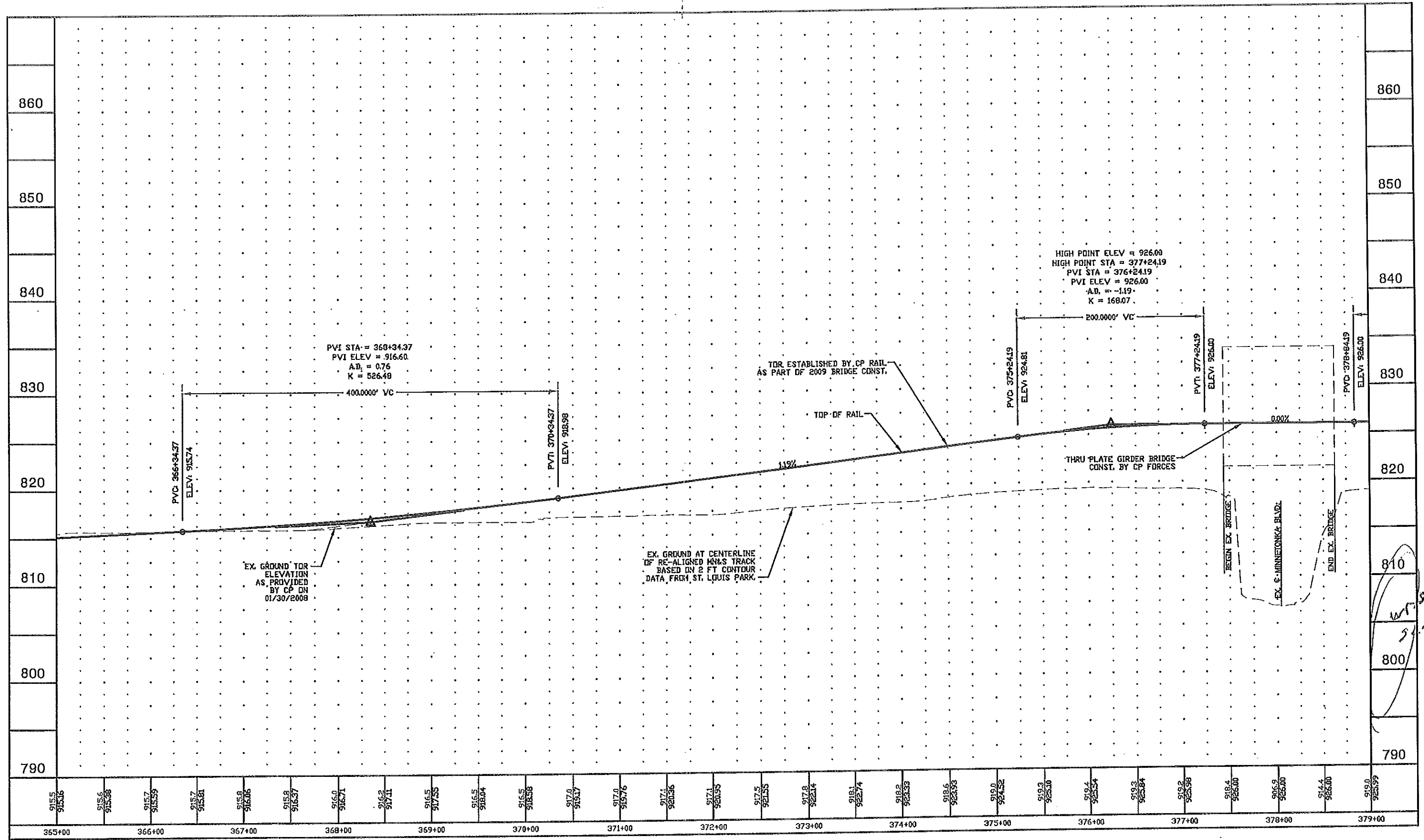
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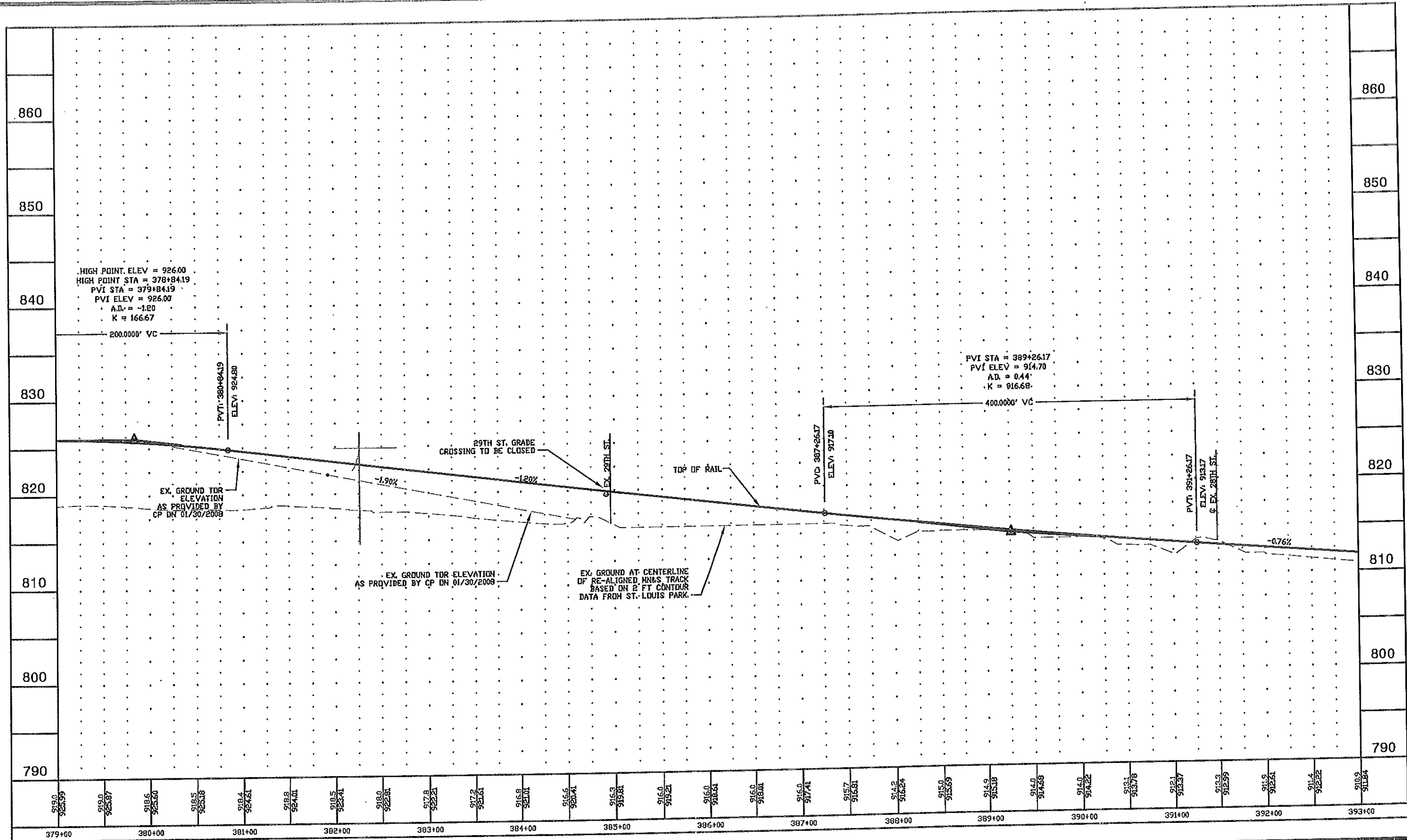
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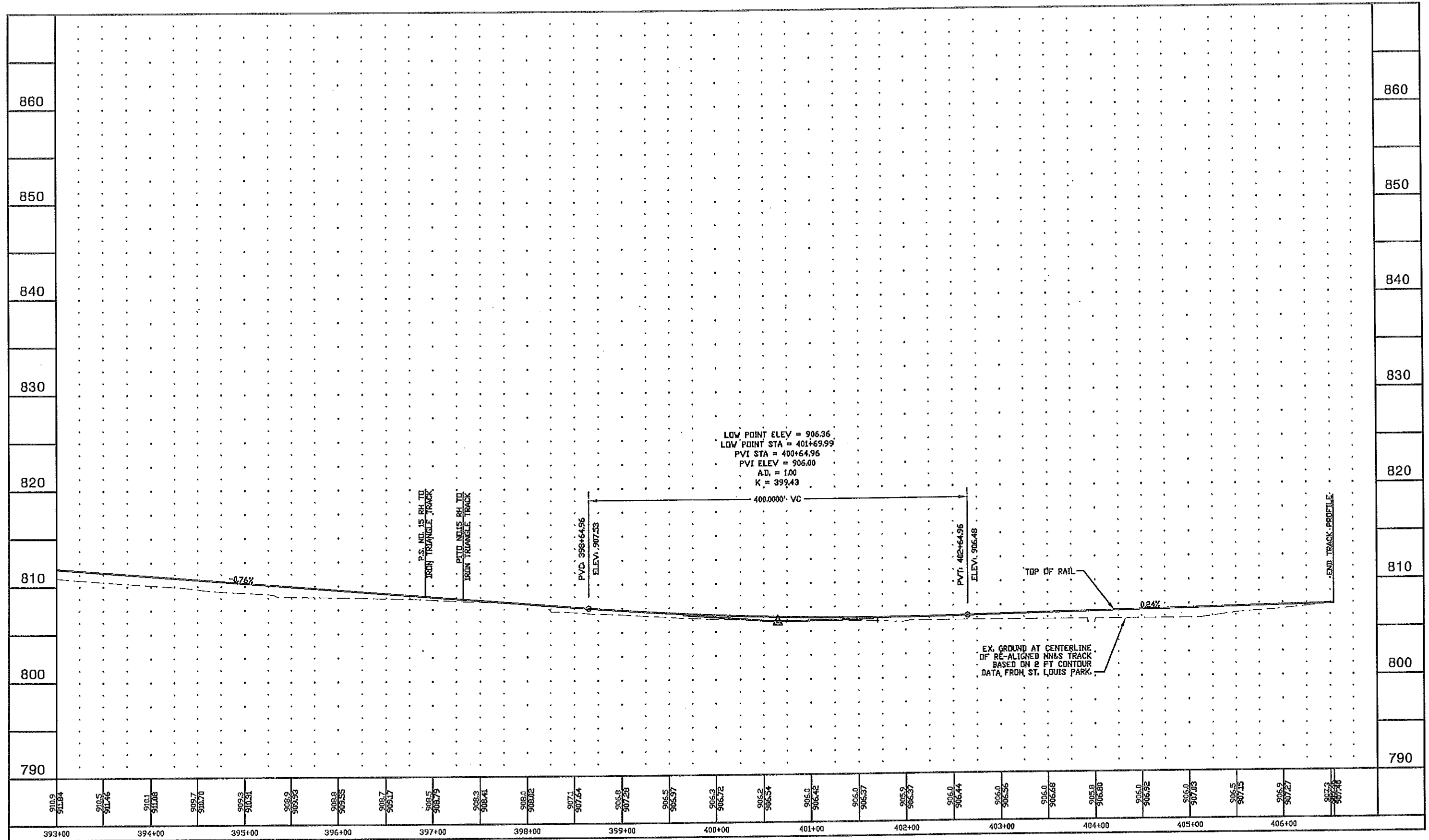
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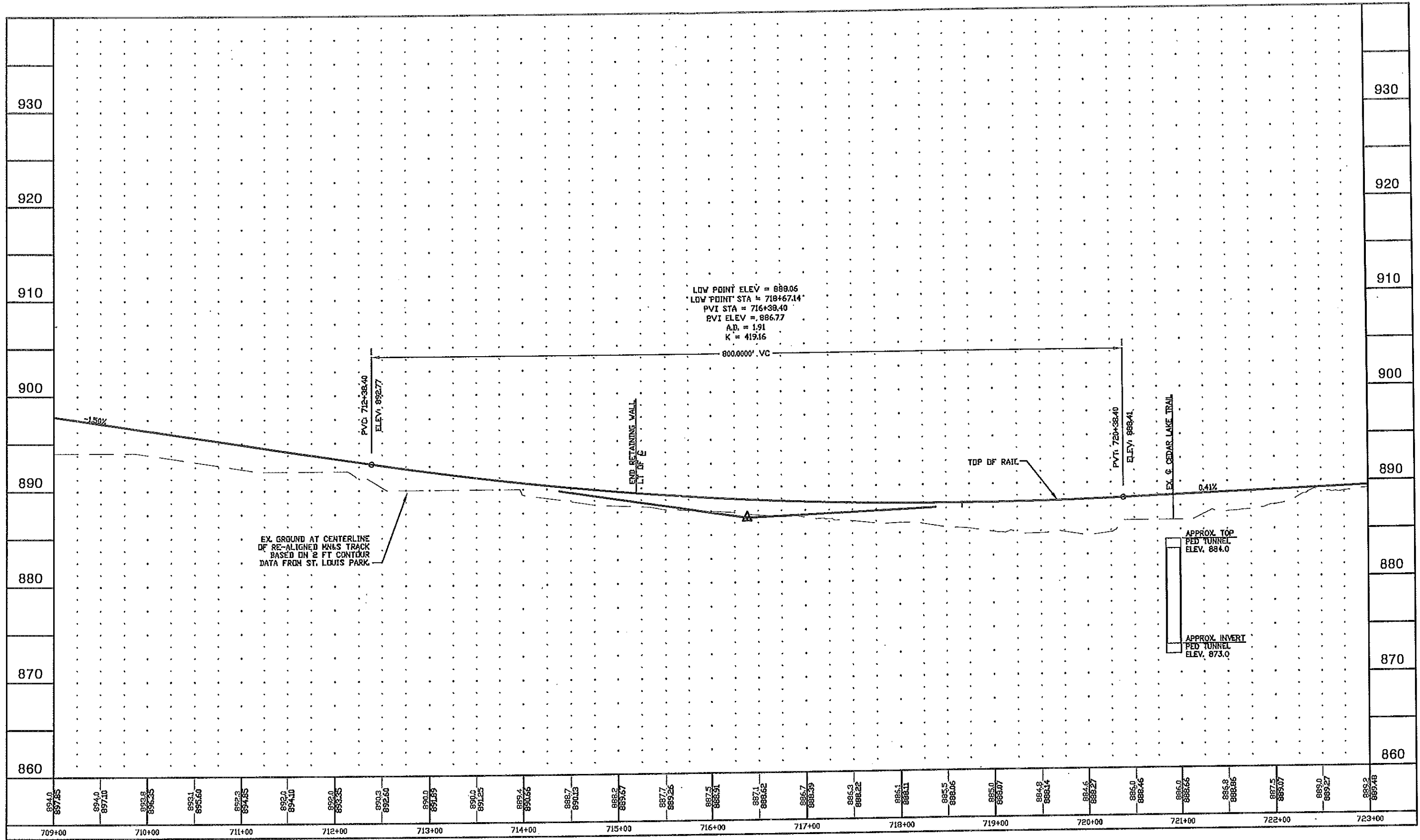
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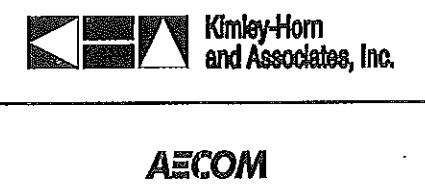
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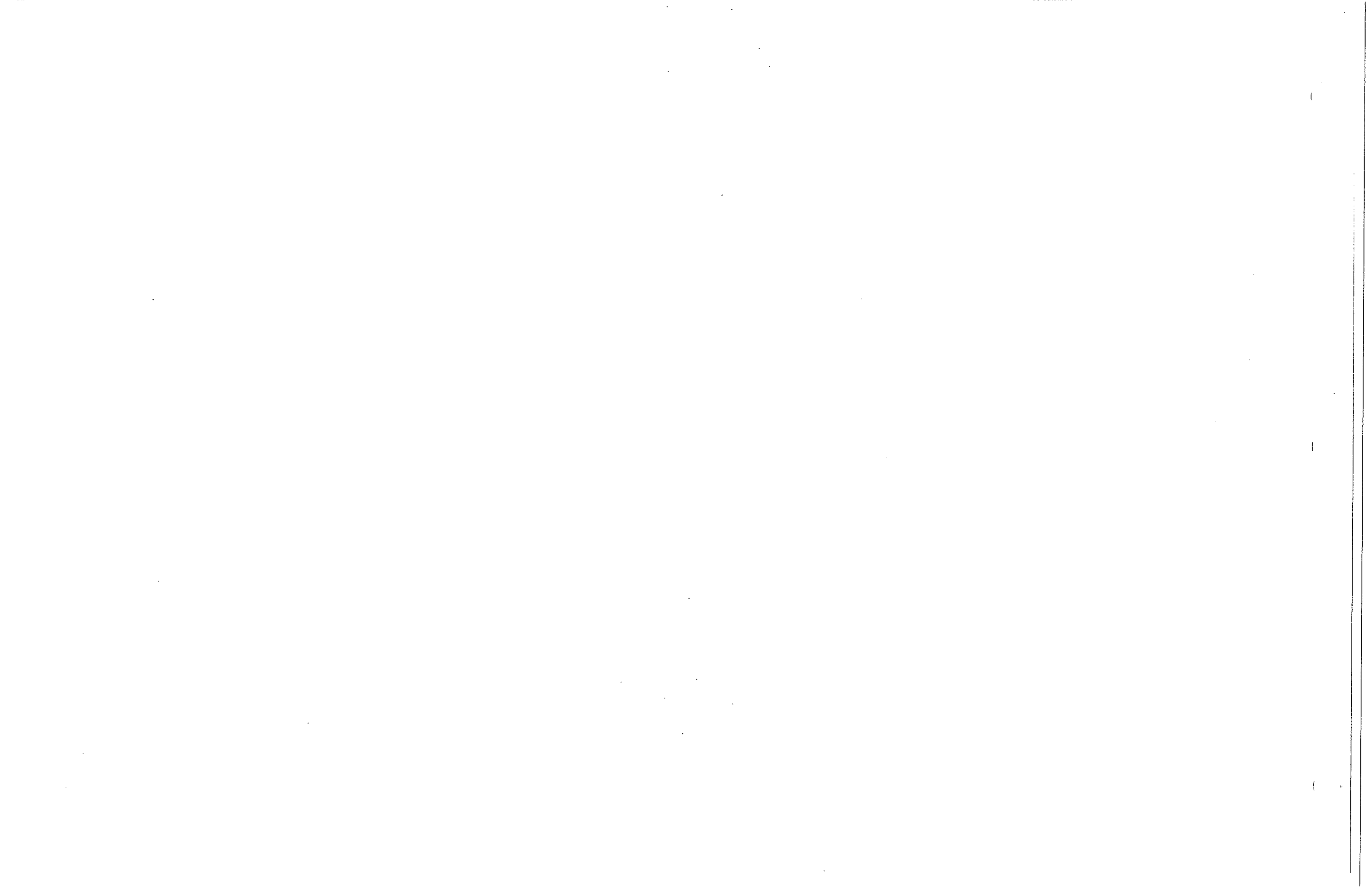
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MN&S FREIGHT RAIL STUDY

TRACK PROFILES
IRON TRIANGLE

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**CANADIAN
PACIFIC
RAILWAY**

501 Marquette Avenue
Minneapolis, Minnesota 55402

June 14, 2011

Mr. Frank Pafko
Director, Office of Environmental Stewardship
Minnesota Department of Transportation
395 John Ireland Boulevard, MS 620
St. Paul, MN 55155-1899

VIA E-MAIL: frank.pafko@state.mn.us

RE: Comments on MN&S Freight Rail Study Environmental Assessment Worksheet

Dear Mr. Pafko:

Thank you for the opportunity to comment on the environmental assessment of the proposed upgrades to the MN&S rail corridor. As owner and operator of some of the railroad track under study, the Canadian Pacific (CP) will ultimately need to concur in the final design and approve the proposed changes made to our property. These comments are not intended to fulfill that function, nor are they intended to serve as an endorsement or rejection of the proposed project. Rather, by submitting comments, CP would like to ensure that any assumptions about the project are accurate and that the proposal aligns with our expectations about how we manage and operate the MN&S property. In that spirit, we would like to make you aware of the following:

- At this time, CP has not made any commitments to own, operate or maintain the new structures or track proposed in the EAW.
- We have reviewed comments to be submitted by the Twin Cities and Western Railroad (TC&W) and are largely in agreement with their concerns.
- The document fails to recognize impacts to CP of the upgraded infrastructure and increased tonnage. The cost of operating and maintaining the new track, structures, signalization system, and connections from the Bass Lake Spur to the MN&S and from the MN&S to the BNSF will be much more expensive and is expected to exceed any revenue derived from TC&W's use of the track. 1-1-1
- The proposed physical improvements should address the operating needs of the railroads for grade and curvature. Such a significant investment for improvements should result in a design that is not operationally deficient. 1-1-2
- Quiet zones can be an effective tool for improving grade crossing safety while minimizing noise. However, designing and constructing the improvements needed to meet FRA requirements for quiet zones may be difficult – especially considering the site and geometrics in the MN&S corridor. 1-1-3
- CP will experience track outages during construction of the proposed project, particularly during reconstruction of the bridge over Trunk Highway 7. The disruptions will challenge the ability for CP's customers, including Progressive Rail, to receive service 1-1-4

for almost a month. No plan for phasing construction to accommodate disrupted CP traffic is provided. (page 14)

1-1-4 (cont.)

- There are references to a number of permits that may be required for completion of the project. (page 16) Without analyzing the specifics of any of the identified permit requirements, we simply note that state and local permitting requirements may be subject to preemption by the federal laws regulating rail transportation.
- If any attempts are made to reduce the grade of the new connection from .86% for improved railroad operations, Minnehaha Creek could be impacted. Even existing grades at locations on the MN&S of 1.5% and 1.2% present operating difficulties for the proposed longer, heavier trains.
- Due to the possibility of disturbing contaminants at the Golden Auto National Lead Site, it is unlikely that CP would be interested in taking on responsibility for construction or ownership of the new connection between the Bass Lake Spur and the MN&S.
- Some proposed physical improvements, such as the installation of fencing, are not betterments that the CP would ordinarily agree to make and would have to be built and maintained by others.
- CP has not committed to owning the new retaining walls (page 71). The process of designing these walls will require a high level of community engagement. This is not something CP is in a position to undertake, but that a public entity would need to coordinate.

1-1-5

1-1-6

1-1-7

1-1-8

1-1-9

If the proposed project moves forward, CP wants to ensure balance between the interests of the railroads, our customers, and those of the community. Based on the scope of the project and characteristics of some of the improvements, CP may decline to take possession of them, as significant cost and liability are shifted to us. We do not make this point to undercut the potential viability of the project if properly carried out, but to caution that there are still significant decisions to be made that will impact private and public expectations going forward.

Respectfully submitted,

Judy Mitchell

Judy Mitchell
Director Strategic Initiatives
Passenger Rail US
Canadian Pacific Railway



June 15, 2011

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

Frank Pafko
Director, Office of Environmental Stewardship
Minnesota Department of Transportation
395 John Ireland Boulevard, MS 620
St. Paul, MN 55155-1899

RE: Comments on MN&S Freight Rail Study Environmental Assessment Worksheet

Thank you for the opportunity to review and submit comments relating to the environmental assessment worksheet. As a freight operator over the proposed and current rail, please accept our comments below in response to the MN&S Freight Rail Study - Environmental Assessment Worksheet (EAW) dated 05.12.2011.

Licensing and STB Approval

The common carrier operations of Twin Cities & Western Railroad Company ("TCW") are subject to the federal Surface Transportation Board ("STB"), which has "exclusive" jurisdiction over "transportation by rail carriers." 49 U.S.C. § 10501(b). "Transportation" is defined broadly, to include any "property . . . of any kind related to the movement of passengers or property, or both, by rail, regardless of ownership or an agreement concerning use." 49 U.S.C. § 10102 (9) (A). Under the ICC Termination Act of 1995, a common carrier must obtain regulatory authority to conduct operations on the rail lines of a third party. Accordingly, TCW obtained such authority from the STB in 1998 in connection with relocating its rail operations from the Merriam Park Line (also known as the 29th Street Corridor, now the Midtown Greenway), also owned by Hennepin County Regional Railroad Authority, to the Kenilworth Corridor prior to commencing operations over the Kenilworth Corridor. Moreover, and of particular importance with respect to the project described in the EAW, a common carrier generally must obtain regulatory authority to discontinue operations over the line of a third party or to re-locate operations onto another rail line. The EAW lists several licenses and permits which must be obtained for the project. (EAW, p. 16). The EAW, however, does not mention or discuss the necessity of seeking and obtaining similar regulatory authority from the STB for this relocation project.

TCW has not approved or accepted the proposed reroute design. We have serious misgivings about the design of the proposed connection between the CP Bass Lake Spur and the CP MN&S Spur and the grade on the MN&S. Those concerns focus on the safety, efficiency and costs of TCW's proposed operations over that connection and the adverse effects on shippers. TCW's customers have expressed similar concerns to senior officials of our company. Under these circumstances, attempts to obtain regulatory authority for this relocation project (including

authority for TCW to discontinue its current rail operations over the Kenilworth Corridor) could raise opposition from various entities, as well as judicial challenges.

The EAW does not discuss either the need to obtain STB regulatory authority as a condition to completing the proposed project or the prospect that such authority may not be forthcoming. These issues should be carefully considered before HCRRA proceeds along the lines described in the EAW.

Failure to identify environmental impacts from increased curvature and gradients

- TCW's existing operations consists of at a maximum ascending eastbound grade of 0.40% and a maximum curve of 3.5 degrees on the Bass Lake Spur, and a maximum eastbound ascending grade of .45% (this is a short segment preceded by a longer segment of descending grade of .65%) and a maximum curvature of 6 degrees on the Kennilworth corridor. The proposed design proposes a maximum ascending eastbound grade of 0.86% (ascent from Bass Lake Spur to the MN&S) and maximum curve of 8 degrees on the new design element. (EAW, p. 8, Proposed Action - Key Design Elements section) On the MN&S, the proposed grade is 1.2%. (EAW, p. 12, Detailed Project Description) 1-2-3
- If the .86% and the 1.2% grades are assumed to be final, the increased noise from accelerating locomotives struggling to make the increased grades will be significant. The EAW fails to discuss or assess the increased noise. (EAW, p. 48 - 55, Noise section) 1-2-4
- The increased curvature creates additional friction, which amplifies the noise emissions including high-frequency squealing and echoing. The EAW again fails to discuss or assess the increase in noise due to greater curvature. This increased noise is not identified or assessed in the EAW. (EAW, p. 48 - 55, Noise Section) 1-2-5
- The greater grades will result in increased diesel emissions due to the need for more horsepower because of the increased grade. (EAW, p. 47, Air Quality Hot Spot Analysis/Mobile Air Source Toxins) The EAW fails to make any assessment of this. 1-2-6
- The EAW does not identify the linear feet associated with increased grades, which has a direct environmental impact on noise, emissions, vibration, etc. (EAW, p. 12, first paragraph) 1-2-7
- The EAW does not identify the grade to traverse from the west-bound BNSF Wayzata Subdivision to the south-bound MN&S. (EAW, p. 8, Proposed Action - Key Design Elements section) 1-2-8
- The EAW does not identify and measure vibration of existing train traffic on the existing TCW route. (EAW, p. 63, Existing conditions) 1-2-9

- The existing connection to BNSF at Cedar Lake Junction is directly to the main line. The proposed project shows the existing BNSF mainline at the Iron Triangle will be converted to a siding track. The emissions, vibration, and nuisance impacts of this siding are not identified. (Track Plan, Sheets 15-22)

1-2-10

Inaccuracies in the EAW, EIS, AUAR or other accompanying documents

- The proposed increased east-bound grade and curvature does not improve TCW's operational efficiency for freight movement through the City of St. Louis Park as stated. (EAW, p. 47, third paragraph) Instead, the increased grade and track curvature lessens our operational efficiency by requiring additional horsepower. The increased curvature would produce increased wear and tear on car and locomotive wheels.

1-2-11

- The EAW assumes the TC&W freight operations which are to be relocated have an average of 50 carloads/train for CP and an average of 20 carloads/train for UP. (EAW, p. 7, Regular Trains) However, TCW's current carload averages are greater; the average train size of our current operation is 68.5 cars/train for CP and 23.5 carloads/train for UP.

1-2-12

- Our existing operations would lead the 8-8:15 a.m. scenario to be more common than "relatively rare". (EAW, p. 41, last paragraph)

1-2-13

- Correction in the sentence, "The times in the table are based on the time when the first car enters the corridor until the time when the first car exits the corridor." (EAW, p. 40, third paragraph) We believe this should read "...when the last car exits the corridor."

1-2-14

Environmental impacts that have not been adequately addressed

- The EAW says TCW trains will be temporarily rerouted during the 1-week to 4-week duration when the MN&S bridge over TH7 and the TH7 South Frontage Rd would be removed and reconstructed but does not discuss what routes would be available or the impacts of such disruption on TCW and its customers. (EAW, p. 14, Disruption of Rail Operations)

1-2-15

- The "Economics" section does not mention, much less resolve, the increased operating costs to TCW from increased grades and curvatures. (EAW, p. 88, Economics)

1-2-16

Possible mitigation measures that could or should be added to the proposal

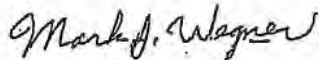
Quiet Zone: TCW urges city, county, and state officials to thoroughly and carefully consider the residual safety hazards that are associated with a quiet zone in St. Louis Park versus the associated environmental benefits. We have safety concerns due to a number of factors: 1) increase in train size, speed, and frequency; 2) proximity to schools, business, and residential; 3) an increased number of at grade crossings. While we understand the concern for train whistle and associated noise impacts, we strongly urge consideration of these safety factors when decisions are made. (EAW, p. 44, Mitigation)

1-2-17

Design review

TCW has not approved the proposed design. We have not thoroughly reviewed the proposed design or hired an engineer to review it. Engaging in such a review does not seem appropriate unless the project is going to proceed. Hennepin County has now represented that the cost of the proposed project is \$76.7 million. We are not aware that Hennepin County or any other government entity has such funds available or committed for this project. We also are not aware of any timetable for obtaining such funds. This cost estimate is, moreover, plainly insufficient since it does not include money to ameliorate the increased costs of operations which will be caused by the proposed design. TCW anticipates retaining an expert to review whatever is the proposed design at the time that adequate funding appears on the horizon. We may have further comments based on that review.

Respectfully submitted,



Mark Wegner
President
Twin Cities & Western Railroad
2925 12th Street East
Glencoe, MN 55336



MEMORANDUM

TO: City Council Members

FROM: Dave McKenzie, P.E.
Samuel Turrentine, Transportation Planner

DATE: December 8, 2010

RE: Technical Memorandum #1
SEH No. STLOU 114331

This memorandum provides background information on the existing regulatory framework of the railroad industry, an overview of federal railroad safety standards (e.g., track, at-grade crossing, and train operating standards), a description of current train operations in St. Louis Park, and provides preliminary comments on the Hennepin County freight rail studies.

RAILROAD REGULATION

In May 2004, the League of Minnesota Cities (LMC) published an informational memorandum titled *Railroads and Cities* which outlines many of the areas in which federal and state agencies regulate railroads and the ways in which cities may regulate railroad issues within their communities. The LMC memorandum describes local jurisdictional authority over railroads as being limited. For informational purposes, a copy of the LMC memorandum is included in Attachment A.

Table 1 identifies public agencies with oversight and/or program responsibility for railroads under the existing regulatory framework.

Table 1 – Existing Regulatory Framework for Railroads

| Agency/Entity | Responsibility and Involvement |
|--|--|
| Private | |
| Railroad Companies | <ul style="list-style-type: none"> Each railroad has the primary responsibility to ensure its own track meets or exceeds the standards prescribed in the FRA track safety regulations and to perform regular and routine track inspections. This includes establishing a track inspection and maintenance program, training its inspectors to identify non-compliant track conditions, making any necessary repairs, and maintaining accurate records of these actions. Individual railroads establish the number of trains that travel per day and the times they are scheduled to travel. |
| Federal | |
| Federal Highway Administration (FHWA) | <ul style="list-style-type: none"> Administers federally-funded programs, several of which are available for highway-rail crossing safety improvements. Establishes standards for traffic control devices and systems at crossings and publishes them in the Manual on Uniform Traffic Control Devices (MUTCD). The agency is part of the U.S. Department of Transportation (USDOT). |
| Federal Railroad Administration (FRA) | <ul style="list-style-type: none"> Maintains the national Railroad Accident/Incident Reporting System that contains information reported by the railroads on all crossing collisions. Serves as custodian of the National Highway-Rail Crossing Inventory that contains the physical and operating characteristics of each crossing. Conducts field investigations of selected railroad collisions including crossing collisions. Investigates complaints by the public pertaining to crossings and makes recommendations to the industry as appropriate. Regulates rail safety in five disciplines, including tracks, signal and train control, operating practices, |

| Agency/Entity | Responsibility and Involvement |
|--|--|
| | <p>mechanical equipment, and hazardous materials.</p> <ul style="list-style-type: none"> • Issues regulations governing track, wayside signal and train control systems, highway-rail grade crossing automatic warning device systems, mechanical equipment (i.e. locomotives and rail cars) and railroad operating practices. • Enforces regulations regarding rail transport of hazardous materials issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA). • Oversees railroad compliance of more than 2,000 regulations by conducting routine and targeted inspections, audits and special assessments of railroad operations. • Retains the right to issue compliance orders, special notices for repair, disqualification orders, injunctions and emergency orders. • Does not regulate the length of time a train may block a grade crossing. • FRA rail safety rules address standing (idling) trains that unnecessarily activate grade crossing warning devices such as flashing lights and gate arms. • Focuses on preventing rail trespassing, not enabling it by making the behavior safe. • Sponsors research into railroad and crossing safety issues. • The agency is part of the USDOT. |
| Surface Transportation Board (STB) | <ul style="list-style-type: none"> • Regulates interstate shipments of freight. • Resolves freight rate and rail service disputes. • Authorizes track abandonments. • Authorizes construction of new lines of rail except for sidings and spurs. • Authorizes mergers and creation of railroad companies. • Successor agency to the Interstate Commerce Commission. • The STB is an independent, bipartisan adjudicatory agency organizationally housed within the USDOT. |
| Federal Transit Administration (FTA) | <ul style="list-style-type: none"> • Administers federal funds for intracity transit projects. • Publishes an annual Safety Management Information System report that compiles and analyzes transit safety and security statistics reported through FTA's National Transit Database (safety data include highway-rail grade crossing collisions). • The agency is part of the USDOT. |
| Environmental Protection Agency (EPA) | <ul style="list-style-type: none"> • Enforces air, water, and noise standards (the air and water standards are of general application to other industries, the noise standards are specific to railroad equipment and operations). |
| State | |
| Minnesota Department of Transportation (Mn/DOT) | <ul style="list-style-type: none"> • Responsible for developing the Minnesota Comprehensive Statewide Freight and Passenger Rail Plan ("State Rail Plan"). • Determines appropriate warning devices at-grade crossings. • The commissioner of transportation has the authority to order closure, vacation, relocation, consolidation, or separation of public at-grade crossings. • Administers the Railroad-Highway Grade Crossing Safety Improvement Program for the State of Minnesota. |
| Minnesota Pollution Control Agency (MPCA) | <ul style="list-style-type: none"> • Enforces clean air, ground, and water rules (the MPCA doesn't enforce noise regulations, it measures noise levels for compliance with federal standards). |
| Local | |
| Regional Railroad Authorities (RRA) | <ul style="list-style-type: none"> • Promotes and preserves transit development and implement interim uses of rail corridors. • Owns railroad corridors. • Operates a railroad. |
| County/Cities | <ul style="list-style-type: none"> • Responsible for the design, construction, and maintenance of the roadway approaches to public at-grade crossings. • Negotiate with Railroads for crossing improvements. • Conduit for public funding of railroad projects. |

Sources: USDOT FHWA Railroad-Highway Grade Crossing Handbook—Revised Second Edition. FRA Fact Sheets for News Media.

RAILROAD SAFETY

Railroad safety is complex and interwoven sets of rules developed by the railroad and the Federal agencies. There are three distinct areas of rule making:

- 1) Track Safety Standards,
- 2) Highway-Rail Grade Crossing Safety Standards, and
- 3) Train Operating Standards.

This memorandum will only highlight these areas and is not a complete set of rules.

Track Safety Standards

The FRA track safety standards govern the condition of the track and provide a framework to determine what is safe and how to operate on track based on its condition. The FRA's federal track safety standards generally focus on four main areas:

- **Track Structure:** Rails, cross-ties, track switches, tie plates, and rail fastening systems
- **Track Geometry:** Track gage, alignment, elevation, curvature, and track surface
- **Road Bed:** Drainage and vegetation (vegetation cannot obstruct signs and signals)
- **Track Inspection:** Frequency and quality of inspection, special inspections, and recordkeeping

For additional detail, please see the FRA Track Standards and Inspection Fact Sheet in Attachment B of this memorandum.

Highway-Rail Grade Crossing Safety Standards

Federal regulation defines a "highway-rail grade crossing" as a location where a public highway, road, street or private roadway crosses one or more railroad tracks at grade. A highway-rail grade crossing can either be public, private, or pedestrian.

A public crossing is the location where railroad tracks intersect a roadway which is part of the general system of public streets and highways and is under the jurisdiction of and maintained by a public authority and open to the general traveling public. Usually both highway approaches to a public crossing are maintained by a public authority. A private crossing is a highway-rail crossing which is on a private roadway which may connect to the general system of public streets and highways but is not maintained by a public authority. Private crossings are found on farms and in industrial/commercial complexes or they provide access to recreational and residential areas. A pedestrian crossing is a separate designated intersection where pedestrians but not vehicles, cross a track.

The *USDOT FHWA Railroad-Highway Grade Crossing Handbook - Revised Second Edition* divides highway-rail grade crossings into two components. Each component and corresponding elements is described in Table 2.

Table 2 - Components of a Highway-Rail Grade Crossing

| Component | Elements | Description |
|--------------------|--------------------------------|--|
| Highway Component | Driver | <ul style="list-style-type: none"> Responsible for obeying traffic control devices, traffic laws, and the rules of the road. |
| | Vehicle | <ul style="list-style-type: none"> The design and operation of a railroad grade crossing must take into account the numbers and types of vehicles that can be expected to use it. |
| | Pedestrians | <ul style="list-style-type: none"> One difference between the driver and a pedestrian at a grade crossing is the relative ease with which a pedestrian can enter the trackway even if pedestrian gates are provided. |
| | Roadway | <ul style="list-style-type: none"> A major component of the crossing consists of the physical aspects of the highway on the approach and at the crossing itself. The following roadway characteristics are relevant to the design and control of highway-rail grade crossings: location (urban or rural); type of road (arterial, collector, or local); traffic volumes; geometric features (number of lanes, horizontal and vertical alignment, sight distance, crossing angle, etc.); crossing surface and elevation; nearby intersecting highways; and illumination. |
| | Traffic Control Devices | <ul style="list-style-type: none"> Traffic control systems for highway-rail grade crossings include all signs, signals, markings, and illumination devices and their supports along highways approaching and at railroad crossings at grade. The function of these devices is to permit safe and efficient operation of highway and rail traffic over crossings. |
| Railroad Component | Train | <ul style="list-style-type: none"> The design of traffic control systems at crossings must allow for a wide variation in train length, train speed, and train occurrence. |
| | Track | <ul style="list-style-type: none"> Track includes rail, ties, ballast, crossing surface, and sight distance. These provide the interface between the rail system and the road system. The railroad normally pays for this. |

Sources: *USDOT FHWA Railroad-Highway Grade Crossing Handbook—Revised Second Edition.*

In the remainder of this section, the following elements are described in greater detail.

- Traffic Control Devices
- Pedestrians
- Establishing a Quiet Zone

Traffic Control Devices Element

The *Minnesota Manual on Uniform Traffic Control Devices (MUTCD)* contains standards for traffic control devices that regulate, warn and guide road users along all roadways within the State of Minnesota. Warning devices installed at highway-railroad grade crossings can be either passive or active systems. Passive warning devices include advance warning signs and any combination of crossbucks, stop, and yield signs installed at the crossing. Active warning devices include any combination of advance warning signs in conjunction with any combination of flashing light signals (with or without gates), which are activated by a train approaching the crossing.

Pedestrians Element

The *USDOT FHWA Railroad-Highway Grade Crossing Handbook - Revised Second Edition* emphasizes that it is important to understand four contributing factors that may motivate pedestrians to enter railroad right-of-way (identified below) in order to establish effective preventive measures.

- 1) As a consequence of urban development, railroads often act as physical dividers between important, interrelated elements of communities.
- 2) Railroads have always attracted juveniles as “play areas.”

- 3) At or near commuter stations, passengers frequently use short cuts before or after boarding a train.
- 4) Some people are prone to vandalism.

The *Handbook* identifies several types of preventative measures that might be employed, including:

- Fencing or Other Devices for Enclosing Rights-of-Way;
- Grade Separation;
- Additional Signing;
- Safety Education; and
- Surveillance and Enforcement.

According to the FRA, the railroad operating environment is an inherently hazardous one for which railroad employees receive extensive safety awareness training. Trespassers do not have the benefit of this knowledge nor are they aware of current and pending train movements, and by failing to properly use designated crossing locations such as highway-rail grade crossings and dedicated pedestrian access paths, are susceptible to life-threatening injuries or death.

Establishing a Quiet Zone

Findings from the City's Whistle Quiet Zone Assessment completed in 2006 indicate that three Quiet Zones are possible for the City (north CP track, south CP track, and east/west CP track). A Quiet Zone is a section of a rail line at least one half mile in length that contains one or more consecutive public highway-rail grade crossings at which locomotive horns are not routinely sounded. Under the Train Horn Rule, locomotive engineers must sound train horns for a minimum of 15 seconds, and a maximum of 20 seconds, in advance of all public grade crossings, except:

- If a train is traveling faster than 45mph, engineers will not sound the horn until it is within ¼ mile of the crossing, even if the advance warning is less than 15 seconds.
- If a train stops in close proximity to a crossing, the horn does not have to be sounded when the train begins to move again.
- There is a "good faith" exception for locations where engineers can't precisely estimate their arrival at a crossing.

For additional detail, please see The "Train Horn" Final Rule Summary in Attachment C of this memorandum.

Train Operating Standards

Train operation rules directly involve how a train is operated including speed, dispatching, car inspection, locomotive inspections, train handling and rail car switching. These rules are complex and do not directly impact the City.

RAILROAD RIGHT-OF-WAY REQUIREMENTS

Railroad right-of-way is defined as property owned or controlled by a railroad. The needed right-of-way width is determined by the number of tracks, drainage requirements, embankment width, and available land. Typical railroad right-of-way is 100 feet, but could vary between 20 and 300 feet. Table 3 identifies the existing railroad right-of-way for the rail segments of interest within the City (see corresponding exhibit in Attachment D).

Table 3 – Existing Railroad Right-of-Way for the Rail Segments of Interest

| Rail Segments of Interest | | Right-of-Way Description |
|---|--|--|
| CP Rail MN&S Sub | Between CP Rail Bass Lake Spur and BNSF Wayzata Subdivision Mainline | <ul style="list-style-type: none"> North of 27th Street width varies from 280 feet to include triangle shaped parcel formerly used for interconnect to BNSF mainline. Right-of-way is 66 feet between 27th Street and Minnetonka Blvd, south of Minnetonka Blvd. Right-of-way consists of several parcels varying in width from 34 feet to 145 feet with a typical width of approximately 100 feet. |
| | South of CP Rail Bass Lake Spur | <ul style="list-style-type: none"> North of 39th Street right-of-way is composed of several parcels varying in width from 80 to 153 feet. Between 39th Street and Excelsior Blvd, right-of-way width is 66 feet constant. South of Excelsior, right-of-way varies from 66 to approximately 164 feet. |
| CP Rail Bass Lake Spur | East of CP Rail MN&S Sub | <ul style="list-style-type: none"> The right-of-way over this segment is divided into two parallel parcels. CP owns the south half (about 70 feet), and HCRRRA owns the north half of this right-of-way (about 100 feet). The total right-of-way width varies from 75 feet to 235 feet. |
| | West of CP Rail MN&S Sub | <ul style="list-style-type: none"> The right-of-way over this segment is divided into two parallel parcels. CP owns the south half (about 70 feet), and HCRRRA owns the north half of this right-of-way (about 100 feet). The total right-of-way width is constant, measuring between 164 and 170 feet over this entire segment. |
| CP Rail Interchange Track (Interconnect or Switching Wye) | | <ul style="list-style-type: none"> There are only a few right-of-way parcels owned by the CP over the length of the interconnect. Much of the segment is located within easements on private property. The right-of-way that remains varies in width from 31 to 90 feet. |

Source: *St. Louis Park Railroad Report*, 1999. SEH, Inc.

Clearance

The minimum statutory vertical clearance between the railroad and highway is 22 feet. FHWA has a design standard of 23 feet and the railroads would prefer 24 or 25 feet. Mn/DOT has a standard of 16 feet 4 inches for roadways under a track. Local streets can be as low at 14 feet 6 inches.

The minimum statutory horizontal width is 8 feet 6 inches on tangent track. It increases on curved track. This clearance standard is for areas such as a bridge pier, a loading dock or passenger station platform. Mainline track or frequently used areas need a larger safety or buffer zone. This buffer zone is not well defined in rules but 25 feet is a generally considered the minimum. This allows for space in an emergency but also for maintenance and drainage issues. The FRA is also using 25 feet as a minimum flagging distance for railroad employees. Flagging distance means that if a person is within that distance, they should know or be accommodated by someone that is aware of current train operations.

EXISTING CONDITIONS

The current role of St. Louis Park’s active railroad corridors is for freight movement. In general, trains run within private railroad right-of-way. This, and Federal statutes, allow railroad companies to set their own schedules and operate 24 hours a day, seven days a week, without City regulation. As stated on CP Railway’s website, the number of trains can change at any time – traffic can either increase or decrease, the number given is merely a snapshot in time. Table 4 provides an overview of current train operations.

Table 4 – Existing Train Operations

| Rail Segments of Interest | Description |
|--|--|
| CP Rail MN&S Sub | CP Railway <ul style="list-style-type: none"> Operates one local train, round trip, 5 days per week (approximately 10-30 cars). |
| | TC&W (Trackage Rights) <ul style="list-style-type: none"> TC&W is currently not running trains on the MN&S line. TC&W currently has the right to operate on the MN&S corridor, both north to get to the Camden river terminal in north Minneapolis as well as south to get to the Savage river terminals. TC&W also has the option of running north on the MN&S Sub to CP’s Humboldt yard to get into Minneapolis and St. Paul. |
| CP Rail Bass Lake Spur | CP Railway <ul style="list-style-type: none"> N/A |
| | TC&W (Trackage Rights) <ul style="list-style-type: none"> <u>Regular Operations (5 days/week and 6 days/week)</u> <ul style="list-style-type: none"> 1 eastbound train (< 80 cars) bound for CP’s St. Paul Yard during the AM. 1 eastbound train (~ 30 cars) bound for Minnesota Commercial’s Main Rail Yard in the Midway and Union Pacific’s Western Avenue Yard during the AM. 2 westbound trains bound for Hopkins during the PM. <u>Longer “Unit” Trains (full trainloads of one commodity)</u> <ul style="list-style-type: none"> Ethanol = approximately 1 loaded and 1 empty ethanol unit train per week (typically 80 cars in length). Coal = approximately 2 loaded coal trains per month (typically 123 cars in length). |
| CP Rail Interchange Track (Interconnect or Switching Wye) | CP Railway <ul style="list-style-type: none"> Serves one industrial customer. |
| | TC&W (Trackage Rights) <ul style="list-style-type: none"> TC&W uses this interchange point to reach the Camden river terminal in north Minneapolis (to the north) as well as the Savage river terminals (to the south). Due to current market conditions, this movement is not currently occurring but could resume if market conditions favoring movement of grain by barge develop. TC&W also has the option of running north on the MN&S Sub to CP’s Humboldt yard to get into Minneapolis and St. Paul. TC&W uses this interchange point for locomotive maintenance movements and to interchange with Progressive Rail Incorporated. |

Source: *Twin Cities and Western Railroad Summary of Train Operations Memorandum* (dated August 2010). MN&S Freight Rail Study Website and Project Management Team Materials.

Existing and forecast train operations are discussed in greater detail in the *Twin Cities and Western Railroad Summary of Train Operations Memorandum* (dated August 2010) and the Frequently Asked Questions (FAQ) Section of the MN&S Freight Rail Study Website. A copy of both of these documents is included in Attachment E of this memorandum.

Table 5 provides an overview of the existing conditions at each at-grade crossing for the rail segments of interest (see Attachment F for corresponding exhibit).

Table 5 – At-Grade Crossing Summary for the Rail Segments of Interest

| Rail Segments of Interest | | Crossing # | Location | 24-Hour Traffic Count | Crash History at Crossing (1999-2008) | Existing Control | Recent or Planned Improvements | |
|---|---|-------------------------------------|----------------------------|------------------------|---------------------------------------|-----------------------------|---|------|
| CP Rail MN&S Sub | North of BNSF Wayzata Subdivision Mainline | #854230K | Cedar Lake Road | 12,207 (2009) | Rear-End Collision at Crossing (2006) | Overhead Flashers | None | |
| | Between CP Rail Bass Lake Spur and BNSF Wayzata Subdivision Mainline | #854231S | W. 28 th Street | 1,303 (2009) | None | Stop Signs with Crossbucks | None | |
| | | #854232Y | W. 29 th Street | 109 (2004) | None | Stop Signs with Crossbucks | None | |
| | | #854233F | Brunswick Avenue (North) | N/A (Pedestrians Only) | None | None | Roadway Crossing Closed 2005. Pedestrian Crossing Constructed 2006. | |
| | | #854234M | Dakota Avenue | 4,583 (2009) | Rear-End Collision at Gates (2006) | Flashers and Gates | Gates and New Concrete Surface Constructed 2005. | |
| | | #854235U | Library Lane | No Count Available | None | Flashers | Programmed for Gate Installation in 2011/2012. | |
| | | #854236B | Lake Street | 4,017 (2009) | Collision With Train (2002) | Overhead Flashers | | |
| | | #854237H | Walker Street | 2,805 (2009) | None | Flashers | None | |
| | South of CP Rail Bass Lake Spur | #379742T | Brunswick Avenue (South) | N/A (Pedestrians Only) | None | None | Roadway Crossing Closed 2003. Pedestrian Crossing Constructed 2004. | |
| | | #854241X | Alabama Avenue | 3,025 (2009) | None | Flashers | Programmed for Gate Installation in 2011/2012. | |
| | | #854242E | Excelsior Boulevard | 25,500 (2007) | None | Overhead Flashers and Gates | None | |
| | | #854243L | W. 41 st Street | 976 (unknown) | None | Stop Signs with Crossbucks | None | |
| | | #854244T | W. 42 nd Street | 258 (unknown) | None | Stop Signs with Crossbucks | None | |
| | | #854245A | Brookside Avenue North | 1,160 (unknown) | Collision With Train (2007) | Flashing Lights | None | |
| | | #854246G | Brookside Avenue South | Unknown | None | Flashing Lights | None | |
| | CP Rail Bass Lake Spur | East of CP Rail MN&S Sub | #397741L & #185195B | Wooddale Avenue | 6,700 (2007) | None | Overhead Flashers and Gates | None |
| | | | #187142J | Ottawa Avenue | 8,700 (unknown) | None | Overhead Flashers and Gates | None |
| West of CP Rail MN&S Sub | | None | N/A | N/A | N/A | N/A | N/A | |
| CP Rail Interchange Track (Interconnect or Switching Wye) | | #379744G | Oxford Street | 3,300 (unknown) | None | Crossbucks | None | |
| | | #379745N | Louisiana Avenue | 10,500 (2007) | None | Overhead Flashers | None | |

Source: Kimley Horn and Associates. FRA Office of Safety Analysis - Generate Crossing Inventory and Accident Reports.

ENVIRONMENTAL REVIEW REQUIREMENTS

Since railroads are privately owned, it is obvious that the sources of funds to operate, maintain, and improve a freight railroad are drawn from private capital. Public freight rail investment, as currently being proposed, can trigger federal and/or state environmental review requirements. It is also helpful to understand the interaction between the environmental review document(s) and the negotiated railroad agreement between HCRRA and the private freight rail companies.

Federal Environmental Review Requirements

The National Environmental Policy Act (NEPA) of 1969 requires that social, economic, and environmental (SEE) considerations be included in the planning of projects that receive federal funding. The NEPA process is actually an "umbrella" term for compliance with over 40 environmental laws, regulations, and executive orders. The extent of environmental studies and depth of analysis is dependent on the complexity of the project and its anticipated effects. The documentation may range from short environmental determination statements to extensive and complex studies with preparation of an Environmental Impact Statement (EIS). Listed below are the three classes of actions which prescribe the level of documentation required in the NEPA process.

- **Class I Actions:** are those that significantly affect the environment and require an Environmental Impact Statement (EIS).
- **Class II Actions:** do not individually or cumulatively have significant environmental effects and are considered Categorical Exclusions (CE). Generally, no formal public involvement is required.
- **Class III Actions:** are those not clearly Class I or Class II, where the significance of the environmental impacts is uncertain; they require the preparation of an Environmental Assessment (EA) to assist in determining the need for an EIS. Should environmental analysis and interagency review during the EA process find a project to have no significant impacts on the quality of the environment, a Finding of No Significant Impact (FONSI) is issued.

Federal regulations have general thresholds established for identifying the process and documentation required. Since federal funds have not been identified for the possible rerouting of freight, the current project associated with the MN&S Freight Rail Study is not following a federally-funded project development path. Instead, the MN&S Freight Rail Study includes preparation of a state Environmental Assessment Worksheet (EAW) for the proposed route to meet state environmental review requirements. It should be noted that any government unit with approval authority can order a discretionary EAW if it determines that the project may have the potential for significant environmental effects. The state's environmental review program is based on the Minnesota Environmental Policy Act (MEPA) of 1973 which established a formal process for investigating the environmental impacts of major development projects. The consultant team for the MN&S Freight Rail Study is currently proposing to include a technical appendix with the state EAW that will outline the additional issues requiring evaluation to obtain federal environmental approval. The preparation of a federal environmental review document is likely to be necessary if federal funding becomes available for the project.

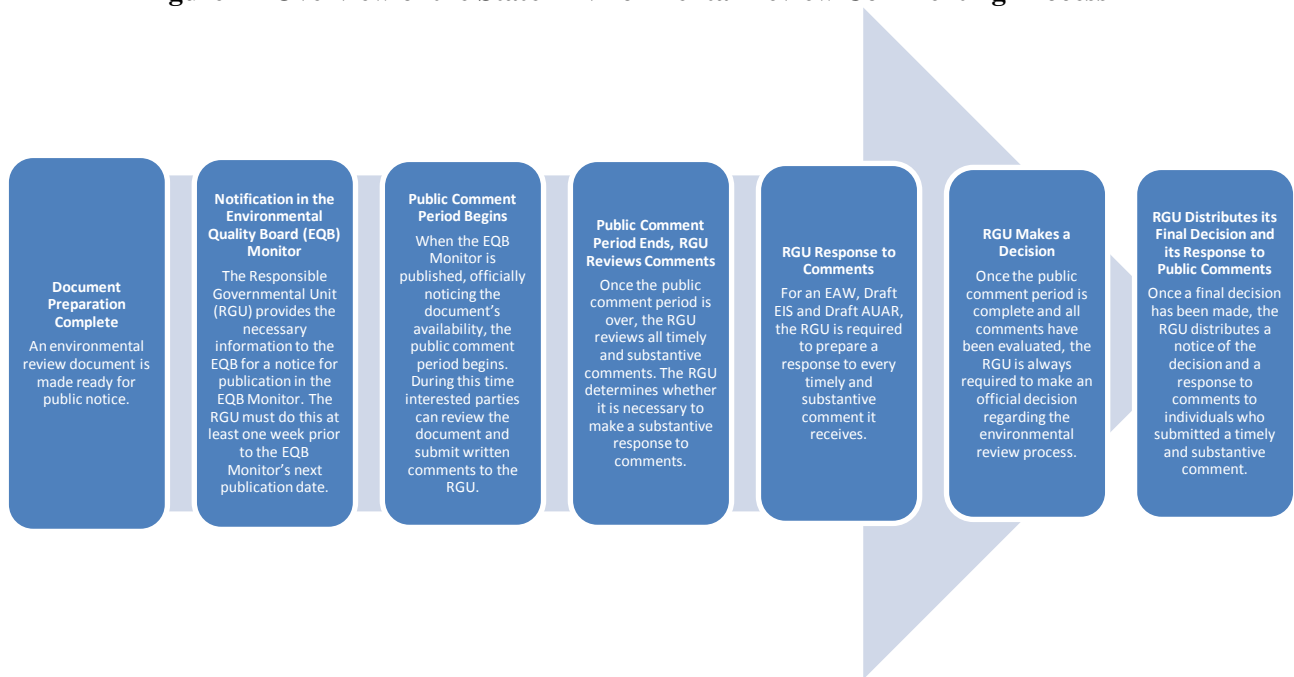
State Environmental Review Requirements

The state EAW document is designed to provide a brief analysis and overview of the potential environmental impacts *for a specific project* (emphasis added) and to help the Responsible Governmental Unit or RGU (identified as Mn/DOT for the MN&S Freight Rail Study) determine whether a state Environmental Impact Statement (EIS) is necessary. The RGU is the governmental unit determined to have the greatest authority to approve or disapprove a project. The EAW consists of a standard list of 31 questions and is meant to set out the basic facts of the project's environmental impacts to screen projects

that may have the potential for significant environmental effects. The EAW is not meant to approve or disapprove a project, but is simply a source of information to guide other approvals and permitting decisions. The EAW is subject to a 30-day public review period before the RGU makes a decision about whether the project also needs a state EIS.

Overall, the state EAW process consists of four basic steps: 1.) the project proposer supplies complete data to the RGU; 2.) the RGU prepares an EAW; 3.) the public comments during a 30-day period; and 4.) the RGU makes a decision about the need for an EIS, based on the EAW, comments received and comment responses. The following flow chart (Figure 1) describes the typical steps of the state environmental review commenting process.

Figure 1 - Overview of the State Environmental Review Commenting Process



Source: *A Citizen's Guide: Commenting on Environmental Review Projects*. Environmental Quality Board.

SOUTHWEST LIGHT RAIL TRANSIT (LRT) PROJECT

HCRRA recommended LRT 3A or the Kenilworth-Opus-Golden Triangle alignment as the locally preferred alternative (LPA) in November 2009. The Metropolitan Council formally amended the region's long-range Transportation Policy Plan (TPP) at its meeting on May 12, 2010, completing the locally preferred alternative (LPA) selection process for the Southwest Transitway. Plans to implement LRT in the Kenilworth Corridor have assumed the removal of the freight rail tracks and the relocation of freight rail service. Throughout the LRT process, it has been disclosed that freight rail operations would be relocated under a separate action. The Southwest LRT Draft Environmental Impact Statement (DEIS) is currently under review by the FTA.

Railroad Agreement between HCRRA and the Private Freight Rail Companies

To facilitate the connection of TC&W to the east, HCRRA rehabbed the Kenilworth Corridor as a temporary route and facilitated an agreement between BNSF, CP, and TC&W to provide trackage rights into and through St. Paul. HCRRA is responsible for providing an acceptable alternative alignment to

TC&W if they are required to relocate or seek to relocate from the current alignment for any reason. According to the agreement, any re-route must be a *safe, economical, and efficient* route for TC&W.

ALTERNATIVES

Freight rail studies that have been prepared to date include:

- *St. Louis Park Railroad Report*, 1999.
- *Analysis of Coexistence of Freight Rail, Light Rail Transit (LRT) and Trail*, August 2009.
- *TCWR Freight Rail Realignment Study*, November 2009.
- *The Mn/DOT Statewide Freight Rail Plan*, 2010.
- *Twin Cities and Western Railroad Summary of Train Operations*, August 2010.
- *Freight Rail Study Evaluation of TCWR Routing Alternatives*, Prepared for HCRRA, Prepared by Amfahr Consulting, November 2010.
- *Kenilworth Corridor: Analysis of Freight Rail / LRT Coexistence*, Prepared for HCRRA, Prepared by R. L. Banks & Associates, Inc., November 2010.
- *MN&S Freight Rail Study* (Currently Underway).

The universe of alternative freight routes, based on the above studies, is identified in Table 6.

Table 6 – Identified Universe of Alternative Freight Routes

| Primary Studies | Alternative Freight Routes |
|---|---|
| <i>Freight Rail Study Evaluation of TCWR Routing Alternatives</i> , Prepared for HCRRA, Prepared by Amfahr Consulting, November 2010. | Western Connection |
| | Chaska Cut-Off |
| | Midtown Corridor |
| | Highway 169 Connector |
| <i>Kenilworth Corridor: Analysis of Freight Rail / LRT Coexistence</i> , Prepared for HCRRA, Prepared by R. L. Banks & Associates, Inc., November 2010. | Kenilworth Corridor |
| | - Scenario 1: All Three Grade Alignments At-Grade |
| | - Scenario 2: Trail Relocated |
| | - Scenario 3: Bicycle Trail on Structure |
| | - Scenario 4: LRT on Structure |
| | - Scenario 5: LRT in Tunnel |
| | - Scenario 6: Freight and LRT Share Use of Track |
| - Scenario 7: LRT Single Track | |
| <i>MN&S Freight Rail Study</i> (Currently Underway) | MN&S Sub Alignment |

Preliminary comments on the “Amfahr” and “R.L. Banks” freight rail studies are provided in Tables 7 through 9.

Table 7 - Preliminary Comments on “Amfahr” Study

| Route Alternatives | | Western MN Connection | Chaska Cut-Off | Midtown Corridor | Hwy 169 Connector |
|---------------------------------------|-------------------------|--|---|--|---|
| Description | | Reroute All TC&W Traffic West Through Granite Falls On The BNSF | Reroutes Traffic Thru Chaska On The Union Pacific Railroad | Reestablish Freight Traffic In The 29 th Street Corridor | Reestablish Freight Traffic On BNSF Abandon Track From Hopkins To St. Louis Park |
| Cost (millions) | Construction R/W | | \$100.4 | \$192.8 | \$73.6 |
| | Total Cost | ? | \$9.8 \$129.8 | \$2.8 \$195.6 | \$38.0 \$121.6 |
| Positive | | <ul style="list-style-type: none"> • Current RR Alignments | <ul style="list-style-type: none"> • Bypass of St. Louis Park • New Customers In Chaska | <ul style="list-style-type: none"> • Acceptable RR Profile | <ul style="list-style-type: none"> • Bypass of St. Louis Park |
| Negative | | <ul style="list-style-type: none"> • Complete Change In TC&W Traffic Pattern • Acquiring Trackage Rights From BNSF | <ul style="list-style-type: none"> • New Minnesota River Crossing • Profile Grade Issues • Acquisition of 25 Housing Units • Acquiring Trackage Rights From UP RR | <ul style="list-style-type: none"> • Conflicts With Midtown Transit Options • Track Conditions East of River | <ul style="list-style-type: none"> • Acquisition of 131 Housing Units • Acquiring Trackage Rights From BNSF |
| Additional Information Needed? | | <ul style="list-style-type: none"> • Does a Rate Subsidy Make Sense? • Additional Cost Information | <ul style="list-style-type: none"> • Additional Cost Information | <ul style="list-style-type: none"> • Additional Cost Information | <ul style="list-style-type: none"> • Additional Cost Information |
| Comments | | <ul style="list-style-type: none"> • Additional Information On Traffic Patterns And Costs | <ul style="list-style-type: none"> • Not Viable | <ul style="list-style-type: none"> • Not Viable | <ul style="list-style-type: none"> • Not Viable |

Table 8 – Preliminary Comments on “R.L. Banks” Study (Scenarios 1 – 4)

| Route Alternatives | | Scenario #1 | Scenario #2 | Scenario #3 | Scenario #4 |
|---------------------------------------|------------------------------------|--|---|---|---|
| Description | | Freight Rail, SW LRT And Trail All In Same Corridor | Freight Rail And SWLRT Same Corridor; Trail Relocated | Trail Above SW LRT And Freight Rail | SW LRT Above Freight Rail And Trail |
| Cost (millions) | Construction R/W Total Cost | \$30-38 \$21 \$51-59 | \$43-55 \$65 \$109-120 | \$71-88 | \$112-139 |
| Positive | | <ul style="list-style-type: none"> • Minimum Disruption To TC&W RR | <ul style="list-style-type: none"> • Minimum Disruption To TC&W RR | <ul style="list-style-type: none"> • Minimum Disruption To TC&W RR • No Additional R/W Is Needed | <ul style="list-style-type: none"> • Minimum Disruption To TC&W RR • No Additional R/W Is Needed |
| Negative | | <ul style="list-style-type: none"> • Acquisition of 33 to 57 Housing Units¹ • Complicates Station Areas • Parkland Impacts • No Grade Separation At Cedar Lake Parkway² • Additional LRT Bridge | <ul style="list-style-type: none"> • Acquisition of 117 Housing Units¹ • Major Disruption To Trail System • Complicates Station Areas • Parkland Impacts • No Grade Separation At Cedar Lake Parkway • Additional LRT Bridge | <ul style="list-style-type: none"> • No Grade Separation At Cedar Lake Parkway • Complicates Station Areas • Isolated Trail • Visual Impact | <ul style="list-style-type: none"> • No Grade Separation At Cedar Lake Parkway • Complicates Station Areas • Expensive • Visual Impact Over Lake Street |
| Additional Information Needed? | | <ul style="list-style-type: none"> • Detailed Cost Estimates | <ul style="list-style-type: none"> • Detailed Cost Estimates | <ul style="list-style-type: none"> • Detailed Cost Estimates | <ul style="list-style-type: none"> • Detailed Cost Estimates |
| Comments | | <ul style="list-style-type: none"> • Assumes LRT Was Fixed Alignment • Freight Track On West Side • Additional Study Needed If LRT Alignment Can Be Adjusted | <ul style="list-style-type: none"> • Assumes LRT Was Fixed Alignment • Freight Track On East Side • Additional Study Needed If LRT Alignment Can Be Adjusted | <ul style="list-style-type: none"> • Freight Track On West Side • Not Viable | <ul style="list-style-type: none"> • Freight Track On West Side • Not Viable |

¹ Source: *Kenilworth Corridor: Analysis of Freight Rail / LRT Coexistence*, R. L. Banks & Associates, Inc., November 2010.

² Notes: Southwest LRT current plans show grade separation at Cedar Lake Parkway.

Table 9 – Preliminary Comments on “R.L. Banks” Study (Scenarios 5 – 7)

| Route Alternatives | | Scenario #5 | Scenario #6 | Scenario #7 |
|---------------------------------------|------------------------------------|---|--|--|
| Description | | SW LRT In Tunnel; Freight Rail And Trail On Grade | Freight Rail And SW LRT Share Track And Trail | SW LRT On One Track; Freight Rail On One Track And Trail |
| Cost (millions) | Construction R/W Total Cost | \$203-230 | \$35-43 | \$31-38 |
| Positive | | <ul style="list-style-type: none"> Minimum Disruption To TC&W RR | <ul style="list-style-type: none"> No Property Acquisition No Additional R/W Is Needed | <ul style="list-style-type: none"> Minimum Disruption To TC&W RR No Additional R/W Is Needed |
| Negative | | <ul style="list-style-type: none"> No Grade Separation At Cedar Lake Parkway Complicates Station Areas Ground Water Issues Very Expensive | <ul style="list-style-type: none"> No Grade Separation At Cedar Lake Parkway Complicates Station Areas Additional LRT Bridge Major Disruption To TC&W Schedule | <ul style="list-style-type: none"> No Grade Separation At Cedar Lake Parkway Complicates Station Areas Additional LRT Bridge Major Impact to LRT Capacity/Operations |
| Additional Information Needed? | | <ul style="list-style-type: none"> Detailed Cost Estimates | <ul style="list-style-type: none"> Detailed Cost Estimates | <ul style="list-style-type: none"> Detailed Cost Estimates |
| Comments | | <ul style="list-style-type: none"> Freight Track On West Side Not Viable | <ul style="list-style-type: none"> Freight Track On West Side Freight Trains Allow For 3 Hours/Day In Early Morning Not Viable | <ul style="list-style-type: none"> Freight Track On West Side Not Viable |

NEXT STEPS

Although the three HCRRA studies have different levels of detail and analysis, it is possible to narrow down the viability of some options. Our review of the 12 options suggests that only four are reasonable options for further study.

The four options are:

1. Co-locating the freight rail, LRT and trail in the Kenilworth Corridor
2. Locating freight and LRT in the Kenilworth Corridor and relocating the commuter regional trail to another corridor
3. Freight rate subsidies for TC&W to operate to the west of the Twin Cities
4. Relocate the freight traffic to the MN&S corridor.

In the Kenilworth Corridor the unanswered question is developing the best alignment for a combined freight track and LRT track in the same corridor. The current alignment was designed to provide the best alignment for the LRT. After this is established the issues of right of way, trail location, parkland impacts can be evaluated.

The freight rate subsidy options needs to be quantified. How much would it really cost?

The study of the reroute onto the MN&S corridor is ongoing and the impacts are not defined at this time. The additional information that will need to be evaluated includes:

- What width is needed for freight rail, LRT and the regional trail?
- What right of way is available in the Kenilworth Corridor?

- What are the parkland (4f) issues and can they be mitigated?
- How does the presence of freight rail affect the design and operation of the LRT stations?
- Understanding of the costs of freight rail and LRT and how it will be split?
- What is the cost of a freight rail subsidy and how to pay for it?
- How does the freight rail location affect the development and redevelopment within the City?
- How do these alternatives affect other stakeholders outside of the City?
- What is the long-term implication of each of these alternatives?

The goal is the successful implementation of the Southwest LRT with as little freight impact to St. Louis Park.

Attachments

- **Attachment A:** *Railroads and Cities*, League of Minnesota Cities (LMC) Informational Memorandum (May 2004)
- **Attachment B:** FRA Track Standards and Inspection Fact Sheet
- **Attachment C:** The “Train Horn” Final Rule Summary
- **Attachment D:** Existing Railroad Right-of-Way Ownership Map
- **Attachment E:** Twin Cities and Western Railroad Summary of Train Operations Memo (August 2010) & MN&S Freight Rail Study Website - Frequently Asked Questions Section (Existing and Forecast Train Operations)
- **Attachment F:** Existing At-Grade Railroad Crossings Map

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Attachment A

Railroad and Cities, League of Minnesota Cities Informational Memorandum (May 2004)



GOVERNING & MANAGING INFORMATION

Railroads and Cities

465.1

May 2004

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Railroad Highlights



1. Who regulates railroads?

A number of state and federal agencies regulate railroads. Cities also have some limited ability to regulate railroads. The following federal agencies regulate trains:

- Federal Railroad Agency (FRA)
- Surface Transportation Board (STB)
- Federal Highway Administration (FHWA)
- National Transportation Safety Board (NTSB)
- Environmental Protection Agency (EPA)

Railroads are also regulated at the state level. The following state agencies regulate railroads:

- Minnesota Department of Transportation, Office of Freight, Railroads and Waterways (OFRW)
- Minnesota Pollution Control Agency (MPCA)

Local jurisdictions, such as cities, counties, and towns, also have some ability to regulate certain aspects of railroads. But this authority is rather limited because of the degree to which the federal and state agencies have control.

2. Can cities ban train horns?



A city cannot ban the use of locomotive horns, unless the city follows procedures in the federal train horn rule. This interim federal rule regulating the use of locomotive horns was published on Dec. 18, 2003. It will take effect on Dec. 18, 2004. The rule requires that locomotive horns be sounded at virtually all public highway-rail crossings in the United States. Any community in the country can keep an existing quiet zone or establish new quiet zones if all the complex procedures described in the rule are followed correctly. FRA approval may be required for either pre-rule quiet zones or new quiet zones.

The federal rule pre-empts state and local regulations regarding the use of train horns.

3. Can cities regulate noise from trains?



Most noise regulation for railroads occurs at the federal level. Cities probably have little authority to regulate in this area.

4. Can cities zone railroad property?

Cities may enforce zoning regulations on some railroad property. Generally, a city may impose its zoning regulations on land that is not being used for railroad purposes. However, cities are more limited in their ability to regulate land that is being used for railroad purposes.

5. Can cities regulate train speed?



Cities appear to have little ability to regulate train speeds. Maximum speeds that are allowed on tracks are set by the FRA. State statute allows the Minnesota Department of Transportation (Mn/DOT) to set safe speeds at crossings, but some believe this authority is pre-empted by the federal regulations.

6. Whose responsibility is it to maintain and pay for grade crossings?

Railroads are responsible for maintaining and repairing railroad grade crossings and their surfaces. The costs to improve, repair or maintain a grade crossing may be shared jointly with the owner or lessee of the track, the road authority having jurisdiction over the public highway involved and funds available from Mn/DOT. Cities are responsible for costs to improve, repair or maintain sidewalks adjacent to highway-rail crossings.

7. Can cities tax railroad property?



Property owned by railroads is taxable, but the procedure for taxing such property varies depending on how the land is used. If the land is not used for railroad purposes, the valuation and taxing procedure is the same one that the city would use for other property within the city.

If the land is used for railroad purposes, the process is different. The Department of Revenue determines the market value of the land using a complex formula. The values are apportioned to local taxing jurisdictions and certified to each respective county after an equalization formula has been applied. The taxing jurisdictions then proceed in the same manner as they would for other property in the city.

8. Can special assessments be put on railroad property?



Cities may levy special assessments against railroad property for the cost of improvements that benefit that property. Notice must be given to the railroad in the same manner as other property owners, and the assessment amount cannot exceed the value that the improvement has to the property.

9. Can the cost of abating a nuisance be levied against railroad property and collected with its property taxes?

Sometimes railroad property can fall into disrepair or become a dumping ground for appliances or trash. These conditions can become a threat to public health. Cities can address such situations in their nuisance ordinances and require that the property be cleaned up. The city may also provide that it will abate the nuisance if it is not cleaned up and bill the railroad for the cost of the cleanup. The city's ordinance may provide for making unpaid service charges to abate nuisances a special assessment against the property.

10. Who can put traffic signs at railroad crossings?

All traffic signs and signals must be approved by Mn/DOT before they can be installed at railroad crossings. Signs and signals must meet certain criteria for signs and signals found in the *Manual on Uniform Traffic Control Devices*.

11. Who is liable for accidents at railroad crossings?



Responsibility for accidents at railroad crossings is a fact determination that must be made for each individual accident after considering the specific circumstances of the incident. The federal train horn rule is intended to remove liability from the railroads for failure to sound the horn at highway-rail crossings within a quiet zone. However, since damages and losses from such accidents are usually substantial, everyone who might have contributed to the circumstances will probably be included in a lawsuit. This could include the railroad, the owners of any property that is damaged, anyone who was injured or killed (or one of their relatives), the manufacturer of whatever was being transported by the railroad, and quite possibly the city, among others.

12. What can city officials do to help residents who have complaints about railroads?

If the complaint deals with an area that is controlled by federal or state law, city officials should communicate this fact to the resident. The complaining person should be provided with the name and phone number of both the railroad and the appropriate regulatory agency so he or she can contact them with their complaint. In addition, the city should contact the railroad directly to make it aware of the complaint. Even in areas where a city is without formal regulatory powers, a railroad will want to maintain good relations with the community.

City officials might also suggest the person contact his or her state or federal lawmaker about changes to existing legislation. Cities can also work towards encouraging such legislative changes.

If the complaint deals with an area where the city has power to regulate, the city can contact the railroad about remedying the situation. If an agreement cannot be reached with the railroad, the city could consider passing and/or enforcing an ordinance.

13. Where can cities get further information?



The League of Minnesota Cities has other information that discusses issues relating to railroads. Call the League's Research and Information Service at (651) 281-1200 or (800) 925-1122 for further information.

Table of Contents

| | |
|--|----|
| Railroad Highlights | 2 |
| Part I. Introduction | 7 |
| Part II. Railroad regulatory agencies | 7 |
| B. Federal | 7 |
| C. State | 8 |
| D. Local regulation | 8 |
| Part III. Railroad crossings | 9 |
| E. Bridges and tunnels | 9 |
| F. Grade crossings | 10 |
| G. Safety | 12 |
| Part IV. Noise | 13 |
| H. Train horns | 14 |
| I. Other train noise | 17 |
| J. Scheduling | 18 |
| Part V. Speed | 18 |
| K. Grade crossing speeds | 19 |
| L. Track speeds | 19 |
| M. Signal systems | 20 |
| N. Contents of train | 20 |
| Part VI. Railroad equipment | 21 |
| Part VII. Railroad property | 21 |
| O. Acquisition and disposal of railroad property | 21 |
| P. Condemnation of railroad property by cities | 22 |
| Q. Property taxes | 23 |
| R. Special assessments | 24 |
| S. Maintenance of railroad property | 25 |
| T. Zoning | 26 |
| Part VIII. Railroad emergencies | 28 |
| U. Response to emergencies | 28 |
| V. Liability | 29 |

Part I. Introduction

Railroads have played an important role in the development of the United States and in the growth of Minnesota. When trains first reached the western U.S., the population of the West Coast exploded as people could now travel faster and more efficiently. Freight trains made it easier to ship products and the mining, logging, and agriculture industries began growing rapidly. Today, freight trains are an important means of transporting large amounts of goods to various shipping ports that link many Minnesota businesses to the world market.

With growth, however, problems can also arise. As cities grow and more trains run through cities more frequently, traffic congestion and noise can become issues. This memo discusses many of the more common concerns cities must deal with when a railroad runs through city limits. It also outlines many of the areas in which federal and state agencies regulate railroads, and the ways in which cities may regulate railroad issues within their communities.

49 C.F.R. § 1201.1 – 1. See *Information about Minnesota's Railroads* www.dot.state.mn.us/ofrw/railroads.html.

Many different types of railroads operate within Minnesota. Railroads are classified as Class I, Class II or Class III, with Class I railroads having the larger operating revenues. The Surface Transportation Board (STB) determines the classification of each railroad based upon its annual operating revenues. These classifications are used for accounting and reporting standards. Regional and short-line railroads are lighter density lines that have been spun off by a Class I carrier.

Part II. Railroad regulatory agencies

The railroad industry is regulated at various levels. Although primarily controlled at the federal level, the state also has jurisdiction in some situations. Local regulation is more limited.

B. Federal

Many federal regulatory agencies regulate railroad equipment and operations. The following agencies are among those that commonly regulate railroads:

The [FRA](#) can be contacted at 1-800-724-5040.

- ***Federal Railroad Administration (FRA)***. The FRA regulates rail safety in five disciplines, including tracks, signal and train control, operating practices, mechanical equipment, and hazardous materials. The FRA is part of the U.S. Department of Transportation.

The [STB](#) can be contacted at (202) 565-1500.

The [FHWA](#) can be contacted at (651) 291-6100.

The [NTSB](#) can be contacted at (630) 377-8177 or (202) 314-6000.

The [EPA](#) can be reached at 1-800-621-8431.

- ***Surface Transportation Board (STB)***. The STB has jurisdiction over many different areas. The important ones relating to railroads include railroad rate and service issues, rail restructurings (such as mergers and line sales, construction, and abandonment), and some related labor issues.
- ***Federal Highway Administration (FHWA)***. The FHWA maintains several highway safety programs and funds to improve railway-crossing safety. This office is primarily responsible for administering federal funds to help with these costs. The agency is part of the U.S. Department of Transportation.
- ***National Transportation Safety Board (NTSB)***. The NTSB is responsible for independent accident investigation in several areas. With regard to railroads, the NTSB investigates accidents in which there is a fatality or substantial property damage or accidents that involve a passenger train. It also investigates highway accidents, including railroad crossing accidents.
- ***Environmental Protection Agency (EPA)***. The EPA enforces air, water, and noise standards. The air and water standards are of general application to other industries, but the noise standards are specific to railroad equipment and operations.

C. State

The following state agencies are also involved in regulating railroads:

Contact [Mn/DOT](#) at (612) 296-3000 or (800) 657-3774 or (800) 627-3529 (TTY) or the League for the name and phone number of individuals within OFRW and their area of specialty.

The [MPCA](#) can be contacted at (651) 296-6300 or 800-657-3864 or TTY 651-282-5332.

- ***Office of Freight, Railroads and Waterways (OFRW)***. This office deals with a number of railroad areas, including track repair and removal, accident reports, railroad/traffic signals, grade crossing safety, signs, signals, and surfaces, among others. This office is part of the Minnesota Department of Transportation (Mn/DOT) and also part of the Office of Freight and Commercial Vehicle Operations (OFCVO).
- ***Minnesota Pollution Control Agency (MPCA)***. The MPCA enforces clean air, ground, and water rules. Although it doesn't enforce noise regulations, it does measure noise levels for compliance with federal standards.

D. Local regulation

Regulation at the local level is generally rather limited. However, cities currently appear to have some ability to regulate the following areas:

See Part IV - A - *Train horns*.

Use of locomotive horns. A federal rule published Dec. 18, 2003, and effective Dec. 18, 2004, pre-empts state or local government regulations as to the use of locomotive horns. However, a city can maintain a qualified existing quiet zone or establish a new quiet zone by following all the complex procedures set out in this federal train rule. A quiet zone is a section of a rail line that contains one or more consecutive public crossings at which locomotive horns are not routinely sounded.

See Part VII - D - *Special assessments* and E - *Maintenance of railroad property*.

- **Special assessments.** Cities can use special assessments to collect the costs of improvements that will benefit railroad property. The amount assessed may not exceed the increase in the market value of the property as a result of the improvement. The cost of nuisance abatement may also be collected using special assessments.

See Part VII - C - *Property taxes*.

- **Property taxes.** Cities can collect property taxes from railroad property, but the valuation of the property is done by the state in most circumstances.

See Part VII - F - *Zoning*.

- **Zoning.** Cities can enforce their zoning regulations against some types of property owned by railroads. Generally, a city cannot use its zoning regulations to prohibit property being used for railroad operating purposes, but other non-operating property may be made to comply with local zoning regulations.

Part III. Railroad crossings

Railroads cross other public rights-of-way in different fashions. The most common is the grade crossing, where the railroad and the highway/street share an intersection at the same level. In addition to this type of crossing, there are overpasses (where the railroad passes above the street or highway) and underpasses (where the railroad passes beneath the street or highway). This memo only addresses public crossings, although the information may also apply to private rail crossings.

E. Bridges and tunnels

If a grade crossing is found to be hazardous, the commissioner of Mn/DOT may order several remedies. Two of these options are to separate the grade and provide either an underpass (tunnel) or an overpass (bridge) for the tracks. The commissioner of Mn/DOT will also determine the cost of installing and maintaining such structures. The cost is usually divided between the railroad authority and the road authority (city, town or county).

[Minn. Stat. § 219.40, subd. 1.](#)

Also see Part III - B - 7 - *Dangerous crossings—how to proceed*.

F. Grade crossings

[Minn. Stat. § 219.16.](#)

According to Mn/DOT, there are 5,093 public rail crossings and 3,254 private rail crossings in Minnesota. State statute defines a “grade crossing” as the intersection of a public highway and the tracks of a railroad on the same plane or level. This definition does not include street railways within a city’s limits.

[49 C.F.R. § 234.5.](#)

Federal regulation defines a “highway-rail grade crossing” as a location where a public highway, road, street or private roadway crosses one or more railroad tracks at grade. This definition also includes sidewalks and pathways that cross railroad tracks.

Sternitzke v. Donahue’s Jewelers, 83 N.W.2d 96 (1957); *Donalk v. Moses*, 94 N.W.2d 255 (1959); *Kopveiler v. Northern Pac. Ry. Co.*, 160 N.W.2d 142 (Minn. 1968).

Cities retain the primary duty and responsibility with respect to the maintenance and repair of public sidewalks in the right of way adjacent to a highway-rail grade crossing. A city should adopt a policy for street and sidewalk maintenance, inspection, and repair and follow their policy. For more information, see the LMCIT information memo, “*Streets and Sidewalks.*”

1. New grade crossings

[Minn. Stat. § 219.072;](#)
[Minn. R. § 8830.2700.](#)

The commissioner of Mn/DOT must approve all new grade crossings. The city and the railroad can agree to the new crossing and then seek approval from the commissioner. If the city and the railroad cannot agree, either can file a petition with the commissioner to decide on any of the following matters:

- Whether a new crossing is needed.
- Where the new crossing should be located.
- The type of warning devices required.

The petition must set forth the facts and submit the matter to the commissioner for determination. The commissioner will give reasonable notice to hold a hearing and issue an order determining the matters submitted.

If the commissioner approves the new grade crossing, he or she may also direct that the costs be divided between the railroad company and the city as the parties may agree. If the city and the railroad do not agree on the division of costs, the commissioner may determine the amount on the basis of benefit to each.

[Minn. Stat. § 219.073.](#)

Mn/DOT is seeking to reduce the number of grade crossings in the state. Because of this, it may be difficult for cities to get approval of a new grade crossing.

2. Changes of grade

Minn. Stat. § 219.08.

State law also sets requirements for grade crossing changes. When a railroad company changes or raises the grade of its tracks at a crossing, it must also grade the approaches on each side in order to make the approach and crossing of the tracks safe for vehicles.

3. Grade crossing improvements

23 C.F.R. § 646.210 (b).

The Federal Highway Administration (FHWA) has adopted a regulation providing that federal aid projects for grade crossing improvements do not require railroads to share in the cost of improvements.

23 C.F.R. § 646.210 (a).

The regulation also states that state laws requiring railroads to share in the cost of work for the elimination of hazards at railroad crossings do not apply to federal aid projects.

4. Maintenance/upgrades

Minn. Stat. § 219.071, subds. 1, 2.

It is the responsibility of the railroad (both the owner and the lessee) to keep a grade crossing surface safe and passable for vehicles in a manner consistent with federal track safety standards.

If a grade crossing surface needs improvement, repair or maintenance, the work may be paid jointly by the railroad company, its lessee, the road authority, and available state and federal funds.

5. Closing crossings

Minn. Stat. § 219.073.

In recent years, Mn/DOT has sought to reduce the number of grade crossings in Minnesota.

Minn. Stat. § 219.074.

Public bodies and railroad companies may agree to the vacation, relocation, consolidation or separation of grades at grade crossings. If they cannot agree on the relocation, manner of construction, or a reasonable division of expenses, either may file a petition with Mn/DOT, which will hold a hearing to make a determination.

6. Signs and signals

Minn. Stat. § 219.06.

State statute requires that a railroad company must maintain a proper and conspicuous sign wherever its lines cross a public road. If a railroad fails to do this, it must pay \$10 for each day it fails to meet the requirement. The money must be paid to the municipality with authority over the public road the railroad crosses.

Minn. Stat. §§ 219.17 -20;
Minn. Stat. § 219.26; Minn.
Stat. § 219.30.

Mn/DOT regulates railroad warning signs and crossing stop signs. Municipalities must get permission from Mn/DOT in order to install a new sign or to remove an existing sign. It is a crime to remove, damage or destroy any railroad sign or device without permission from Mn/DOT.

Minn. Stat. § 219.20.

A stop sign is required at each grade crossing if necessary for the reasonable protection of life and property. The commissioner of Mn/DOT determines whether conditions exist that make it necessary for people to stop before the crossing. A city may submit a petition to the commissioner if it would like a stop sign installed at a crossing.

Minn. Stat. § 219.24.

The Mn/DOT commissioner also has the power to determine if safety issues warrant the railroad installing additional devices or signals. However, the public authority responsible for safety and maintenance of the roadway that crosses the railroad tracks may install additional or alternative safety measures to maintain an existing quiet zone or establish a new quiet zone subject to the federal train horn rule. Local authorities must notify all involved well before installing additional or alternative safety measures at a grade crossing.

See Part IV-A *Train Horns I. Federal Train Horn Rule.*

Minn. Stat. § 219.19.

The Mn/DOT commissioner may designate additional warning sign requirements if necessary for the protection of life and property. If an additional warning sign is required, the road authority pays the cost and maintenance of the sign.

49 U.S.C.A. § 20504; 49 U.S.C.A. § 20134 (b); 49 C.F.R. § 234.1-234.6.

The U.S. Dept. of Transportation regulates signal systems to ensure the safe maintenance, inspection, and testing of signal systems and devices at railroad highway grade crossings. The regulation is done through the Surface Transportation Board (STB) and the Federal Railroad Administration (FRA).

7. Dangerous crossings—how to proceed

Minn. Stat. § 219.14.

The commissioner of Mn/DOT may investigate and determine whether a railroad crossing over a street or public highway is dangerous to life and property. If the crossing is found to be dangerous, the commissioner may order the crossing protected in any reasonable manner, including requiring the railroad to separate the grades.

Minn. Stat. § 219.39.

City councils, county boards, township boards, and railroad companies may submit petitions asking the commissioner to determine if a railroad crossing a street or highway appears to be dangerous to life and property. The petition must give reasons for the allegation. Upon receiving the petition, the commissioner must investigate the matters contained in the complaint and, when necessary, initiate a hearing.

G. Safety

Also see Part VIII - B – *Liability.*

Safety is an important issue to railroads, public roadway authorities, and the general public. Sight lines, obstructions to view and traffic, and maintenance of the crossing and its signs and signals are important for ensuring safety.

1. Sight lines/view

Railroads are generally responsible for keeping obstructions from blocking the view of motorists or pedestrians who will cross their tracks at railroad crossings.

Minn. Stat. § 219.384, subd. 1.

The governing body of a municipality may require the removal of an obstruction to a railroad right-of-way in order to provide an adequate view of oncoming trains at a railroad crossing. Removal of such obstructions may be required of any of the following:

- The railroad company.
- The road authority.
- An abutting property owner.

Minn. Stat. § 219.384, subd. 1.

The municipality must give written notice that the obstruction interferes with the safety of the public traveling across the railroad crossing.

Minn. Stat. § 219.384, subd. 2.

If the obstruction is not removed within 30 days after the written notice, a fine may be imposed. The amount of the fine is \$50 for each day the situation remains uncorrected, and may be recovered in a civil court action.

2. Signals

49 U.S.C.A. § 20134 (b);
49 C.F.R. § 234.1-234.6.
See discussion in previous section.

The U.S. Department of Transportation has adopted regulations to ensure safe maintenance, inspection, and testing of signal systems and devices at railroad highway grade crossings. The state also regulates the installation of signs and signals at grade crossings.

3. Traffic obstruction

Minn. Stat. § 219.383, subd. 3.

A railroad is prohibited from allowing a standing train, car, engine or other railroad equipment to block a grade crossing for longer than 10 minutes. This prohibition does not apply in First Class cities that regulate street obstruction by ordinance.

Part IV. Noise

Residents who live near railroad right-of-ways sometimes complain about noise and vibration from railroads. Federal or state laws pre-empt local control of these issues. However, the train horn rule, discussed in the next section, now provides an opportunity for cities to mitigate the effects of train horn noise by establishing new “quiet zones.” The rule also details actions communities with pre-existing “whistle bans” can take to preserve the quiet they are accustomed to.

H. Train horns

See Part IV - *Federal Regulations*.

[Minn. Stat. § 219.166](#)
preempted by 49 C.F.R. § 222.7.

Train horns are warning devices used to signal railroad employees and others. They are used to warn the public that a train is approaching a crossing. They are also used to tell railroad employees what the engineer is about to do (stop, back up, pull forward, etc.). Engineers blow their locomotive horns at all public crossings unless a city has passed an ordinance to prohibit the practice. The train horn rule, a federal rule, published Dec. 18, 2003, and effective Dec. 18, 2004, pre-empts city ordinances that prohibit the sounding of locomotive horns unless the city has met the rule's extensive criteria to either maintain an existing quiet zone or establish a new quiet zone.

1. Federal regulation

49 C.F.R. § 222.

The train horn rule, a federal regulation published on Dec. 18, 2003, and effective on Dec. 18, 2004, requires that locomotive horns be sounded at virtually all public, highway/rail at-grade crossings in the United States. The rule contains additional provisions that set a maximum sound level for locomotive horns and limits sound directed to the side.

The rule does not apply to the use of locomotive horns on:

49 C.F.R. § 222.5.

- A railroad that exclusively operates freight trains on track that is not part of the general railroad system of transportation.

49 C.F.R. § 222.5.

- Passenger railroads that operate at a maximum speed of 15 miles per hour and only on track that is not part of the general railroad system of transportation.

49 C.F.R. § 222.5.

- Rapid transit operation within an urban area that is not connected to the general railroad system of transportation.

49 C.F.R. § 222, Appendix C
Guide to Establishing Quiet Zones.

Tammy Wagner, Region 4
Highway Crossing Manager
1-800-724-5040.

49 C.F.R. § 222.39.

The basic premise of the train horn rule is to permit quiet zones only if overall safety is equivalent to crossings where train horns are sounded. The two types of quiet zones allowed under the rule are new quiet zones or pre-rule quiet zones. Some information on each type of quiet zone is provided below. However, cities must work with the city attorney and the FRA to ensure that a particular quiet zone complies with the detailed requirements of the rule.

2. New quiet zone

49 C.F.R. § 222, Appendix C.

In order for a quiet zone to be qualified under this rule, the lack of the train horn must not present a significant risk with respect to loss of life or serious personal injury, or the significant risk must have been compensated for by other means. The rule provides four basic ways in which a quiet zone may be established.

- One or more supplemental safety measures as identified in the rule are installed at each public crossing in the quiet zone.

- The quiet zone risk index is equal to, or less than, the nationwide significant risk threshold without implementation of additional safety measures at any crossings in the quiet zone.
- Additional safety measures are implemented at selected crossings resulting in the quiet zone risk index being reduced to a level equal to, or less than, the nationwide significant risk threshold.
- Additional safety measures are taken at selected crossings resulting in the quiet zone risk index being reduced to at least the level of risk that would exist if train horns were sounded at every public crossing in the quiet zone.

49 C.F.R. § 222, Appendix A and B.

The supplementary and alternative safety measures, which a local government most likely will have to pay for, must comply with extensive requirements of Appendix A and B of the rule.

Quiet Zone Calculator
www.fra.dot.gov/Content3.asp?P=1337.

The FRA has created the “Quiet Zone Calculator,” a web-based tool that allows local jurisdictions to research the feasibility of creating a quiet zone in their community that complies with FRA’s train horn rule. City planners, traffic engineers, and other transportation professionals are the anticipated users of the calculator.

See “Pre-rule quiet zones” discussion in next section.

The Quiet Zone Calculator allows users to access the FRA-maintained national grade crossing inventory and FRA highway-rail grade crossing accident records, select a series of crossings, test proposed safety implementation plans that are in compliance with the horn rule, and generate summary reports. The user will be able to create multiple scenarios for new quiet zones as well as for zones that already have a whistle ban.

The calculator will determine the risk level for the proposed quiet zone corridor. The risk level will then be evaluated to determine whether quiet zone criteria have been met. If not, supplemental safety measures can be applied to reduce the risk until the criteria have been met.

1. Pre-rule quiet zones

49 C.F.R. § 222, Appendix C
Guide to Establishing Quiet Zones.

A pre-rule quiet zone is a quiet zone that contains one or more consecutive grade crossings subject to a whistle ban that has been actively enforced or observed as of Oct. 9, 1996, and Dec. 18, 2003.

The rule treats pre-rule quiet zones slightly differently than new quiet zones. This is a reflection of the fact that some communities have restricted train horns sounding in their jurisdiction for quite some time and wish to continue that restriction.

According to the FRA, there are a number of cities in Minnesota with existing whistle bans that may qualify as a pre-rule quiet zone. Cities with an existing whistle ban that wish to maintain the whistle ban as a pre-rule quiet zone, should work with the city attorney to meet the extensive requirements for a pre-rule quiet zone.

See Status of Existing Whistle Bans
www.fra.dot.gov/Content3.asp?P=1390.

The rule provides that an existing whistle ban may qualify for automatic FRA approval as a pre-rule quiet zone in one of three ways:

- By installing a supplemental safety measure (SSM) at each public crossing in the quiet zone.
- By having a quiet zone risk index that is equal to or less than the national significant risk threshold.
- By having a quiet zone risk index that is equal to or less than twice then the national significant risk threshold, and ensuring there have been no relevant collisions at any of the public crossings during the past five years

Quiet Zone Calculator
www.fra.dot.gov/Content3.asp?P=1337.

Ultimately, the FRA's Quiet Zone Calculator must be used to determine whether an existing whistle ban qualifies for automatic approval under the rule. The calculator will allow the user to identify the crossings that are in the whistle ban. The user will then be able to update the relevant data elements for each crossing so that the actual conditions are used in the risk calculations. This is the only way to actually determine an existing whistle ban's status under the rule.

Train horns will not sound in existing whistle ban areas if the city states an intention to the FRA and others to maintain a pre-rule quiet zone and do whatever is required within five years of publication. Again, cities must consult legal counsel to ensure all the legal requirements of the rule are met for either a new quiet zone or a pre-rule quiet zone.

49 C.F.R. § 222.41(b)(2).

Pre-rule quiet zones that do not meet the requirements for automatic approval, must meet the same requirements as new quiet zones as discussed above. In other words, risk must be reduced through the use of supplemental or alternative safety measures so that the quiet zone risk index for the quiet zone has been reduced to either the risk level that would exist if locomotive horns sounded at all crossings in the quiet zone or to a risk level equal to or less than the nationwide significant risk threshold. In general, pre-rule quiet zones must meet these requirements by Dec. 18, 2008.

49 C.F.R. § 222.23.

It is important to note that even in a quiet zone, a train horn may be sounded in an emergency situation, at the sole discretion of a locomotive engineer, to provide a warning to vehicle operators, pedestrians, trespassers or crews on other trains if such action is appropriate in order to prevent imminent injury, death or property damage.

49 C.F.R. § 210.3 (b)(3).

Several federal regulations set maximum noise levels for certain railroad equipment. Although many operations and equipment are regulated and have maximum noise levels, horns that are operated as warning devices are generally exempt from these limits.

49 C.F.R. § 229.129.

Audible warning devices on trains must meet minimum sound level requirements. Federal regulation requires each lead locomotive to be equipped with an audible warning device that produces a minimum sound level of 96 dBA at 100 feet forward of the locomotive in its direction of travel.

2. State regulation

Minn. Stat. § 219.567
probably pre-empted by 49
C.F.R. § 222.7.

State law, probably pre-empted by the federal train horn rule, says it is a misdemeanor for an engineer driving a train to fail to do the following:

- Ring or sound the bell at least 80 rods (440 yards or 1,320 feet) from the intersection.
- Continue to ring or sound the bell at intervals until the train has completely crossed the road or street.

I. Other train noise

Not only noise from train horns can disturb residents. The noise from railroad operations has also been an issue in some communities. This has included such things as engine noise and switching and car coupling operations.

1. Federal regulation

49 C.F.R. § 210.3.

Federal statutes and regulations set standards for railroad noise. The following type of operations and equipment have maximum noise levels that cannot be exceeded:

42 U.S.C.A. § 4916.

49 C.F.R. § 229.121.

40 C.F.R. § 201.11.

40 C.F.R. § 201.12.

40 C.F.R. § 201.15.

49 C.F.R. § Pt. 210, App.
A.

49 C.F.R. § 210.11.

- Noise emission.
- Locomotive cab noise.
- Stationary operations of locomotives.
- Moving operations of locomotives.
- Car coupling operations.
- General railroad noise standards.

The Federal Railroad Administration (FRA) may grant a waiver of compliance with any FRA noise regulation if it is in the public interest and consistent with railroad noise abatement and safety. The waiver may be subject to any condition the administrator deems necessary.

2. State regulation

State noise regulations are generally not enforced against railroads. However, the Minnesota Pollution Control Agency (MPCA) measures noise from railroads to determine compliance with federal standards.

3. Local regulation

42 U.S.C.A. § 4916 (c).

No state or political subdivision may adopt or enforce any noise emission standards for the operation of railroad equipment unless the standard is identical to the Environmental Protection Agency (EPA) regulation. A state or political subdivision may still establish and enforce regulations on noise and the operation or movement of any product if the EPA administrator and the U.S. Secretary of Transportation agree that both of the following situations exist:

- The local regulation is necessitated by special local conditions.
- The local regulation is not in conflict with any of the federal regulations.

J. Scheduling

The number of trains that travel per day and the times they are scheduled to travel is generally not regulated at the state or federal levels. Scheduling is established by individual railroads. Cities are unlikely to be able to regulate this area, as it would probably be seen as a restriction of interstate commerce.

Part V. Speed

Although both the state and federal government regulate train speed, the majority of this regulation occurs at the federal level. Only crossing speeds are regulated by the state.

Federal law provides maximum speed limits for trains based upon the contents of the train and the classification of the track. The commissioner of Mn/DOT sets safe speed limits for trains with regard to crossings. In most cases, local regulation of train speed is probably pre-empted by these federal and state agencies.

In February 1999, a city petitioned the commissioner of Mn/DOT to impose a speed limit of 10 miles-per-hour for trains operating on a railroad line that went along a city street. The city felt the segment of track is unique because it runs down the middle of the street. As a result, a large number of grade crossings and pedestrian and vehicle traffic make the area particularly unsafe.

The railroad filed opposition to the city's petition, and a contested case hearing was held before an administrative law judge (ALJ) in April 1999. The ALJ issued a written recommendation agreeing with the city's position. Consistent with this recommendation, the commissioner issued an order setting a 10 miles-per-hour speed limit along the track until the railroad and the city could improve the safety and warning mechanisms and reduce visual clutter in the area.

In the Matter of the Speed Limit for the Union Pacific Railroad through the City of Shakopee, 610 N.W.2d 677 (Minn. App. 2000).

The railroad appealed the ALJ's decision, arguing that the commissioner's authority to impose railroad speed limits is completely pre-empted by federal regulations. The Minnesota Court of Appeals disagreed, however. It held that the commissioner's authority is not pre-empted by federal law.

K. Grade crossing speeds

Minn. Stat. § 219.383, subd. 1, 2.

State statute allows a city council or a railroad to petition the commissioner of Mn/DOT to consider setting a reasonable speed limit for trains that cross public highways or streets in the city. The commissioner may hold a public hearing before setting a speed for the operation of an engine or train.

Despite the existence of this statute, some feel the federal regulation of track speed pre-empts state authority to regulate in this area.

Fritz v. First Division of St. P. & P.R. Co., 22 Minn. 404 (1876).

An early Minnesota Supreme Court decision held that a city ordinance that set a speed limit for trains meant that a railroad company was negligent for an accident that occurred when the train was exceeding the speed limit. It is quite possible such an ordinance could be pre-empted at the state or federal levels today, given the date of this case (1876).

Many cities have sought voluntary compliance with railroads due to special circumstances, such as railroad tracks that are near schools, etc.

L. Track speeds

The construction and design of railroad tracks are also important with regard to the maximum speed a train can travel. Track speeds based upon the track construction and design are regulated at the federal level. Regulations require that tracks meet certain standards in order to be designated as a certain class of track. The class of a track determines at what maximum speed trains can travel along it.

The following table indicates the classes of tracks and the respective speeds that may be traveled on each class:

49 C.F.R. § 213.9 (b).

| Track class (Note: If a track does not meet the requirements for its intended class, it is reclassified to the next lowest class of track.) | Speed for freight trains (mph) | Speed for passenger trains (mph) |
|--|---------------------------------------|---|
| Excepted track | 10 | 10 |
| Class 1 track | 10 | 15 |
| Class 2 track | 25 | 30 |
| Class 3 track | 40 | 60 |
| Class 4 track | 60 | 80 |
| Class 5 track | 80 | 90 |
| Class 6 track | 110 | 110 |
| Class 7 track | 125 | 125 |
| Class 8 track | 160 | 160 |
| Class 9 track | 200 | 200 |

49 C.F.R. § 213.307 (a).

This memo does not discuss the detailed structural requirements of each class of track. For further information regarding track classifications, cities should contact the FRA.

M. Signal systems

49 C.F.R. § 236.0 (c), (d).

The types of signal systems a railroad has can also affect the speed that a train may travel. The FRA requires that certain block signal systems be in place before a train can travel at speeds greater than 59 mph (passenger trains) or 49 mph (freight trains) on the appropriate class of track. Special signal systems are required to exceed 79 mph.

Signal systems are tested by Mn/DOT to ensure the signal will allow enough warning time given the speed that trains will travel on it. If the signal does not allow adequate warning, Mn/DOT requires it be replaced with one that will.

N. Contents of train

Contact the [FRA](#) for further details on hazardous material shipments. Also see Part VIII - A - 2 - *Hazardous material shipments*.

As noted above in the discussion of track classes, there are different speeds for trains depending upon their content. Freight and passenger trains are allowed to travel at different maximum speeds on the same stretch of track. There are sometimes additional restrictions for trains carrying hazardous materials.

Part VI. Railroad equipment

Both state and federal statutes contain requirements for railroad equipment. As such, cities are unlikely to be able to regulate in this area. The following areas are regulated by state and federal law or regulation:

49 U.S.C.A. § 20143.

Burlington Northern R. Co. v. State of Minnesota, 882 F.2d 1349; *Southern Pacific Co. v. Arizona*, 325 U.S. 761 (1945).

49 U.S.C.A. § 20148.

49 U.S.C.A. § 20142.

- *Locomotive engines and visibility.*
- *Train length.* Federal regulation pre-empts state law or regulations in this area. The U.S. Supreme Court found that states could not enforce statutes that limit the number of cars a train could have. It was found to be a restriction of interstate commerce and was held unconstitutional.
- *Visibility of railroad cars.*
- *Tracks.*

Part VII. Railroad property

This section deals with railroad real estate in the following areas:

- Acquisition and disposal of railroad property.
- Condemnation of railroad property by cities.
- Property taxes.
- Special assessments.
- Maintenance of railroad property.
- Zoning.

O. Acquisition and disposal of railroad property

Depending upon how a specific piece of land has been acquired by a railroad, there may be restrictions on the use of that land or the ability of the railroad to sell, lease or abandon the land. It may be important for a city to understand these restrictions if it is seeking to buy railroad property.

Hofman Oil Co., Inc. v. City of Princeton, (No. C9-01-819) 2002 WL 4598 (Minn. Ct. App. Jan. 2, 2002).

For example, a railroad must offer private leaseholders the “right of first refusal” or the first opportunity to purchase real property within a right-of-way that is either being abandoned or offered for sale.

Railroads acquire real property in a number of different ways. Some land may have been part of a federal land grant that was made to many railroads by Congress during the 1860s. Some railroad charters may mention specific portions of land and contain limits on its use or sale. Other land may have been acquired by purchase or eminent domain.

[Minn. Stat. § 222.27.](#)

Railroad corporations have the power to acquire land by purchase or eminent domain. This applies to any land that is needed for roadways, spur and side tracks, rights-of-way, depot grounds, yards, grounds for gravel pits, machine shops, warehouses, elevators, depots, station houses, and all other structures necessary for the use and operation of the road.

[Minn. Stat. § 222.26.](#)

A municipality and a railroad may agree upon the manner, terms, and conditions under which a municipal right-of-way may be used or occupied by the railroad. A railroad may use condemnation to acquire property over other public rights-of-way.

[Minn. Stat. § 117.38-41.](#)

Sometimes the United States government, the state of Minnesota, or another government authority authorizes the change of a public watercourse (such as a stream, river, harbor, etc.). In such a situation, a railroad may acquire property using eminent domain if it is interested in the change of the watercourse for the purpose of enlarging or improving their property.

[49 U.S.C.A. § 10903.](#)

Federal statute requires that a railroad must file an application with the Surface Transportation Board before it can abandon any part of a line.

P. Condemnation of railroad property by cities

[Minn. Stat. § 117.57.](#)

The only state statute that specifically addresses condemnation of railroad property is found in the economic development chapter and deals with the clean-up of contaminated railroad property. The railroad property must meet all of the following criteria under this statute in order to use this authority:

[Minn. Stat. § 117.57, subd. 1\(1\).](#)

- It must not be a line of track that is required to be abandoned under federal law unless the abandonment has been approved.

[Minn. Stat. § 117.57, subd. 1\(2\).](#)

- It must not be currently used for any of the following:
 - Switching.
 - Loading or unloading.
 - Classification activities.

(Note: Storage, maintenance, and repair activities are not included in the above activities.)

[Minn. Stat. § 117.57, subd. 1\(3\).](#)

- The land to be taken must contain pollution or the threatened release of pollution.

Minn. Stat. § 117.57, subd. 1(4).

- The authority must intend to develop the property, and have a plan for its cleanup and development within five years to maximize its market value.

There are some additional restrictions on the use of this type of eminent domain that should also be considered. Municipalities that want to use eminent domain to acquire railroad property should consult with their attorney before deciding to use this process.

Q. Property taxes

Minn. Stat. § 270.81, subd. 2; Minn. R. § 8106.0600.

Cities may levy property taxes against property that is owned by railroads. Property that is not used for railroad operating purposes is valued and taxed by local taxing jurisdictions in the same manner as other properties. This means the local assessor determines the classification and market value of railroad non-operating property for property taxation purposes.

Minn. Stat. §§ 270.80-88.

The taxing procedure for railroad operating property, however, is done differently. The market value of property used for railroad purposes is annually determined by the Department of Revenue using a complex formula. The values are then apportioned to local jurisdictions and certified to each respective county after an equalization formula has been applied. At this point, the local taxing jurisdictions proceed in the same manner as for other commercial and industrial properties that are being taxed.

Minn. Stat. § 270.81, subd. 3.

The Department of Revenue determines if particular property owned by a railroad is classified as operating property or non-operating property.

49 U.S.C.A. § 11501.

Federal statute prohibits discriminating against railroad operating property when determining the market value of the land for taxing purposes. This means railroad transportation property may not be assessed at a higher ratio to true market value than the ratio of other commercial and industrial property in the same jurisdiction.

Minn. Stat. § 270.82; Minn. R. § 8106.0300, subp. 1.

All railroad companies operating in Minnesota are required to file an annual report with the Department of Revenue. The information on this report is used for railroad property tax purposes. Basically, the Department of Revenue does the following:

Minn. Stat. § 270.84 and Minn. R. § 8106.0400.

- **Valuation.** This determines the fair market value (sales price) of the railroad's property.

Minn. R. § 8106.0500.

- **Allocation.** This determines how much of the market value is attributable to Minnesota.

Minn. Stat. § 270.86, subd. 1; Minn. R. § 8106.0700.

- **Apportionment.** This determines how much of the market value is apportioned to each local taxing jurisdiction that contains railroad property.

Minn. Stat. § 270.86, subd. 2; Minn. R. § 8106.0800.

- **Equalization.** This is an adjustment that is made to the final apportioned figures to ensure the railroad property values coincide with the values of other commercial and industrial properties within each county.

Cities really only become involved after the value of the railroad property has been determined by the state and certified to the county auditor. The taxing procedure is the same as for other properties the city taxes. For further information on railroad property taxes, contact the Department of Revenue, Property Tax Division.

R. Special assessments

See *Local Improvement Guide* (515a1a.3).

Cities are apparently able to levy special assessments against railroad property for the cost of improvements that benefit those properties. Notice must be given to the railroad in the same way that notice is given to owners of other property. As with any special assessments, the assessment amount cannot exceed the increase in market value of the property as a result of the improvement. (For more information, see the League research memo that discusses special assessment procedures in more detail.)

1. Supporting statutes, decisions, and opinions

Minn. Stat. § 429.061,
subd. 4.

Federal statutes do not address special assessments and railroad property. Since the federal statutes are silent, state and local regulation would appear not to be pre-empted. The state special assessment statutes address the ability of municipalities to recover unpaid special assessments from railroad rights-of-way. A lawsuit may be brought by the municipality to enforce the collection of the indebtedness, unless a different method of collection is provided for by any contract between the railroad right-of-way owner and the municipality.

See previous discussion on
property taxes.

It may be a challenge for cities to determine the market value of the land as well as the increase in market value of the land due to the improvement. Valuation of railroad land is discussed in another section of this memo.

A.G. Op. 408c (Oct. 8,
1962).

In a 1962 opinion, the attorney general concluded that a city could specially assess property owned by a railroad company for a street, curb, and gutter project.

A.G. Ops. 624-D-10 (Jun.
14, 1950) and (Aug. 24,
1950).

In two different earlier opinions, the attorney general's conclusion was similar, finding that the cost of a water main could be assessed to railroad property if the property was benefited by the improvement.

*In re Improvement of
Superior Street, Duluth*,
172 Minn. 554 (1927);
*Minnesota Transfer Ry. Co.
v. St. Paul*, 165 Minn. 8
(1925); and *State v. Great
Northern Ry. Co.*, 165
Minn. 22 (1925).

In several early court decisions, the Minnesota Supreme Court found that railroad property could be specially assessed for the cost of improvements that benefited the property. However, the assessment must not exceed the particular benefit to the specific property.

*City of Owatonna v.
Chicago, R. I. & P. R. Co.*,
450 F.2d 87 (8th Cir.)
(1971).

2. Example of a city assessment policy

See also Part VII - E - *Maintenance of railroad property*.

The practice in a larger Minnesota city is not to assess railroad operating property for the cost of improvements that benefit the property. Although the city has the power to levy special assessments for improvements on railroad right-of-way property, it chooses not to levy assessments against this type of property for the following reasons:

- The difficulty in establishing the value of the property.
- The difficulty in establishing the value of the improvement to the property.

See discussion of nuisance abatement in next section.

Even though the city does not specially assess railroad right-of-way property, it will assess property that is not being used as a right-of-way. This generally includes excess property or property that the railroad might lease for non-railroad use. However, the city will specially assess all railroad properties for nuisance abatement, regardless of whether it is used as a railroad right-of-way.

Under this city's policy, when the railroad objects to a special assessment amount for an improvement, the city reaches a compromise with the railroad regarding the amount. This compromise appears to be similar to the practice that many cities follow when handling objections to special assessment amounts from other landowners who object to their assessment amounts. The city has found this approach to be less expensive and time-consuming than going to court to recover an unpaid assessment.

S. Maintenance of railroad property

See *Model Nuisance Ordinance* (400a.3).

Occasionally, railroad property can fall into disrepair or become a dumping ground for appliances or garbage. These conditions can become serious threats to public health. Cities can address these situations in their nuisance ordinances, and provide for making unpaid service charges to abate nuisances a special assessment against the property.

[Minn. Stat. § 429.101, subd. 3.](#)

When a nuisance is found to exist on railroad property, a city should first make the owner of the property aware of the condition. Should the problem not be remedied, the city could proceed under its nuisance ordinance to clean up the problem and assess the cost under the special assessment statutes.

Both property owner and lessee can be held responsible for the cost of cleaning up property. In a case where the property is leased, the city should make both the owner and the person leasing the property aware of the condition. The city could try to bill directly or assess the cost to the property under the state's special assessment statutes.

See Part VII - D - *Special assessments*.

A larger Minnesota city's practice is to levy special assessments on railroad properties for nuisance abatement, regardless of whether the property is used as a railroad right-of-way. Unlike local improvements, it is easy to document a nuisance and the cost of abating the nuisance. The railroad generally has not questioned bills or special assessment amounts for nuisance abatement.

If the railroad has an easement over property, rather than owning title to the land under the property, the city can seek to recover the charges in a court action—although special assessments may still be used to collect the cost of the clean-up. The responsibility to keep the property in a nuisance-free condition is that of the landowner, who can collect the costs from the railroad company.

T. Zoning

It seems unlikely that cities have the ability to use zoning regulations to prohibit land from being used for railroad operating purposes. However, cities may be able to enforce some aspects of their zoning regulations on land owned by railroads. If land is owned by a railroad and used for non-railroad purposes, all zoning regulations are likely applicable.

No federal or state statutes specifically address the zoning of railroad property. Likewise, no Minnesota court decisions address this issue. However, several court decisions from other states have dealt with local zoning of railroad property. Although these decisions have limited application in Minnesota, they indicate a general trend that appears to be consistent. Thus, there is a good chance that a court decision could be similar in Minnesota, especially given the federal laws that have been considered in these other cases.

Gulf, C. & S.F. Ry. Co. v. White (1955, Tex Civ App) 281 SW2d 441.

In a 1955 Texas court decision, the court found that a city's zoning ordinance could not be used to prohibit the railroad from building an extension of a track on property already owned by the railroad. Although the landowners who protested the extension of the track believed the land would need to be zoned commercial rather than residential, the court found the following:

- The state had a sovereign interest in railroads.
- A state law allowed the railroad to acquire property through eminent domain to use it for the purpose that was sought.
- The municipality was prohibited from passing an ordinance that conflicts with something that the state law would allow.

Rapid Transit Advocates, Inc. v. Southern Cal. Rapid Transit Dist. (1986, 2nd Dist) 185 Cal App 3d 996.

The California Court of Appeals came to a similar conclusion in a more recent decision. It found that railways and railroads of a governmental entity were exempt from local zoning regulations.

Surface Transportation Board Decision (STB Finance Docket no. 33200, July 1, 1997).

The Surface Transportation Board (STB) was also asked to deal with a local zoning matter. The issue considered was whether state and local environmental, building, and land use permits could be required for an upgrade of a section of a railroad line.

Surface Transportation Board Decision (STB Finance Docket no. 33200, July 1, 1997).

In this 1997 agency decision, the STB held it had exclusive authority over the construction and operation of rail lines that are part of the interstate rail network. The STB also concluded that if such additional local regulation was allowed, it would be burdensome for the railroad and would serve to restrict interstate commerce. As a result, the power to authorize or deny the construction of railroad lines using a local permit process was not allowed.

A.G. Op. 59-a-32 (Jan. 24, 1952).

The Minnesota attorney general has addressed railroad and zoning issues in a few, rather dated opinions. In a 1952 opinion, a person was considering constructing a warehouse on a portion of the railroad right-of-way. The city asked if it had the right to zone the use of property on a railroad right-of-way. The attorney general concluded that nothing in the state zoning statutes or the state statutes on railroad right-of-ways would exempt railroad property from a city's zoning ordinance. It should be noted, however, that no mention of federal laws are made in this opinion.

A.G. Op. 817 (Oct. 2, 1944).

In a 1944 opinion, the attorney general considered whether a city's zoning ordinance could prevent the building of a railroad track. The facts in this situation were that a railroad might acquire playground property in a residential district using eminent domain. The city asked if the condemnation of the land could be stopped either because the land had been dedicated for park purposes or because it was zoned for residential use.

A.G. Op. 817 (Oct. 2, 1944).

The opinion declared that the railroad could not acquire a public playground for right-of-way use unless the use was consistent with its use as a playground. Whether or not the use was consistent was a fact determination that may need to be determined in court. The attorney general also found that the city's zoning ordinance could not prevent condemnation of right-of-way through a residential district.

Given the conclusions of the court decisions from other states and the STB decision, it would seem unlikely a city could use zoning regulations to prohibit construction or use of railroad operating property. However, such construction can likely be made to meet regulation standards such as the Americans with Disabilities Act accessibility guidelines, the state building and fire codes, and local setback and other design standards.

Property used for non-railroad purposes may be considered proprietary and thus be subjected to local zoning controls, including regulations that prohibit certain construction and use. City councils should consult with their city attorneys before attempting to enforce zoning regulations on any railroad properties.

Part VIII. Railroad emergencies

Railroad emergencies are usually very serious. Injuries are often severe, property damage great, and other dangers can erupt such as fires or chemical spills. During such emergencies, local public safety departments will likely be called upon to respond.

U. Response to emergencies

When a crash, derailment, fire or other incident occurs, there may be several situations that need to be addressed. There certainly will be some property damage, and very likely there will be people who have sustained injuries. But there may also be a release of chemicals. Fires must sometimes be handled differently if certain chemicals are involved. If a chemical is toxic, an evacuation may need to occur.

EPA 24-hour emergency number: 651-649-5451 or 800-422-0798.

TTY 24-hour emergency number: 651-297-5353 or 800-627-3529.

1. Responding entities

When a railroad accident or emergency occurs, there are several entities that will likely be involved. It is important that the many different organizations responding to the emergency are able to work together efficiently to deal with the situation. Canadian Pacific Railway publishes a document designed to help local public safety officials and other agencies coordinate efforts when responding to an emergency. The following are the common players who typically respond to railroad emergencies:

A copy of “*Working Together for a Safer Tomorrow*” is available from Phil Marbut of Canadian Pacific Railway, (612) 904-6133.

- **Local.** This includes local police, fire, and ambulance. Generally, these are the first departments to arrive at the scene of an accident, fire or spill. Since these departments are usually the first to respond, they must assess the situation to the best of their abilities and establish a first response to the situation. This includes helping the injured, controlling crowds, and the first possible response to environmental hazards that exist because of the incident, such as fires or chemical spills.
- **State and federal agencies.** These agencies will generally have involvement during the assessment and clean-up stage. They often have strict procedures that must be followed after an accident or chemical spill, such as drug testing of the engineer, clean-up procedures, and accident investigation.
- **Railroad.** The railroad will be involved throughout the incident. It knows its equipment and the contents of the train.

- **Manufacturers.** Companies that have shipped freight on the railroad will also be involved. They need to know what has happened to their shipments for business purposes. They are also in the best position to know the possible hazards that may surround the product they are shipping.

Local public safety departments can get a 24-hour emergency number from their railroad company. Public safety departments should keep the number in a safe and accessible place. The number is a special emergency number public safety officials can use to report train accidents and should not be used for any other reason.

2. Hazardous material shipments

The U.S. Department of Transportation is responsible for regulating hazardous materials, substances, and waste. The Environmental Protection Agency (EPA) also regulates hazardous substances and waste. For example, labeling of cars, placement of cars within a train, and train speed are regulated at the federal level.

Each train crew carries a sequential listing of all the cars and their contents, as well as emergency instructions for the handling of the materials if a release occurs.

The railroad industry offers training to local public safety officials. Cities should contact the railroad directly for information about coordinating training. Canadian Pacific Railway offers training and will help to coordinate training. This training includes classes on rail facilities; rail equipment; and the interaction of railroad employees, local response personnel, and other agencies that may respond to a train accident.

For further information on emergency response training for railroad accidents, contact Phil Marbut, Canadian Pacific Railway, (612) 904-6133.

V. Liability

It is not easy to determine who is responsible for an incident involving a railroad. Such conclusions are not usually made until considering all the factors that contributed to an accident. However, the following generalizations may be made based upon decisions of the courts over the years:

- **Railroads.** Railroads are often found liable for accidents if the crossing or tracks have not been properly maintained. They are also responsible for the actions of their engineers or employees for errors or speeding. The federal train horn rule is intended to remove liability from the railroads for failure to sound the horn at highway-rail crossings within a quiet zone.
- **Victims.** Victims of train accidents sometimes are responsible for the accident if they have trespassed or ignored signals or warnings.

Federal Register Vol. 68, No. 243 Thursday, December 18, 2003 p. 70607.

- **Cities.** Cities may be subject to claims for quiet zones and other types of regulation. Cities also have a general responsibility to maintain their streets and sidewalks, including those that approach railroad crossings. However, discretionary immunity may protect a city from liability exposure if reasons for the council’s decisions are well documented in the council meeting minutes.

Liability for an accident must be determined on a case-by-case basis. It is possible that defective equipment or hazardous weather conditions could also be factors that can contribute to an accident.

1. Grade crossing surfaces

Smrt v. Duluth, Winnipeg & Pac. Ry., 265 N.W.2d 815 (Minn. 1978).

Several Minnesota court decisions have indicated that railroads have a duty to maintain grade crossing surfaces. The Minnesota Supreme Court found that whether the railroad’s failure to maintain its grade crossing surface was more negligent for an accident than a motor vehicle driver’s inattention was a decision for the jury.

State ex rel. City of Fairmont v. Chicago, St. P., M & O Ry. Co., 148 Minn. 91 (1921).

In a 1921 decision, the same court found that a city could compel a railroad company to pave its crossing at the railroad’s own expense.

Chicago, M & St. P. Ry. Co. v. LeRoy, 124 Minn. 107 (1914).

Likewise, the cost of expanding a new city street across a railroad company’s tracks was properly imposed upon the railroad.

A.G. Op. 369-K (May 5, 1933).

The Minnesota attorney general has also concluded that a railroad must maintain the part of a town road that crosses a railroad right-of-way.

2. Obstructed views

Bryant v. Northern Pac. Ry. Co., 221 Minn. 577 (1946); *Bray v. Chicago, R.I. & P.R. Co.*, 232 N.W.2d 97 (Minn. 1975).

Railroads have been held responsible for accidents that occurred because of obstructions that kept motorists from seeing approaching trains. In one situation, trees and weeds had been allowed to grow on a railroad right-of-way and blocked a motorist’s view of a crossing. The Minnesota Supreme Court found the railroad had a duty to correct the dangerous condition of the crossing. A similar decision was reached in a 1975 decision where evidence showed that proper view was obstructed by a railroad’s signal house.

Munkel v. Chicago, M., St. P. & P.R. Co., 202 Minn. 264 (1938).

A railroad may be found negligent if conditions obstructing or interfering with the view of the train on the crossing are caused in whole or in part by the railroad’s acts or omissions.

3. Signs

[Minn. Stat. § 219.06 and Minn. R. § 8830.0800, .0600, and .0900.](#)

Both railroads and cities share responsibility to warn of a crossing. Railroads must maintain a sign at all railroad crossings. Public road authorities, including cities, are responsible for advanced warning signs that are off the railroad right-of-way. The road authority is also responsible for pavement markings.

4. Fires

[Minn. Stat. § 219.761.](#)

All railroads operating in Minnesota are liable for all reasonable expenses to put out fires caused as a result of their railroads. If a local fire department extinguishes a fire, it can receive reimbursement from the railroad by submitting a claim to the railroad within 60 days after the first full day after the fire was extinguished. The claim must include the following information:

[Minn. Stat. § 219.761, subd. 2.](#)

- The basis for the claim.
- The time, date, and place of the claim.
- The circumstances of the claim.
- The itemized cost incurred for the claim.

5. City discretionary immunity

Young v. Wlazik, 262 N.W.2d 300 (Minn. 1977) (overruled on other grounds by *Perkins v. Nat. RR. Passenger Corp.* 289 N.W.2d 462 (Minn. 1979).

Cities should remember they may have discretionary immunity from liability for many decisions or actions involving railroad crossings. In one situation, a city decided not to close a street that led to a hazardous railroad crossing. The Minnesota Supreme Court found that the city's decision involved a "legislative judgment balancing the risks and convenience the crossing presents," and concluded that the decision was protected by discretionary immunity.

McEwen v. Burlington Northern R. Co., 494 N.W.2d 313 (Minn. App. 1993).

In a 1993 decision, the Minnesota Court of Appeals held that the state was protected by discretionary immunity for its decision not to upgrade a railroad crossing. The state had considered financial constraints, limited funding, and safety considerations in making its decision not to upgrade the crossing.

Keeping good records will help protect the city from lawsuits regarding its legislative decisions. City councils should document the reasons for any decisions they make regarding railroad issues. . For example, a city might document why a street or sidewalk repair near a grade crossing may be undertaken at a later date rather than immediately.

Attachment B

FRA Track Standards and Inspection Fact Sheet

Class of Track

FRA's track safety standards establish nine specific classes of track (Class 1 to Class 9), plus a category known as Excepted Track. The difference between each Class of Track is based on progressively more exacting standards for track structure, geometry, and inspection frequency. Furthermore, each Class of Track has a corresponding maximum allowable operating speed for both freight and passenger trains. The higher the Class of Track, the greater the allowable track speed and the more stringent track safety standards apply.

Railroads determine the Class of Track to which each stretch of track belongs based upon business and operational considerations. Once the designation is made, FRA holds railroads accountable for maintaining the track to the corresponding standards for that particular class. If through regular maintenance and inspection efforts a railroad discovers that a section of its track fails to meet the specified federal standard, the railroad is required to make appropriate repairs to maintain that Class of Track designation, or downgrade the track segment to a lower Class of Track to which the federal standard can be met.

Track Inspection Requirements

Under FRA regulations, each railroad has primary responsibility to ensure its own track meets or exceeds the federal safety standards. This includes railroad inspectors performing track inspections at specified minimum frequencies based on the Class of Track, the type of track, the annual gross tonnage operated over the track, and whether it carries passenger trains. Railroads are required to maintain accurate records of regular and ad hoc track inspections subject to review and audit by FRA federal inspectors at any time.

| Class of Track | Minimum Track Inspection Frequency |
|---|--|
| Excepted Track | Weekly |
| Class 1,2, and 3 Mainline or Sidings | Weekly, or twice weekly if the track carries passenger trains or more than 10 million gross tons of traffic during the preceding year. |
| Class 1, 2 and 3 Not Mainline or Sidings | Monthly |
| Class 4 and 5 | Twice Weekly |
| Class 6, 7, and 8 | Twice Weekly |
| Class 9 | Three Times a Week |

Establishing Track Speed

Track speed is determined by the Class of Track. Railroads can change the Class of Track (and thus increase or decrease the track speed) whenever it deems appropriate and without prior notification to, or approval by, the FRA. FRA's interest is in ensuring the railroad maintains the track to the appropriate federal safety standards for that Class of Track.

In addition, local or state governments cannot establish their own train speed limits over highway-rail grade crossings or through urban settings unless they can meet an extremely high legal standard. That is, federal preemption exists unless it can be demonstrated that a more stringent speed restriction is necessary to eliminate or reduce a local safety or security hazard;

that such local or state provision is not incompatible with a Federal law, regulation, or order; and that it does not unreasonably burden interstate commerce.

Furthermore, the safest train is one that maintains a steady speed, and locally established speed limits would result in hundreds of individual speed restrictions along a train’s route. This would not only cause train delays, but it could actually increase the chance of a derailment as every time a train must slow down and then increase speed, buff and draft forces (those generated when individual freight cars are compressed together or stretched out along a train’s length) are introduced. This increases the chance of derailment along with the potential risk of injury to train crews, the traveling public, and those living and working in surrounding communities.

| Class of Track | Maximum Allowable Speed for Freight Trains | Maximum Allowable Speed for Passenger Trains |
|-----------------------|---|---|
| Excepted Track | 10 mph | N/A |
| Class 1 | 10 mph | 15 mph |
| Class 2 | 25 mph | 30 mph |
| Class 3 | 40 mph | 60 mph |
| Class 4 | 60 mph | 80 mph |
| Class 5 | 80 mph | 90 mph |
| Class 6 | N/A | 110 mph |
| Class 7 | N/A | 125 mph |
| Class 8 | N/A | 150 mph |
| Class 9 | N/A | 200 mph |

Track Inspection Technology

Prior to the mid-1970s, track inspection was primarily performed visually. Since then, the development of measurement technologies fitted on moving equipment has greatly increased the accuracy and speed of inspections, and has been a major contributing factor in the decline of track-caused derailments.

Railroads initially developed Gage Restraint Measuring Systems (GRMS) to assess the ability of their track to maintain proper gage (the distance between two rails). To advance the science of automated track inspections even further, FRA developed its own Automated Track Inspection Program (ATIP) outfitted with custom-made vehicles equipped with state-of-the-art technology to help identify track flaws that could lead to train derailments. FRA now has five such cars in service that will inspect approximately 100,000 miles of track each year. In January 2008, the ATIP reached the milestone of surpassing its one millionth mile of track inspected.

The ATIP cars are primarily used on high-volume traffic density rail lines that carry the majority of hazardous materials transported by rail, as well as passenger trains. They are also used to quickly respond and evaluate routes where the integrity of track is suspected or known to be substandard. The ATIP cars use a variety of technologies to measure track geometry characteristics. The measurements are recorded in real-time and at operating speed. The precise location of problem areas are noted using global positioning system (GPS) technology and shared immediately with the railroad so appropriate corrective actions can be taken. FRA’s

newest ATIP car also video records every 50 feet of track bed, which are analyzed by track inspectors and the railroad.

The nation's Class I, or largest railroads all operate similar cars while regional and short line railroads sometimes arrange to have such cars inspect their track under contract. In addition, some railroads have installed Vehicle Track Interaction devices in locomotives to measure high impacts, which instantly alert track maintenance personnel of abnormalities and potential problems areas. Similarly, Visible Joint Bar Detection Systems use a high-speed camera placed on a service truck to scan for broken joint bars. In addition, FRA operates a high rail car with a Joint Bar Inspection System to spot cracks in continuous welded rail.

Technological advances currently being tested include a more refined high-speed photo inspection system that will take a high-resolution picture of the joint bars, and use pattern-recognition software to automatically detect cracks which are difficult to see. A laser vision system is being tested that will scan the track and track bed for anomalies, and ground penetrating radar shows promise to inspect track bed and soil conditions. Driven by FRA research, the industry will soon initiate ultrasound and laser testing of rails to detect internal flaws, fatigue and minute cracks.

Track Speed and Highway-Rail Grade Crossings

The potential danger of a train /vehicle collision present at a highway-rail grade crossing is a separate issue from train speeds. The physical properties of a train moving at almost any reasonable operating speed generally, if not inevitably, prevent it from stopping in time to avoid hitting an object on the tracks. In more than 37 percent of collisions between trains and motor vehicles at public grade crossings, the train was operating at less than 20 mph. In addition, there is little evidence that wholesale reductions in train speeds will reduce the risk that such grade crossing collisions will occur. Decades of experience and research have shown that prevention of grade crossing incidents is more effectively achieved through the use of roadway warning signage, active warning devices such as flashing lights and gates, and strict observance by motorists of applicable traffic safety restrictions, precautions and laws.

For more information on Federal Track Safety Standards, see [49 CFR Part 213](#).
For more information on the FRA Automated Track Inspection Program, visit <http://atip.fra.dot.gov/>

FRA Office of Public Affairs
(202) 493-6024
www.fra.dot.gov
June 2008

Attachment C

The "Train Horn" Final Rule Summary

THE “TRAIN HORN” FINAL RULE

Summary

1. Overview:

- The Final Rule on Use of Locomotive Horns at Highway-Rail Grade Crossings, published on April 27, 2005, is intended to:
 - ⇒ Maintain a high level of public safety;
 - ⇒ Respond to the varied concerns of many communities that have sought relief from unwanted horn noise; and
 - ⇒ Take into consideration the interests of localities with *existing* whistle bans.
- Currently, state laws and railroad operating rules govern use of the horn at highway-rail grade crossings. When this rule takes effect, it will determine when the horn is sounded at public crossings (and private crossings within “quiet zones”).
- This Final Rule was mandated by law¹, and was issued by the Federal Railroad Administration (FRA) after consideration of almost 1,400 public comments on the Interim Final Rule (IFR) (68 FR 70586) published December 18, 2003.
- Consistent with the statutory mandate requiring its issuance, the rule requires that locomotive horns be sounded at public highway-rail grade crossings, but provides several exceptions to that requirement.²
- Local public authorities may designate or request approval of, quiet zones in which train horns may not be routinely sounded. The details for establishment of quiet zones differ depending on the type of quiet zone to be created (Pre-Rule or New) and the type of safety improvements implemented (if required).
- Horns may continue to be silenced at Pre-Rule Quiet Zones, provided certain actions are taken.
- Intermediate Quiet Zones (whistle bans that were implemented after October 9, 1996 but before December 18, 2003) may continue to have the horns silenced for one year (until June 24, 2006), provided certain actions are taken. After which time they must comply with the provisions for a New Quiet Zone if the horns are to remain silent.

¹49 U.S.C. 20153.

- The rule goes into effect on June 24, 2005.
- Pre-Rule Quiet Zones in the six county Chicago region are excepted from the provisions of this rule pending further evaluation of the data.

2. Requirement to sound the locomotive horn:

- Outside of quiet zones, railroads must sound the horn 15-20 seconds prior to a train's arrival at the highway-rail grade crossing, but not more than 1/4 mile in advance of the crossing.

Note: Most State laws and railroad rules currently require that the horn be sounded beginning at a point 1/4 mile in advance of the highway-rail grade crossing and continued until the crossing is occupied by the locomotive. Under the rule, for trains running at less than 45 mph, this will reduce the time and distance over which the horn is sounded. This will reduce noise impacts on local communities.

- The pattern for sounding the horn will remain, as it currently exists today (two long, one short, one long repeated or prolonged until the locomotive occupies the highway-rail grade crossing).
- Locomotive engineers may vary this pattern as necessary where highway-rail grade crossings are closely spaced; and they will also be empowered (but not required) to sound the horn in the case of an emergency, even in a quiet zone.
- The rule addresses use of the horn only with respect to highway-rail grade crossings. Railroads remain free to use the horn for other purposes as prescribed in railroad operating rules on file with FRA, and railroads must use the horn as specified in other FRA regulations (in support of roadway worker safety and in the case of malfunctions of highway-rail grade crossing active warning devices).
- The rule prescribes both a minimum and *maximum* volume level for the train horn. The minimum level is retained at 96 dB(A), and the new maximum will be 110 dB(A). This range will permit railroads to address safety needs in their operating territory (see discussion in the preamble).
- The protocol for testing the locomotive horn will be altered to place the sound-level meter at a height of 15 feet above top of rail, rather than the current 4 feet above the top of the rail. Cab-mounted and low-mounted horns will continue to have the sound-level meter placed 4 feet above the top of the rail.

Note: The effect of this change will be to permit center-mounted horns to be “turned down” in some cases. The previous test method was influenced by the “shadow

effect” created by the body of the locomotive to indicate a lower sound level than would otherwise be expected several hundred feet in front of the locomotive (where the crossing and approaching motorists are located).

- The effect of these changes will reduce noise impacts for 3.4 million of the 9.3 million people currently affected by train horn noise.

3. Creation of quiet zones:

- The rule provides significant flexibility to communities to create quiet zones, both where there are existing whistle bans and in other communities that heretofore have had no opportunity to do so.
- The Final Rule permits implementation of quiet zones in low-risk locales without requiring the addition of safety improvements.
 - ✓ This concept utilizes a risk index approach that estimates expected safety outcomes (that is, the likelihood of a fatal or non-fatal casualty resulting from a collision at a highway-rail crossing).
 - ✓ Risk may be averaged over crossings in a proposed quiet zone.
 - ✓ Average risk within the proposed quiet zone is then compared with the average nationwide risk at gated crossings where the horn is sounded (the “National Significant Risk Threshold” or “NSRT”). FRA will compute the NSRT annually.

The effect of this approach is that horns can remain silenced in over half of Pre-Rule Quiet Zones without significant expense; and many New Quiet Zones can be created without significant expense where flashing lights and gates are already in place at the highway-rail grade crossings.

- If the risk index for a proposed New Quiet Zone exceeds the NSRT, then supplementary or alternative safety measures must be used to reduce that risk (to fully compensate for the absence of the train horn or to reduce risk below the NSRT).
- The Final Rule—
 - ✓ Retains engineering solutions known as “supplementary safety measures” for use without FRA approval.
 - ✓ Retains explicit flexibility for the modification of “supplementary safety measures” to receive credit as “alternative safety measures.” For instance,

Disclaimer: This is a summary of the Final Rule for initial briefing purposes only. Entities subject to the rule should refer to the rule text as published in the Federal Register on April 27, 2005.

shorter traffic channelization arrangements can be used with reasonable effectiveness estimates.

- ✓ Adds a provision that provides risk reduction credit for pre-existing SSMs and pre-existing modified SSMs that were implemented prior to December 18, 2003.
 - ✓ Continues education and enforcement options, including photo enforcement, subject to verification of effectiveness.³
- The public authority responsible for traffic control or law enforcement at the highway-rail grade crossing is the only entity that can designate or apply for quiet zone status.
 - FRA will provide a web-based tool for communities to use in performing “what if” calculations and preparing submissions necessary to create or retain quiet zones. The tool may be found at <http://www.fra.dot.gov>.
 - In order to ensure proper application of the risk index, the National Highway-Rail Crossing Inventory must be accurate and complete. In the absence of timely filings to the Inventory by the States or Railroads, local authorities may file updated inventory information, and railroads must cooperate in providing railroad-specific data.
 - FRA regional personnel will be available to participate in diagnostic teams evaluating options for quiet zones.
 - Once a quiet zone is established (including the continuation of Pre-Rule or Intermediate Quiet Zones pending any required improvements), the railroad is barred from routine sounding of the horn at the affected highway-rail grade crossings.
 - See below for discussion of **Pre-Rule Quiet Zones** and **New Quiet Zones**.

³The rule neither approves nor excludes the possibility of relying upon regional education and enforcement programs with alternative verification strategies. FRA is providing funding in support of an Illinois Commerce Commission-sponsored regional program. The law provides authority for use of new techniques when they have been demonstrated to be effective.

Horns may continue to be silenced at Pre-Rule Quiet Zones if–

- ⇒ The average risk at the crossings is less than the NSRT; or
- ⇒ The average risk is less than twice the NSRT and no relevant collisions have occurred within the past 5 years; or
- ⇒ The community undertakes actions to compensate for lack of the train horn as a warning device (or at least to reduce average risk to below the NSRT).

Train horns will not sound in existing whistle ban areas if authorities state their intention to maintain “Pre-Rule Quiet Zones” and do whatever is required (see above) within **5 years** of the effective date (June 24, 2005) (**8 years** if the State agency provides at least some assistance to communities in that State).

A “Pre-Rule Quiet Zone” is a quiet zone that contains one or more consecutive grade crossings subject to a whistle ban that has been actively enforced or observed as of October 9, 1996 and December 18, 2003.

To secure Pre-Rule Quiet Zone status, communities must provide proper notification to FRA and other affected parties by June 3, 2005 and file a plan with FRA by June 24, 2008 (if improvements are required).

New Quiet Zones may be created if–

All public highway-rail grade crossings are equipped with flashing lights and gates; and either–

- ✓ After adjusting for excess risk created by silencing the train horn, the average risk at the crossings is less than the NSRT; or
- ✓ Supplemental Safety Measures are present at each public crossing; or
- ✓ Safety improvements are made that compensate for loss of the train horn as a warning device (or at least to reduce average risk to below the NSRT).

Detailed instructions for establishing or requesting recognition of a quiet zone are provided in the regulation.

4. Length of quiet zones:

- Generally, a quiet zone must be at least ½ mile in length and may include one or more highway-rail grade crossings.
- Pre-Rule Quiet Zones may be retained at the length that existed as of October 9, 1996, even if less than ½ mile. A Pre-Rule Quiet Zone that is greater than ½ mile may be reduced in length to no less than ½ mile and retain its pre-rule status. However, if its length is increased from pre-rule length by the addition of highway-rail grade crossings that are not pre-rule quiet zone crossings, pre-rule status will not be retained.

5. Supplementary and alternative safety measures:

- Supplementary safety measures are engineering improvements that clearly compensate for the absence of the train horn. If employed at every highway-rail grade crossing in the quiet zone, they automatically qualify the quiet zone (subject to reporting requirements). They also may be used to reduce the average risk in the corridor in order to fully compensate for the lack of a train or to below the NSRT.
 - ✓ Temporary closure used with a partial zone;
 - ✓ Permanent closure of a highway-rail grade crossing;
 - ✓ Four-quadrant gates;

- ✓ Gates with traffic channelization arrangements (i.e., non-mountable curb or mountable curb with delineators) at least 100 feet in length on each side the crossing (60 ft. where there is an intersecting roadway);
 - ✓ One-way Street with gate across the roadway.
- Alternative safety measures may be applied such that the combination of measures at one or more highway-rail grade crossings reduces the average risk by the required amount across the quiet zone (so-called “corridor approach”).
 - ✓ Any modified supplementary safety measure (e.g., barrier gate and median; shorter channelization); or
 - ✓ Education and/or enforcement programs (including photo enforcement) with verification of effectiveness; or
 - ✓ Engineering improvements, other than modified SSMs; or
 - ✓ Combination of the above.
- The rule provides that pre-existing SSMs and pre-existing modified SSMs will be counted towards risk reduction.

6. Recognition of the automated wayside horn:

- The rule authorizes use of the automated wayside horn at any highway-rail grade crossing with flashing lights and gates (inside or outside a quiet zone) as a one-to-one substitute for the train horn.
- Certain technical requirements apply, consistent with the successful demonstrations of this technology.
- The Federal Highway Administration (FHWA) has issued an interim approval for the use of wayside horns as traffic control devices. Communities interested in employing this option should contact FHWA to ensure that they comply with the provisions of the interim approval.

7. Special circumstances:

- A community or railroad that views the provisions of the rule inapplicable to local circumstances may request a waiver from the rule from FRA.
- A railroad or community seeking a waiver must first consult with the other party and seek agreement on the form of relief. If agreement cannot be achieved the party may still request the relief by a waiver, provided the FRA Associate Administrator determines that a joint waiver petition would not be likely to contribute significantly to public safety.

- FRA grants waivers if in the public interest and consistent with the safety of highway and railroad users of the highway-rail grade crossings.

8. Summary of major changes to the Interim Final Rule

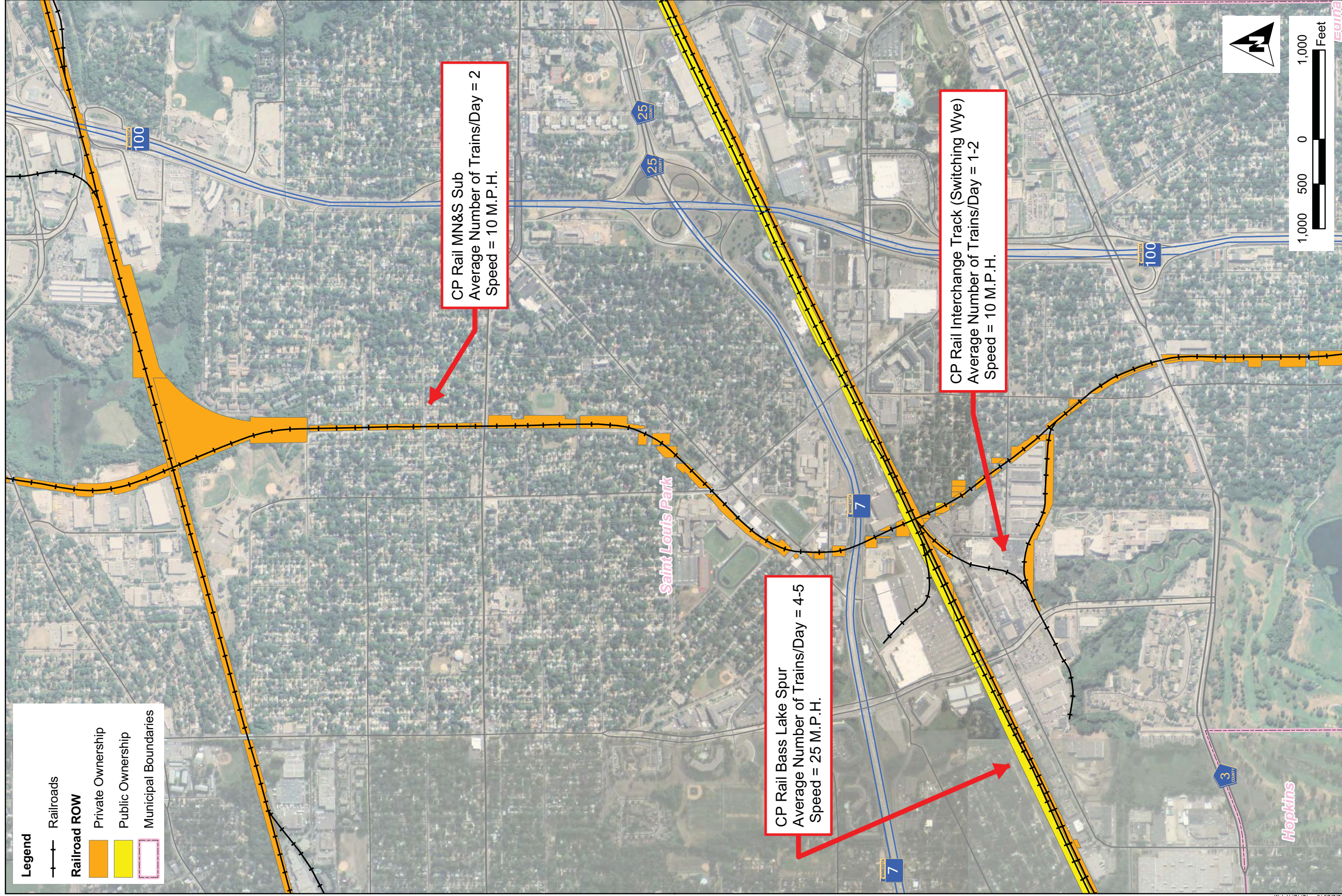
- The final rule provides a one-year grace period to comply with New Quiet Zone standards for communities with pre-existing whistle bans that were in effect on December 18, 2003, but were adopted after October 9, 1996. These communities are considered “Intermediate” Quiet Zones under the final rule.
- The final rule addresses quiet zones that prohibit sounding of horns during the evening and/or nighttime hours. These are referred to as Partial Quiet Zones.
- The final rule requires diagnostic team reviews of pedestrian crossings that are located within proposed New Quiet Zones and New Partial Quiet Zones.
- The final rule requires quiet zone communities to retain automatic bells at public highway-rail grade crossings that are subject to pedestrian traffic.
- The final rule extends “recognized State agency” status to State agencies that wish to participate in the quiet zone development process.
- The final rule contains a 60-day comment period on quiet zone applications.
- The final rule requires public authorities to provide notification of their intent to create a New Quiet Zone. During the 60-day period after the Notice of Intent is mailed, comments may be submitted to the public authority.
- The final rule provides quiet zone risk reduction credit for certain *pre-existing* SSMs.
- The final rule provides quiet zone risk reduction credit for *pre-existing* modified SSMs.
- The final rule contains a new category of ASMs that addresses engineering improvements other than modified SSMs.

Additional information, including the full text of the Final Rule, the Final Environmental Impact Statement, and background documents, are available at <http://www.fra.dot.gov>.

Disclaimer: This is a summary of the Final Rule for initial briefing purposes only. Entities subject to the rule should refer to the rule text as published in the Federal Register on April 27, 2005.

Attachment D

Existing Railroad Right-of-Way Ownership Map



CP Rail MN&S Sub
Average Number of Trains/Day = 2
Speed = 10 M.P.H.

CP Rail Bass Lake Spur
Average Number of Trains/Day = 4-5
Speed = 25 M.P.H.

CP Rail Interchange Track (Switching Wye)
Average Number of Trains/Day = 1-2
Speed = 10 M.P.H.

Legend

- Railroads
- Railroad ROW**
 - Private Ownership
 - Public Ownership
- Municipal Boundaries



RAILROAD ROW OWNERSHIP
RAILROAD FREIGHT RELOCATION STUDY
Saint Louis Park, Minnesota

Project: STL-OU 114331
Print Date: 12/01/2010
Map by: SRH
Projection: Hennepin County NAD83 ft
Source: DOT; PDNR; AC; City of St. Louis Park, and SEH Inc.

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FAX: (651) 490-2150
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www.sehinc.com



This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources filed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, trading, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.

Attachment E

Twin Cities and Western Railroad Summary of Train Operations Memo (August 2010)

MN&S Freight Rail Study Website - Frequently Asked Questions Section (Existing and Forecast Train Operations)



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August 5, 2010

Memorandum

To: Ms. Katie Walker, Transit Project Manager
Ms. Ia Xiong, Administrative Manager
Housing, Community Works, & Transit
Hennepin County Public Works
417 North Fifth Street, Suite 320
Minneapolis, MN 55401

From: Francis Loetterle, Ph. D., AICP, Director – Transportation Planning
Walt Schuchmann, Vice-President – Operations Planning

Subject: Twin Cities and Western Railroad
Summary of Train Operations

The Twin Cities and Western Railroad Company (TC&W) is a regional rail system operating 234 miles of railroad between the Twin Cities to the east and Appleton on the west (Figure 1)¹. TC&W's operating headquarters is at Glencoe. Operating crews are based at Glencoe, Montevideo, Winthrop and Hopkins.

Operations commenced July 27, 1991 over what was formerly known as the "Ortonville Line" operated by the Soo Line (now Canadian Pacific Railway) between Minneapolis/St. Paul, MN and Milbank, SD. Prior to TC&W and Soo Line operation of this line, it was part of the Milwaukee Road's Main line to the Pacific Northwest. This main line was originally built in the 1870's by the Hastings & Dakota Railway.²

¹ http://www.aar.org/~/media/AAR/InCongress_RailroadsStates/Minnesota.ashx

² <http://www.tcwr.net/general-public-2/company-overview/>

Figure 1



Source: <http://www.tcw.net/wp-content/uploads/2009/02/tcw-service-map.pdf>

TC&W interchanges directly with the following railroads operating in the Minneapolis/St. Paul area including:

- Canadian Pacific Railway
- Union Pacific Railroad
- Minnesota Commercial Railway and
- Progressive Rail Incorporated.

TC & W interchanges carload freight with the following railroads via the Minnesota Commercial Railway:

- BNSF Railway
- CN

Other connections include:

- BNSF Railway at Appleton MN;
- Sisseton Milbank Railroad (SMRR) at Milbank, SD;

- Minnesota Commercial Railway at St. Paul, and
- Progressive Rail (via CPRS) at Lakeville and Bloomington.

TC & W receives unit coal trains directly from BNSF in downtown Minneapolis.

The TC&W owns and operates the Minnesota Prairie Line, Inc. (MPL). MPL is the agent/operator of 94 miles of track between Norwood and Hanley Falls, MN, which is owned by the Minnesota Valley Regional Railroad Authority.³ TCW and MPL connect at Norwood, MN.

TC&W's traffic base consists largely of coal, grains (corn, wheat, barley), soybeans, sugar, beet pulp pellets, lumber and other forest products, canned vegetables, edible beans, molasses, distillers dried grain (DDGs), fertilizers, crushed rock and agricultural machinery.⁴ Principal shippers/receivers on the TC&W include:

- An ethanol plant in Granite Falls;
- A sugar beet plant at Reubel;
- Grain elevators at several locations and
- An ethanol plant in Winthrop (on the MPL).

Operations

TCW operates several crews daily on the western portions of its lines serving customers and consolidating railcars for movement to the Twin Cities.

Six days per week a westbound train departs Hopkins in the evening to take inbound cars from connecting railroads in the Twin Cities to Glencoe. At Glencoe, the inbound cars are exchanged for outbound cars assembled from customers on both TC&W lines and those cars are brought east to Hopkins. Early the next morning, two TC&W crews come on duty at Hopkins and split the previous night's train from Glencoe into two local delivery trains. One of these trains is bound for the Canadian Pacific's St. Paul Yard. The other train is bound for Minnesota Commercial's Main Rail Yard in the Midway and Union Pacific's Western Avenue Yard. The CP connection handles up to about 80 cars per day and the MNCR/UP train handles about 30 cars. Both of these crews proceed east from Hopkins to the Twin Cities, normally traversing the Kenilworth Corridor around 8:00 am. The crews exchange cars with connecting railroads during the day and make their way back to Hopkins, normally passing through the Kenilworth Corridor in the afternoon. The time that these crews return varies significantly but typically occurs between 4 pm and 8 pm. The variation in the return time is affected by how quickly the crews are able to exchange cars with the connecting carriers and upon how much conflicting rail traffic is encountered at the destination yards and on the trips to and from. This pattern may be augmented by extra movements on Sunday when the traffic volume warrants.

In addition to the regular pattern of operations described above, TC&W operates approximately one loaded and one empty ethanol unit train per week and about two loaded and two empty coal

³ <http://www.tcw.net/general-public-2/company-overview/>

⁴ Ibid.

trains per month. Ethanol unit trains are typically 80 cars in length. These trains do not run at a fixed time of day but rather are operated at the convenience of the major connecting railroads. These trains all use the Kenilworth Corridor except for the empty coal trains which are delivered to BNSF at Appleton.

Other types of trains may be operated as business becomes available. For example, in recent years TC&W operated a dedicated train of intermodal containers on flatcars between an intermodal grain loading facility at Montevideo and the CP Shoreham Yard. This train carried identity preserved grains and would typically operate through the Kenilworth Corridor at night. Also, TC&W at times delivers loaded cars originated on its lines to a barge terminal at Savage or to a barge terminal at Camden for transloading. This movement occurs or doesn't depending upon the relative prices of grain and grain transportation.

As a smaller regional railroad, it is necessary for TC&W to mesh its operations with those of its much larger connecting railroads, especially CP and UP. TC&W's current operating pattern is based upon the need to deliver outbound cars to connecting railroads in the morning so that they may be switched and incorporated into outbound trains scheduled later in the day. Similarly, inbound cars for TC&W tend to arrive at the connecting yards at night and are switched and available for TCW crews to pick up during first shift the next day. Hence the operation through the Kenilworth Corridor of both TCW's daily freight trains and the ethanol and coal trains is determined by the operating requirements of TC&W's major connections.

Between Interstate County Highway 62 and Lake Street, the TC&W operates on track owned by the CP. Between Lake Street and Cedar Lake Junction, the TC&W operates on track owned by the Hennepin County Regional Rail Authority.

East of Cedar Lake Junction, TC&W uses the tracks of other railroads to reach the interchange yards mentioned above or the Camden barge terminal. At Cedar Lake Junction, eastbound TC&W trains enter the BNSF Wayzata Subdivision. TC&W eastbound trains hold at Cedar Lake Junction or Cedar Lake Parkway (depending upon train length and where the train can hold without blocking any street crossings) until advised over the radio by the BNSF dispatcher that they have permission to enter BNSF trackage and proceed east. BNSF cooperates with TC&W to expedite TC&W's movement but if traffic is heavy on the single-track BNSF line, TC&W crews must wait for it to clear.

To transfer to the CP tracks running north-south through St. Louis Park the TC&W utilizes the steeply graded switchback sidings at 'Skunk Hollow' in the vicinity of Louisiana Avenue. Longer trains must be broken into shorter sections in order to make this transfer. TC&W uses this interchange point to reach the Savage barge terminal. Due to current market conditions, this movement is not currently occurring but could resume if market conditions favoring movement of grain by barge develop. The TC&W also uses this interchange point for locomotive maintenance movements and to interchange with Progressive Rail Incorporated.

Although TC&W does not handle any doublestack container traffic at this time⁵, it does have sufficient vertical clearances on its lines to do so.

⁵ The identity preserved grain movement used single-stacked containers on flatcars.



FREQUENTLY ASKED QUESTIONS

How many trains are currently operating in the Kenilworth Corridor; what length are these trains and what type of cargo do they carry?

From Twin Cities & Western (TCW) railroad:

Freight traffic can and does vary a lot depending on business and economic decisions made by the railroads as they accommodate customer needs. At this time, the following characterizes traffic in the Kenilworth Corridor, but see question #3 to learn more:

Currently the Twin Cities & Western (TC&W) operates two trains into the Twin Cities from Hopkins six to seven days per week. Both trains work in and out of the Hopkins/Minnetonka/St. Louis Park area. Between the two trains there is an average of 50 - 75 cars and seasonally can exceed 100 cars. They carry grain on the way to St. Paul and return via the same route.

TC&W also runs longer “unit” trains. The number of unit trains varies per week. Some weeks there might be none and some weeks there might be 3, with an average of 5 - 7 unit trains per month, at an average length per train of 80 to 100 cars. These unit trains are carrying ethanol or coal. The ethanol trains return via the same route. The coal trains return via another route, not along the Kenilworth line.

While typical train loads currently traveling on the Kenilworth line carry grain with fewer numbers of trains carrying ethanol and coal, other materials may also be transported based on customer needs.

What are TCW’s growth plans?

From Twin Cities & Western (TCW) railroad:

We have been growth oriented since we purchased the rail line in 1991, but our growth depends on the growth of the south central Minnesota economy. Since we are a short line, you do not see “through” train traffic on our line (compared to Seattle-Chicago train traffic that goes over the BNSF through Minnesota, etc.). It is highly unlikely, but not impossible that through traffic would use our line to get from points east of Minnesota to points west of Minnesota – never say never, but not on the horizon now.

We have seen a change in interest in shipping via rail once fuel prices rose a few years ago, so I would think we will see moderate growth going forward. 15 years ago we could

not have foreseen the growth in the ethanol industry, so today we cannot predict beyond 3 years what additional possibilities are out there. With respect to grain, we currently have the right to operate on the MN&S corridor, both north to get to the Camden river terminal in north Minneapolis as well as south to get to the Savage river terminals. The river market is largely dependent on the rates the ocean ships charge to get to Asia from the Pacific Northwest ports compared to the US Gulf ports. In the period 1998-2002, the rates favored shipping to Asia via the US Gulf through the Panama Canal to Asia (we shipped over 6000 cars via the MN&S track), but since 2002 the rates have favored the Pacific Northwest ports. With the expansion of the Panama Canal scheduled for completion in 2013, we may very well see a return of that traffic, but that traffic will traverse the MN&S regardless of whether the re-route occurs or not.

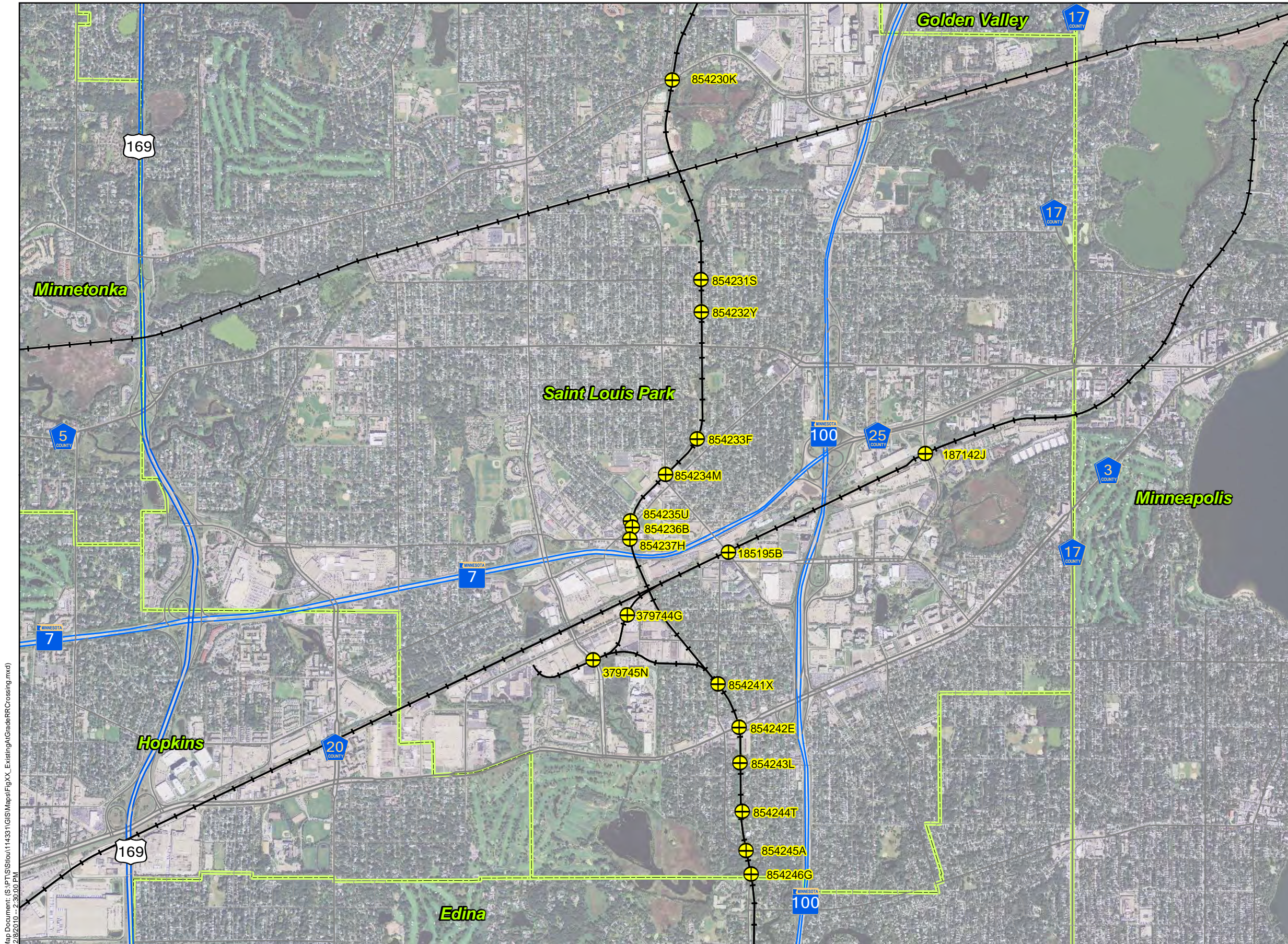
How many trains are currently operating on the MN&S Line; what length are these trains and what type of cargo do they carry?

From Canadian Pacific:

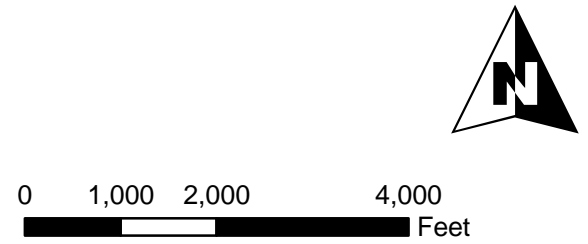
Canadian Pacific is the only company running trains on the MN&S line today. TCW has trackage rights, but is not currently running trains on the MN&S line. The Canadian Pacific (CP) operates one local assignment, round trip, 5 days per week on this property. The length of the train is variable, as a number of the commodities on the line are seasonal in nature. Typically, the size ranges between 10-30 cars per day. Generally, the commodities going through this area include salt (water softening and deicing), plastic pellets, scrap materials (mostly metal), lumber, brick and cement. Due to the downturn in the economy and construction, in particular, volumes over the last two years have been low. Volumes tend to be heaviest in April - October during the building season. Most of the salt moves in the fall, when companies decide to build up their inventories before winter; however, a snowy and icy winter can trigger additional loads if deicing demand gets high. In addition, the line serves a transload/warehouse facility in Bloomington which can take any type of commodity (including food grade), so the commodity mix can change easily depending upon the client using the warehouse.

Attachment F

Existing At-Grade Railroad Crossings Map



- Legend**
- Railroad Crossing
 - Railroads
 - Municipal Boundaries
 - Interstate Highway
 - US Trunk Highway
 - Minnesota Trunk Highway
 - County State Aid Highway
 - Municipal State Aid Street
 - County Road
 - Township Road
 - Municipal Street
 - Ramp



This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.

Map Document: (S:\PT\S\Stlou\114331\GIS\Mapa\FigXX_ExistingAtGradeRRCrossing.mxd) 12/9/2010 2:30:00 PM



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Project: STLOU 114331
Print Date: 11/10/2010
Map by: SrH
Projection: Hennepin County NAD83 ft
Source: Mn/DOT, Mn/DNR, LMIC,
City of St. Louis Park, and SEH Inc.

RAILROAD FREIGHT RELOCATION STUDY

Saint Louis Park, Minnesota

**Existing At Grade
RR Crossing**



MEMORANDUM

TO: City Council Members

FROM: Dave McKenzie, P.E.
Samuel Turrentine, AICP

DATE: February 2, 2011

RE: Technical Memorandum #2 revised
SEH No. STLOU 114331

Based on our review of the completed Hennepin County freight rail studies and through coordination with City staff, a recommendation was presented to Council Members at the December 13, 2010 Study Session Meeting to narrow the range of alternative freight routes based upon impacts identified in the respective studies. It is our opinion that additional review is warranted for several alternatives (see shaded cells in Table 1) to determine if the documented impacts could either be avoided/minimized through modifications/adjustments in design or through possible mitigation efforts (e.g., a freight rate subsidy).

Table 1 – Overview of Screening Recommendation

| Primary Studies | Alternatives | SEH Recommendation |
|--|---|---|
| <i>Freight Rail Study Evaluation of TCWR Routing Alternatives, Prepared for HCRRA, Prepared by Amfahr Consulting, Nov. 2010.</i> | WESTERN CONNECTION | Retain Alternative to Evaluate Magnitude of Freight Rate Subsidy |
| | CHASKA CUT-OFF | Dismiss From Further Consideration |
| | MIDTOWN CORRIDOR | Dismiss From Further Consideration |
| | HIGHWAY 169 CONNECTOR | Dismiss From Further Consideration |
| <i>Kenilworth Corridor: Analysis of Freight Rail / LRT Coexistence, Prepared for HCRRA, Prepared by R. L. Banks & Associates, Inc., Dec. 2010.</i> | KENILWORTH CORRIDOR | |
| | ▪ Scenario 1: All Three Grade Alignments At-Grade | Retain Alternative to Determine if the Southwest LRT Alignment can be Adjusted to Avoid/Minimize Potential Impacts |
| | ▪ Scenario 2: Trail Relocated | Retain Alternative to Determine if the Southwest LRT Alignment can be Adjusted to Avoid/Minimize Potential Impacts |
| | ▪ Scenario 3: Bicycle Trail on Structure | Dismiss From Further Consideration |
| | ▪ Scenario 4: LRT on Structure | Dismiss From Further Consideration |
| | ▪ Scenario 5: LRT in Tunnel | Dismiss From Further Consideration |
| | ▪ Scenario 6: Freight and LRT Share Use of Track | Dismiss From Further Consideration |
| | ▪ Scenario 7: LRT Single Track | Dismiss From Further Consideration |
| <i>MN&S Freight Rail Study (Underway).</i> | MN&S SUB ALIGNMENT | Currently Under Study (findings anticipated in spring 2011) |

The intent of this memorandum is to provide some additional insight regarding our screening recommendation by condensing the impacts identified in the respective studies into a series of “one-pagers.”

Attachments: One-Pagers (11)

sbt

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Attachment A

One-Pagers

Presented in the Following Order:

- Western Connection Alternative
- Chaska Cut-Off Alternative
- Midtown Corridor Alternative
- Highway 169 Connector Alternative
- Kenilworth Corridor Alternatives
 - Scenario 1: All Three Grade Alignments At-Grade
 - Scenario 2: Trail Relocated
 - Scenario 3: Bicycle Trail on Structure
 - Scenario 4: LRT on Structure
 - Scenario 5: LRT in Tunnel
 - Scenario 6: Freight and LRT Share Use of Track
 - Scenario 7: LRT Single Track

WESTERN CONNECTION ALTERNATIVE

| | |
|--|---|
| Description | Reroutes all TC&W traffic west through Granite Falls and/or Appleton on the BNSF Railroad tracks. |
| Conclusion: Alternative needs further study to determine magnitude of subsidy | |
| Comments | <ul style="list-style-type: none"> • This alternative would reroute TC&W traffic west to Appleton and back east to the Twin Cities resulting in 122 additional route miles. This route would cause a major disruption to TC&W operations. • The TC&W has not shown any interest in pursuing this alternative. • The issues are complex and are not easily quantifiable but the some of issues are: <ul style="list-style-type: none"> • Track upgrade on the west end of both the TC&W and the MPL lines to support the increased traffic. • The BNSF track may need capacity increases. (additional sidings) • The additional route miles cross 3 different BNSF subdivisions and would add 2 to 3 days per car per trip. This would decrease the TC&W car utilization rate by 10 to 25 percent. This means that their car fleet size would be increased by 10 to 25 per cent. • The trackage right fee would need to negotiated with the BNSF which if even possible would be an increase over the existing rates. • If the BNSF would allow TC&W train crews to operate, the issue of the crews being located in the wrong positions and additional crews would be required to operate the additional trains. • This would be a continuing subsidy that may not a dependable funding source. • This alternative has many complex issues that need further study to determine a level of magnitude of any potential subsidy but it would be substantial. A limited reroute of the coal trains maybe a viable option. |

WESTERN CONNECTION ALTERNATIVE

| Evaluation Criteria | Description of Impacts |
|--|--|
| Description | Reroutes all TC&W traffic west through Granite Falls and/or Appleton on the BNSF Railroad tracks. |
| Freight Railroad | |
| Route Distance | • 122 additional miles |
| Trackage Rights | • This alternative requires that private freight rail companies enter into a trackage rights agreement over which public agencies have no control. |
| New Construction | • None |
| Freight Operations | • The Western Connection would not be a practical alternative for the majority of TC&W's traffic; most of the traffic either originates or terminates at points to the east or southeast of the Twin Cities. |
| Ownership & Maintenance Resp. | • No Changes |
| Sound Engineering | • Grades, curvature, clearances, and speeds are acceptable. |
| Customer(s) | • TC&W would need to continue using the connection at St. Louis Park and the MN&S route to reach Savage. |
| At-Grade Crossings | • No increase in the number of at-grade crossings. |
| Separations | • Not Applicable |
| Potential Impact to Existing or Planned Transitways | |
| Transitways | • No Impact |
| Potential Impact to Existing or Planned Trails | |
| Trails | • No Impact |
| Potential for Adverse Impacts Upon Critical Environmental Resources | |
| Acquisitions/ Relocations | • Not Applicable |
| Subgrade/ Earthworks | • Not Applicable |
| Historic Properties | • Not Applicable |
| Water and Natural Resources/ Groundwater | • Not Applicable |
| Parkland/Section 4(f) | • Not Applicable |
| Noise/Vibration | • Not Applicable |
| Estimate of Total Project Cost Including Contingencies | |
| Costs | • Undefined |

CHASKA CUT-OFF ALTERNATIVE

| | |
|--|---|
| Description | Reroutes traffic through Chaska on the Union Pacific (UP) Railroad. |
| Conclusion: Alternative is not viable | |
| Comments | <ul style="list-style-type: none">• Represents a challenging and expensive project to complete.• This alternative has the potential to provide TC&W with a route to/from the Twin Cities, there are a number of significant drawbacks associated with it:<ul style="list-style-type: none">• The long grade between Chaska and Cologne make this an unacceptable operating route.• The impact on reintroducing freight rail into downtown Chaska. The City of Chaska has provided comment to this alternative and believes that the costs and impacts are greatly understated.• The TC&W has provided comments that this would eliminate a large part of their existing infrastructure and the UP RR track has inadequate capacity to operate efficiently on.• The lack of capacity on the UP RR track from Shakopee to St Paul would be major operating obstacle and the location of the UP RR connections in St Paul would require the TC&W to climb back up the hill in St Paul to get to their interchange points.• The environmental permitting issues to cross the Minnesota River would be a major hurdle and the chance of obtaining a permit to cross the river and the wildlife area are remote.• In our opinion, this alternative is not viable. |

CHASKA CUT-OFF ALTERNATIVE

| Evaluation Criteria | Description of Impacts |
|--|--|
| Freight Railroad | |
| Route Distance | <ul style="list-style-type: none"> • 102.6 miles |
| Trackage Rights | <ul style="list-style-type: none"> • This alternative requires a new trackage rights agreement with UP. This would entail adding TC&W trains to an already congested corridor. An economical trackage rights agreement may not be possible. |
| New Construction | <ul style="list-style-type: none"> • 10.8 miles of new track |
| Freight Operations | <ul style="list-style-type: none"> • While this alternative gives the TC&W access into St. Paul, it does not provide an optimal location and complicates access into the A Yard. Additional storage capacity may be required that is not in any current cost estimates. |
| Ownership & Maintenance Resp. | <ul style="list-style-type: none"> • Ownership and maintenance of the new track sections would need to be negotiated. |
| Sound Engineering | <ul style="list-style-type: none"> • The new section of track from Chaska to Cologne would be a challenge to maintain a reasonable grade (there is a 200' difference in elevation between Chaska and Carver). There are also speed restrictions on several sections of the UP track. |
| Customer(s) | <ul style="list-style-type: none"> • This alternative provides the possibility for a direct connection to the Port of Savage for grain deliveries via UP trackage (subject to a trackage rights agreement). Otherwise, TC&W would continue to reach Savage via the existing St. Louis Park connection. • By restoring service to the route through Chaska, TC&W could serve a new customer (United Sugars) that has traditionally received sugar by rail. However, this alternative results in the loss of one customer along the Cologne to Eden Prairie segment. |
| At-Grade Crossings | <ul style="list-style-type: none"> • Total No. of Crossings = 45 • No. of New Crossings = 5 • No. of St. Louis Park Crossings = 0 |
| Separations | <ul style="list-style-type: none"> • Requires new crossing over Trunk Highway 212 approximately one mile east of Cologne. • Requires construction of a new bridge over a deep creek valley between Carver and Chaska. • Requires new crossing over County Road (CR) 40 immediately west of Chaska. • Requires construction of two principal structures to cross the Minnesota River valley between Chaska and Shakopee. |
| Potential Impact to Existing or Planned Transitways | |
| Transitways | <ul style="list-style-type: none"> • No impact to existing or planned transitways. |
| Potential Impact to Existing or Planned Trails | |
| Trails | <ul style="list-style-type: none"> • This alternative is not anticipated to have an impact on any existing or planned trails. |
| Potential for Adverse Impacts Upon Critical Environmental Resources | |
| Acquisitions/ Relocations | <ul style="list-style-type: none"> • No. of Structures Displaced = 19 • No. of Housing Units Displaced = 25 • Value of Properties = \$9.4 million |
| Subgrade/ Earthworks | <ul style="list-style-type: none"> • Minor earthwork would be required to restore the 7.65 miles of abandoned right-of-way (from Cologne to Chaska) to a usable condition. Significant earthwork would be required to construct approaches to the TH 212 overpass (east of Cologne), span CR 40 (southwest of Chaska) and to cross the Minnesota River Valley. |
| Historic Properties | <ul style="list-style-type: none"> • Impact on historic properties would need to be assessed. |
| Water and Natural Resources | <ul style="list-style-type: none"> • Existence of wetlands and other protected areas (Minnesota River Valley). |
| Parkland/Section 4(f) | <ul style="list-style-type: none"> • Impact of Minnesota River Valley crossing would need to be assessed. |
| Noise/Vibration | <ul style="list-style-type: none"> • Impact of noise/vibration would need to be assessed. |
| Estimate of Total Project Cost Including Contingencies | |
| Costs | <ul style="list-style-type: none"> • Construction \$122.0 Million • Right of Way Acquisition \$18.0 Million • Total \$129.8 Million |

MIDTOWN CORRIDOR ALTERNATIVE

| | |
|--|---|
| Description | Reestablishes freight traffic in the 29th Street (Midtown) corridor. |
| Conclusion: Alternative is not viable | |
| Comments | <ul style="list-style-type: none">• Represents a challenging and expensive project to complete.• While it may be possible to reinstall the abandoned freight rail tracks along the Midtown Corridor between West Lake Street and TH 55/Hiawatha Avenue, there are significant barriers to implementation.<ul style="list-style-type: none">• The complex and complicated juncture of roads, freight rail, trail and LRT in the vicinity of the Highway 55 Corridor, makes this alternative very difficult to build.• The need to lower the grade to allow for modern clearance standards in a confined area creates many unknown issues and the cost estimate maybe be low.• The corridor has been identified as a transit corridor for a street car system.• Many of the overhead bridges have been designated as historic or potential historic that may cause issues with permitting.• The CP bridge over the Mississippi River is operational for the limited rail traffic that it currently receives but would need work to allow the TC%W train to operate daily on this line.• It is our opinion that this is not a viable option. |

MIDTOWN CORRIDOR ALTERNATIVE

| Evaluation Criteria | Description of Impacts |
|--|---|
| Description | Reestablishes freight traffic in the 29th Street (Midtown) corridor. |
| Freight Railroad | |
| Route Distance | <ul style="list-style-type: none"> 78.0 miles (Cologne to St Paul) |
| Trackage Rights | <ul style="list-style-type: none"> This alternative would require revising the existing Canadian Pacific (CP)/TC&W trackage rights agreement. |
| New Construction | <ul style="list-style-type: none"> 4.4 miles of new track |
| Freight Operations | <ul style="list-style-type: none"> This alternative was used by TC&W prior to 1998 and is considered acceptable with the exception that vertical clearances would need to increase by six feet to comply with current state standards. |
| Ownership & Maintenance Resp. | <ul style="list-style-type: none"> It is assumed that TC&W would be responsible for ownership and maintenance of the newly constructed 4.4 miles of tracks from West Lake Street to TH 55/Hiawatha Avenue. |
| Sound Engineering | <ul style="list-style-type: none"> If it is assumed that sufficient clearance under the Midtown Corridor bridges and a grade-separated connection across TH 55/Hiawatha Avenue can be made, the Midtown Corridor can meet accepted engineering conditions for freight rail operations. |
| Customer(s) | <ul style="list-style-type: none"> TC&W would need to continue using the connection at St. Louis Park and the MN&S route to reach Savage. |
| At-Grade Crossings | <ul style="list-style-type: none"> Total No. of Crossings = 29; No. of New Crossings = 4 (James, Irving, South 21st and Minnehaha Avenues); No. of St. Louis Park Crossings = 2; No. of Crossing Closures = 2 (South 5th and Humboldt Avenues) |
| Separations | <ul style="list-style-type: none"> Requires a grade separated crossing of the TH 55/Hiawatha Avenue & 28th Street Intersection (this represents a significant physical constraint for this alternative). Requires the reconstruction of the Dean Parkway and E. Calhoun Parkway bridges in the Chain of Lakes to accommodate both freight rail and the Midtown Greenway. Requires the modification of four recently constructed bridges along the Midtown Corridor to provide adequate overhead clearance. The condition of the bridge over the Mississippi River is questionable. |
| Potential Impact to Existing or Planned Transitways | |
| Transitways | <ul style="list-style-type: none"> This alternative requires the reconstruction of the Hiawatha LRT from just south of E. 28th Street to a point north of E. 26th Street. This alternative is also in direct conflict with the proposed Midtown Streetcar, which is identified in the region's TPP as a potential future transitway. |
| Potential Impact to Existing or Planned Trails | |
| Trails | <ul style="list-style-type: none"> While the majority of the existing Midtown Greenway commuter bicycle trail would remain in place some trail relocation would be necessary. The main impact to the Midtown Greenway commuter bicycle trail is the need to remove and reconstruct the recently opened Sabo Bridge. |
| Potential for Adverse Impacts Upon Critical Environmental Resources | |
| Acquisitions/ Relocations | <ul style="list-style-type: none"> No. of Structures Displaced = 1 No. of Housing Units Displaced = 0 Value of Properties = \$2.8 million |
| Subgrade/ Earthworks | <ul style="list-style-type: none"> Excavation of 6 feet of soil along an abandoned freight rail line is highly likely to encounter issues associated with contamination. If such conditions are encountered, disposal would add to project cost. The segment requiring significant construction is from West Lake Street to TH 55/Hiawatha Avenue where the rail bed needs to be lowered through excavation by approximately six feet. |
| Historic Properties | <ul style="list-style-type: none"> Midtown Corridor is on the National Register of Historic Places. It is understood that any changes and/or modifications to the existing corridor must be approved by the State Historic Preservation Office (SHPO). |
| Water Resources | <ul style="list-style-type: none"> No Identified Impacts |
| Parkland/Section 4(f) | <ul style="list-style-type: none"> The land underneath the bridges over Dean Parkway and E. Calhoun Parkway are owned by the Minneapolis Parks and Recreation Board (MPRB) and is classified as parkland subject to federal 4(f) requirements. Any impact to parklands needs to be evaluated closely and coordinated must occur with the MPRB prior to any use of their land for a transportation project. |
| Noise/Vibration | <ul style="list-style-type: none"> Impact of noise/vibration would need to be assessed. |
| Estimate of Total Project Cost Including Contingencies | |
| Costs | <ul style="list-style-type: none"> Construction: \$189.6 Million Right of Way: \$ 6.0 Million Total: \$195.6 million |

HIGHWAY 169 CONNECTOR ALTERNATIVE

| | |
|--|---|
| Description | Reestablishes freight traffic on the BNSF abandoned track from Hopkins to St. Louis Park. |
| Conclusion: Alternative is not viable | |
| Comments | <ul style="list-style-type: none">• Represents a challenging and expensive project to complete.• While it may be possible to reinstall the abandoned freight rail tracks along the TH 169 corridor between Excelsior Boulevard and the BNSF Wayzata Subdivision, there are significant barriers to implementation:<ul style="list-style-type: none">• Right-of-way purchases would be significant including purchasing of 65 parcels of land and 34 structures.• The Highway 169 interchange with Excelsior Boulevard would need to be reconfigured.• The North Cedar Lake Trail would need to be relocated.• The track ownership and maintenance would need to be determined.• It is our opinion that this is not a viable alternative. |

HIGHWAY 169 CONNECTOR ALTERNATIVE

| Evaluation Criteria | Description of Impacts |
|--|--|
| Description | Reestablishes freight traffic on the BNSF abandoned track from Hopkins to St. Louis Park. |
| Freight Railroad | |
| Route Distance | <ul style="list-style-type: none"> 81.2 miles (from Cologne to St. Paul) |
| Trackage Rights | <ul style="list-style-type: none"> This alternative would require a revision to the existing BNSF/TC&W trackage rights agreement. |
| New Construction | <ul style="list-style-type: none"> 2.7 miles of new track |
| Freight Operations | <ul style="list-style-type: none"> TC&W's connections to points throughout the Twin Cities terminal area would be very much as they are today. Upwards of 135+ cars of storage will be lost with this option. |
| Ownership & Maintenance Resp. | <ul style="list-style-type: none"> To implement this alternative TC&W must agree to own and maintain the 2.7 miles of new trackage installed to provide the connection between the CP Bass Lake Spur and the BNSF Wayzata Subdivision. |
| Sound Engineering | <ul style="list-style-type: none"> In general, this alternative can be built to freight industry standards for grades, curves, and clearance. |
| Customer(s) | <ul style="list-style-type: none"> This alternative does not provide for a direct connection to the Port of Savage for grain deliveries. TC&W would reach Savage via the existing St. Louis Park connection or via a new BNSF connection to the MN&S route. |
| At-Grade Crossings | <ul style="list-style-type: none"> Total No. of Crossings = 27 No. of New Crossings = 6 (2 in Hopkins & 4 in St. Louis Park) No. of St. Louis Park Crossings = 4 |
| Separations | <ul style="list-style-type: none"> Requires reconfiguration of the TH 169/Excelsior Boulevard Interchange. Requires replacement of the Minnetonka Boulevard Bridge to accommodate rail traffic. Requires the construction of a new railroad bridge over Minnehaha Creek at a location just north of W. 36th Street in St. Louis Park. |
| Potential Impact to Existing or Planned Transitways | |
| Transitways | <ul style="list-style-type: none"> This alternative would require a grade separated crossing of freight railroad and Southwest LRT in Hopkins. |
| Potential Impact to Existing or Planned Trails | |
| Trails | <ul style="list-style-type: none"> This alternative assumes that the North Cedar Lake Trail owned and operated by Three Rivers Park District would be relocated to an undetermined location. |
| Potential for Adverse Impacts Upon Critical Environmental Resources | |
| Acquisitions/ Relocations | <ul style="list-style-type: none"> No. of Structures Displaced = 34 No. of Housing Units Displaced = 131 Value of Properties = \$38.0 million There is also a cell phone tower located on the right-of-way immediately north of the Hwy 7 overpass in St. Louis Park. This cell phone tower would need to be relocated as part of the project. |
| Subgrade/ Earthworks | <ul style="list-style-type: none"> To implement this alternative requires earthwork for the 2.7 miles of abandoned BN line parallel to TH 169. Construction of the line would require that the roadbed be lowered at certain locations to permit rail equipment to pass safely beneath overhead bridges. |
| Historic Properties | <ul style="list-style-type: none"> No Identified Impacts |
| Water and Natural Resources/ Groundwater | <ul style="list-style-type: none"> Impact of bridge over Minnehaha Creek would need to be assessed. |
| Parkland/Section 4(f) | <ul style="list-style-type: none"> No Identified Impacts. |
| Noise/Vibration | <ul style="list-style-type: none"> Impact of noise/vibration would need to be assessed. |
| Estimate of Total Project Cost Including Contingencies | |
| Costs | <ul style="list-style-type: none"> Construction: \$ 49.0 Million Right of Way : \$72.6 Million Total: \$121.6 Million |

SCENARIO #1: ALL THREE ALIGNMENTS AT-GRADE (FREIGHT RAIL, LRT AND BICYCLE TRAIL)

| | |
|---|---|
| Description | Assumes that all three facilities are at-grade and adjacent to each other through the Kenilworth Corridor. |
| Conclusion: This scenario is not viable but with adjustments to the LRT alignment the impacts maybe minimized. | |
| Comments | <ul style="list-style-type: none">• Scenario 1 would be workable only with acquisition of additional right-of-way. The scenario outlined above assumed the LRT alignment was fixed and the impacts were computed. The assumption is that the townhouse development on the northwest side of the Kenilworth Corridor and Lake Street would be purchased.• There maybe park land impacts that will need to be further studied.• There will need to be design changes in the station to allow for the freight rail track to parallel the LRT tracks.• There may be less impact with adjustments to the freight, LRT, and trail alignments. The objective would be to minimize the additional rght of way purchases that would be necessary.• This should be the subject of additional studies. |

SCENARIO #1: ALL THREE ALIGNMENTS AT-GRADE (FREIGHT RAIL, LRT AND BICYCLE TRAIL)

| Evaluation Criteria | Description of Impacts |
|---|--|
| Description | Assumes that all three facilities are at-grade and adjacent to each other through the Kenilworth Corridor. |
| Freight Railroad (Constructed At-Grade) | |
| Route Distance | <ul style="list-style-type: none"> • Same As Present Route |
| Trackage Rights | <ul style="list-style-type: none"> • Existing Agreement |
| New Construction | <ul style="list-style-type: none"> • Approximately 2.5 miles of new track. |
| Freight Operations | <ul style="list-style-type: none"> • Maintains current freight operations. |
| Ownership & Maintenance Resp. | <ul style="list-style-type: none"> • No Change |
| Sound Engineering | <ul style="list-style-type: none"> • Grades, curvature, clearances, and speeds are acceptable. |
| Customer(s) | <ul style="list-style-type: none"> • TC&W would need to continue using the connection at St. Louis Park and the MN&S route to reach Savage. |
| At-Grade Crossings | <ul style="list-style-type: none"> • There are four (4) at-grade crossings located between Louisiana Avenue and where TC&W joins the BNSF main track at Cedar Lake Junction. • Current plans call for an at-grade commuter bicycle trail crossing at Wooddale Avenue Station to bring the commuter bicycle trail from the south side of the LRT alignment to the north side. |
| Separations | <ul style="list-style-type: none"> • Requires construction of an additional bridge to host the freight rail track at Cedar Isles Channel. |
| Southwest LRT (Constructed through corridor along the LPA alignment) | |
| Existing/Planned Transitways | <ul style="list-style-type: none"> • The LRT alignment can be constructed according to accepted engineering practice. • Requires construction of an additional LRT bridge west of Wooddale Avenue. • Considerable redesign of five (5) Southwest LRT stations will be necessary to ensure that transit patrons experience safe and secure access to the station platforms from both sides of the LRT tracks even when a freight train is passing. |
| Kenilworth Commuter Bicycle Trail (Remains along existing alignment with adjustments noted in the LPA plans) | |
| Existing Trails | <ul style="list-style-type: none"> • Reintroduction of freight service would mean adding an at-grade crossing of the freight tracks and the associated inconvenience to bicyclists of needing to wait for freight trains in addition to LRT trains. |
| Potential for Adverse Impacts Upon Critical Environmental Resources | |
| Acquisitions/Relocations | <ul style="list-style-type: none"> • Adding the freight track back to the Kenilworth Corridor following the construction of LRT would require the acquisition of a 33-57 housing units and the disruption of an entire townhouse community. |
| Subgrade/Earthworks | <ul style="list-style-type: none"> • No Identified Issues. |
| Historic Properties | <ul style="list-style-type: none"> • Implementation of this scenario may generate an adverse impact on Cedar Lake Parkway with LRT elevated and freight rail at-grade. Due to the placement of the freight rail tracks west of the LRT there may be additional impacts to historic properties. |
| Water and Natural Resources/ Groundwater | <ul style="list-style-type: none"> • Reconstruction of the freight track would require the construction of an additional bridge over Cedar-Isles Channel but this would not be expected to negatively affect water quality or stream flow. • Implementation of this scenario would not generate additional negative impact on groundwater flow when compared against the current proposal to construct LRT through the Kenilworth Corridor. |
| Parkland/Section 4(f) | <ul style="list-style-type: none"> • Placement of the freight rail track 25 feet from the centerline of the LRT track places the freight rail track into Cedar Lake Park which may constitute a constructive use of that 4f property. If it is determined that this is a constructive use, then an evaluation of all reasonable and prudent alternatives must be completed before the project could proceed. |
| Noise/Vibration | <ul style="list-style-type: none"> • Impact of noise/vibration would need to be assessed. |
| Estimate of Total Project Cost Including Contingencies | |
| Costs | <ul style="list-style-type: none"> • Construction: \$30-\$38 Million • Right of way: \$21 Million • Total \$51-59 million <p>(Preliminary Estimate as Presented at the Special Joint Study Session of the City Council and School Board on November 29, 2010)</p> |

SCENARIO #2: FREIGHT AND LRT AT-GRADE; TRAIL RELOCATED

| | |
|---|---|
| Description | Envisions that the existing commuter bicycle trail is removed from the corridor and that the freight railroad is constructed in the space vacated by the trail. |
| Conclusion: This scenario is not viable but with adjustments to the LRT alignment the impacts maybe minimized. | |
| Comments | <ul style="list-style-type: none">• Scenario 2 would be workable only with acquisition of additional right-of-way. This scenario assumed that the LRT alignment was fixed, so the freight rail is on the east side of the LRT and requires the acquisition of the condo development on the east side of the Corridor.• There maybe parkland impacts that will need to be further studied.• There will need to be design changes in the station to allow for the freight rail track to parallel the LRT tracks.• There may be less impact with adjustments to the freight, LRT, and trail alignments. The objective would be to minimize the additional rght of way purchases that would be necessary.•• There needs to be additional work to find an acceptable alignment for the trail. The two alternatives in the Banks' study were located on existing streets, which decreases the functionality of the commuter trail. Additional alignments should be studied. <p>This should be the subject of additional studies.</p> |

SCENARIO #2: FREIGHT AND LRT AT-GRADE; TRAIL RELOCATED

| Evaluation Criteria | Description of Impacts |
|---|---|
| Description | Envisions that the existing commuter bicycle trail is removed from the corridor and that the freight railroad is constructed in the space vacated by the trail. |
| Freight Railroad (Constructed At-Grade) | |
| Route Distance | <ul style="list-style-type: none"> • Same As Present Route |
| Trackage Rights | <ul style="list-style-type: none"> • Existing Agreement |
| New Construction | <ul style="list-style-type: none"> • Approximately 2.5 miles of new track. |
| Freight Operations | <ul style="list-style-type: none"> • Maintains current freight operations. |
| Ownership & Maintenance Resp. | <ul style="list-style-type: none"> • No Change |
| Sound Engineering | <ul style="list-style-type: none"> • Grades, curvature, clearances, and speeds are acceptable. |
| Customer(s) | <ul style="list-style-type: none"> • TC&W would need to continue using the connection at St. Louis Park and the MN&S route to reach Savage. |
| At-Grade Crossings | <ul style="list-style-type: none"> • There are four (4) at-grade crossings located between Louisiana Avenue and where TC&W joins the BNSF main track at Cedar Lake Junction. |
| Separations | <ul style="list-style-type: none"> • Requires construction of an additional bridge for the freight rail track at Cedar Isles Channel. |
| Southwest LRT (Constructed through corridor along the LPA alignment) | |
| Existing/Planned Transitways | <ul style="list-style-type: none"> • The LRT alignment can be constructed according to accepted engineering practice. • Requires construction of an additional LRT bridge west of I-394. • Considerable redesign of five (5) Southwest LRT stations will be necessary to ensure that transit patrons experience safe and secure access to the station platforms from both sides of the LRT tracks even when a freight train is passing. |
| Kenilworth Commuter Bicycle Trail (Relocated) | |
| Existing Trails | <ul style="list-style-type: none"> • Rerouted outside of the corridor, at least between the West Lake St. and 21st St. Stations. Two potential re routes exist, one on each side of the corridor. Neither of these alternatives is desirable from the standpoint of continuing to provide the high quality mobility and riding experience provided by the existing trail. The alternate routes may provide connectivity but are a poor replacement for the high-speed, high quality link provided by the Kenilworth Trail. This link in the commuter bicycle network essentially would disappear. |
| Potential for Adverse Impacts Upon Critical Environmental Resources | |
| Acquisitions/ Relocations | <ul style="list-style-type: none"> • Up to 117 housing units would need to be acquired from a condominium development and other properties on the east side of the corridor. |
| Subgrade/ Earthworks | <ul style="list-style-type: none"> • No Identified Issues. |
| Historic Properties | <ul style="list-style-type: none"> • Implementation of this scenario may generate an adverse impact on Cedar Lake Parkway with LRT elevated and freight rail at-grade. Due to the placement of the freight rail tracks west of the LRT there may be additional impacts to historic properties. |
| Water and Natural Resources/ Groundwater | <ul style="list-style-type: none"> • Reconstruction of the freight track would require the construction of an additional bridge over Cedar-Isles Channel but this would not be expected to affect water quality or stream flow negatively. • The freight alignment would not encroach on the prairie grass restoration project on the north end of the corridor. • Implementation of this scenario would not produce additional negative impact on groundwater flow when compared against the current proposal to construct LRT through the Kenilworth Corridor. |
| Parkland/Section 4(f) | <ul style="list-style-type: none"> • Implementation of this scenario would not produce additional negative impact on historic properties when compared against the current proposal to construct LRT through the Kenilworth Corridor. |
| Noise/Vibration | <ul style="list-style-type: none"> • Impact of noise/vibration would need to be assessed. |
| Estimate of Total Project Cost Including Contingencies | |
| Costs | <ul style="list-style-type: none"> • Construction: \$44 -55 Million • Right of Way: \$65 Million • Total \$109-120 million <p>(Preliminary Estimate as Presented at the Special Joint Study Session of the City Council and School Board on November 29, 2010)</p> |

SCENARIO #3: FREIGHT AND LRT AT-GRADE; BICYCLE TRAIL ON STRUCTURE

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| Description | Envisions that the existing commuter bicycle trail is removed and placed on an aerial structure through the corridor and that the freight railroad is constructed in the space vacated by the trail. |
| Conclusion: This is not a viable option | |
| Comments | <ul style="list-style-type: none">• An elevated trail structure is design which would result in operational and safety issues.<ul style="list-style-type: none">• The elevated trail would loose its full functionality because of the few access points that would be available.• The confined space of the trail could cause safety concerns.• The location of the structure over the LRT tracks cause s safety issues with the close proximity of the overhead cantenary lines to the trail.• The maintenance cost of the structure would be substantial. • In our opinion, this is not a viable alternative. |

SCENARIO #3: FREIGHT AND LRT AT-GRADE; BICYCLE TRAIL ON STRUCTURE

| Evaluation Criteria | Description of Impacts |
|---|---|
| Description | Envisions that the existing commuter bicycle trail is removed and placed on an aerial structure through the corridor and that the freight railroad is constructed in the space vacated by the trail. |
| Freight Railroad (Constructed At-Grade) | |
| Route Distance | <ul style="list-style-type: none"> • Same As Present Route |
| Trackage Rights | <ul style="list-style-type: none"> • Existing Agreement |
| New Construction | <ul style="list-style-type: none"> • Approximately 2.5 miles of new track. |
| Freight Operations | <ul style="list-style-type: none"> • Maintains current freight operations. |
| Ownership & Maintenance Resp. | <ul style="list-style-type: none"> • No Change |
| Sound Engineering | <ul style="list-style-type: none"> • Grades, curvature, clearances, and speeds are acceptable. |
| Customer(s) | <ul style="list-style-type: none"> • TC&W would need to continue using the connection at St. Louis Park and the MN&S route to reach Savage. |
| At-Grade Crossings | <ul style="list-style-type: none"> • There are four (4) at-grade crossings located between Louisiana Avenue and where TC&W joins the BNSF main track at Cedar Lake Junction. |
| Separations | <ul style="list-style-type: none"> • It may be necessary to lengthen the West Lake Street Bridge or to remove the slope paving at the eastern abutment to provide sufficient separation between the NB LRT track, which currently also is assumed to be routed through the easternmost bay, and the freight track. |
| Southwest LRT (Constructed through corridor along the LPA alignment) | |
| Existing/Planned Transitways | <ul style="list-style-type: none"> • Situating the freight track on the east side of the LRT tracks through the Kenilworth Corridor, an additional LRT bridge would need to be constructed to allow the freight rail track to cross underneath the LRT tracks and connect with the BNSF Railway track near Penn Avenue. • Considerable redesign of five (5) Southwest LRT stations will be necessary to ensure that transit patrons experience safe and secure access to the station platforms from both sides of the LRT tracks even when a freight train is passing. |
| Kenilworth Commuter Bicycle Trail (Placed on aerial structure through the corridor, at least between the West Lake St. and 21st St. Stations) | |
| Existing Trails | <ul style="list-style-type: none"> • Constructing an aerial structure to host the commuter bicycle trail through the Kenilworth Corridor would not be considered accepted engineering practice because of cost, potential environmental impacts and safety/security issues associated with such a structure. Although the connectivity of the commuter bicycle network would be preserved, the full functionality of the existing trail would not be preserved because residents of the adjacent neighborhoods would no longer enjoy convenient access to the trail and the trail experience would be altered irrevocably. |
| Potential for Adverse Impacts Upon Critical Environmental Resources | |
| Acquisitions/ Relocations | <ul style="list-style-type: none"> • Up to 117 housing units would need to be acquired. |
| Subgrade/ Earthworks | <ul style="list-style-type: none"> • No Identified Issues. |
| Historic Properties | <ul style="list-style-type: none"> • Implementation of this scenario may generate an adverse impact on Cedar Lake Parkway with LRT elevated and freight rail at-grade. Due to the placement of the freight rail tracks west of the LRT there may be additional impacts to historic properties. |
| Water and Natural Resources/ Groundwater | <ul style="list-style-type: none"> • Reconstruction of the freight track would require the construction of an additional bridge over Cedar-Isles Channel but this would not be expected to affect water quality or stream flow negatively. • The freight alignment would not encroach on the prairie grass restoration project on the north end of the corridor. • Implementation of this scenario would not have additional negative impact on groundwater flow when compared against the current proposal to construct LRT through the Kenilworth Corridor. |
| Parkland/Section 4(f) | <ul style="list-style-type: none"> • Implementation of this scenario would not produce additional negative impact on historic properties when compared against the current proposal to construct LRT through the Kenilworth Corridor. |
| Noise/Vibration | <ul style="list-style-type: none"> • Impact of noise/vibration would need to be assessed. |
| Estimate of Total Project Cost Including Contingencies | |
| Costs | <ul style="list-style-type: none"> • Construction : \$71-\$88 Million • Right of Way : \$0 • Total\$71-88 million <p>(Preliminary Estimate as Presented at the Special Joint Study Session of the City Council and School Board on November 29, 2010)</p> |

SCENARIO #4: FREIGHT AND BICYCLE TRAIL AT-GRADE; LRT ON STRUCTURE

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| Description | Envisions that the LRT alignment is constructed on an aerial structure through the corridor and that the existing freight rail track and commuter bicycle trail remain in their current location. |
| Conclusion: Alternative is not viable | |
| Comments | <ul style="list-style-type: none">• The Alternative of an elevated LRT track is undesirable based on:<ul style="list-style-type: none">• Increase construction and maintenance cost.• The visual impact of a LRT grade separation over Lake Street.• The impact to the LRT station design because fo the elevated structure. • In our opinion this alternative not viable.. |

SCENARIO #4: FREIGHT AND BICYCLE TRAIL AT-GRADE; LRT ON STRUCTURE

| Evaluation Criteria | Description of Impacts |
|--|--|
| Description | Envisions that the LRT alignment is constructed on an aerial structure through the corridor and that the existing freight rail track and commuter bicycle trail remain in their current location. |
| Freight Railroad (Constructed At-Grade) | |
| Route Distance | <ul style="list-style-type: none"> • Same As Present Route |
| Trackage Rights | <ul style="list-style-type: none"> • Existing Agreement |
| New Construction | <ul style="list-style-type: none"> • Approximately 2.5 miles of new track. |
| Freight Operations | <ul style="list-style-type: none"> • Maintains current freight operations. |
| Ownership & Maintenance Resp. | <ul style="list-style-type: none"> • No Change |
| Sound Engineering | <ul style="list-style-type: none"> • Grades, curvature, clearances, and speeds are acceptable. |
| Customer(s) | <ul style="list-style-type: none"> • TC&W would need to continue using the connection at St. Louis Park and the MN&S route to reach Savage. |
| At-Grade Crossings | <ul style="list-style-type: none"> • There are four (4) at-grade crossings located between Louisiana Avenue and where TC&W joins the BNSF main track at Cedar Lake Junction. |
| Separations | <ul style="list-style-type: none"> • None |
| Southwest LRT (Constructed through corridor along the LPA horizontal alignment but placed on aerial structure through the corridor above freight rail.) | |
| Existing/Planned Transitways | <ul style="list-style-type: none"> • The construction of an aerial structure through the Kenilworth Corridor presents a significant engineering challenge. An aerial LRT structure would cross the West Lake Street Bridge at an high elevation, be more expensive than other available alternatives, create noise and aesthetic impacts that could not be mitigated, produce other unpredictable environmental impacts and invite continuing maintenance, safety and security problems. • Even with an aerial structure hosting LRT, placing the freight track on the north side of the LRT track still would require an additional LRT bridge west of Wooddale Avenue. • Considerable redesign of five (5) Southwest LRT stations will be necessary to ensure that transit patrons experience safe and secure access to the station platforms from both sides of the LRT tracks even when a freight train is passing. |
| Kenilworth Commuter Bicycle Trail (Remains along existing alignment with adjustments noted in the LPA plans) | |
| Existing Trails | <ul style="list-style-type: none"> • Preserves the commuter bicycle trail through the corridor. |
| Potential for Adverse Impacts Upon Critical Environmental Resources | |
| Acquisitions/ Relocations | <ul style="list-style-type: none"> • Requires no additional right-of-way. To accomplish this, an LRT aerial structure would need to be at full height through those sections of the corridor that were too narrow. |
| Subgrade/ Earthworks | <ul style="list-style-type: none"> • No Identified Issues. |
| Historic Properties | <ul style="list-style-type: none"> • Implementation of this scenario may generate an adverse impact on Cedar Lake Parkway with LRT elevated and freight rail at-grade. Due to the placement of the freight rail tracks west of the LRT there may be additional impacts to historic properties. |
| Water and Natural Resources/ Groundwater | <ul style="list-style-type: none"> • Reconstruction of the freight track would require the construction of an additional bridge over Cedar-Isles Channel if the aerial structure has some back to ground level by this point but this would not be expected to affect water quality or stream flow negatively. • The freight alignment would not encroach on the prairie grass restoration project on the north end of the corridor. • Implementation of this scenario would not produce additional negative impact on groundwater flow when compared against the current proposal to construct LRT through the Kenilworth Corridor. |
| Parkland/Section 4(f) | <ul style="list-style-type: none"> • Implementation of this scenario would not produce additional negative impact on historic properties when compared against the current proposal to construct LRT through the Kenilworth Corridor. |
| Noise/Vibration | <ul style="list-style-type: none"> • Impact of noise/vibration would need to be assessed. |
| Estimate of Total Project Cost Including Contingencies | |
| Costs | <ul style="list-style-type: none"> • Construction: \$112-\$139 Million • Right of Way: \$0 • Total: \$112-139 million <p>(Preliminary Estimate as Presented at the Special Joint Study Session of the City Council and School Board on November 29, 2010)</p> |

SCENARIO #5: FREIGHT AND BICYCLE TRAIL AT-GRADE; LRT IN TUNNEL

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| Description | Envisions that the LRT alignment is constructed in a tunnel through the corridor and that the existing freight rail track and commuter bicycle trail remain in their current location. |
| Conclusion: Alternative is not viable | |
| Comments | <ul style="list-style-type: none">• Results in characteristics, costs or impacts that would be inconsistent with the application of sound engineering judgment.<ul style="list-style-type: none">• Placing LRT in a tunnel adds both complexity and costs to the construction of the Southwest LRT system.• The maintenance costs will increase for the LRT system• The ground water flow could be interrupted affecting the water levels at Cedar Lake and Lake of the Isles.• The construction coordination with the tunnel and maintain a freight railroad will be a major cost component to the budget. • In our opinion this is not a viable alternative |

SCENARIO #5: FREIGHT AND BICYCLE TRAIL AT-GRADE; LRT IN TUNNEL

| Evaluation Criteria | Description of Impacts |
|---|--|
| Description | Envisions that the LRT alignment is constructed in a tunnel through the corridor and that the existing freight rail track and commuter bicycle trail remain in their current location. |
| Freight Railroad (Constructed At-Grade over LRT Alignment) | |
| Route Distance | <ul style="list-style-type: none"> • Same As Present Route |
| Trackage Rights | <ul style="list-style-type: none"> • Existing Agreement |
| New Construction | <ul style="list-style-type: none"> • Approximately 2.5 miles of new track. |
| Freight Operations | <ul style="list-style-type: none"> • Maintains current freight operations. |
| Ownership & Maintenance Resp. | <ul style="list-style-type: none"> • No Change |
| Sound Engineering | <ul style="list-style-type: none"> • Grades, curvature, clearances, and speeds are acceptable. |
| Customer(s) | <ul style="list-style-type: none"> • TC&W would need to continue using the connection at St. Louis Park and the MN&S route to reach Savage. |
| At-Grade Crossings | <ul style="list-style-type: none"> • There are four (4) at-grade crossings located between Louisiana Avenue and where TC&W joins the BNSF main track at Cedar Lake Junction. |
| Separations | <ul style="list-style-type: none"> • None |
| Southwest LRT (Constructed through corridor along the LPA horizontal alignment but placed in tunnel through/under the corridor.) | |
| Existing/Planned Transitways | <ul style="list-style-type: none"> • The Kenilworth Corridor is not a location that represents a typical application of a tunnel with respect to conventional LRT design purposes. From the standpoint of engineering, constructing a tunnel at this location would not be considered accepted engineering practice because of cost and potential environmental impacts, given the availability of other reasonable alternatives. Another engineering issue with a cut and cover tunnel in this area is that the elevation of the track within the tunnel would be the same as or below the stream bed of the Cedar-Isles Channel, which is clearly undesirable. • Considerable redesign of five (5) Southwest LRT stations will be necessary to ensure that transit patrons experience safe and secure access to the station platforms from both sides of the LRT tracks even when a freight train is passing. |
| Kenilworth Commuter Bicycle Trail (Remains along existing alignment with adjustments noted in the LPA plans) | |
| Existing Trails | <ul style="list-style-type: none"> • Preserves the commuter bicycle trail through the corridor. |
| Potential for Adverse Impacts Upon Critical Environmental Resources | |
| Acquisitions/ Relocations | <ul style="list-style-type: none"> • Requires no additional right-of-way. To accomplish this, an LRT tunnel would need to be at full depth through those sections of the corridor where right-of-way width is restricted. At a minimum, the tunnel would need to extend under Cedar Lake Parkway. But there is the potential that the tunnel may be required the full length of the corridor to prevent right-of-way takings north of Cedar Lake Parkway, particularly in the vicinity of the 21st Street Station. |
| Subgrade/ Earthworks | <ul style="list-style-type: none"> • No Identified Issues. |
| Historic Properties | <ul style="list-style-type: none"> • Implementation of this scenario would not produce additional negative impacts on historic properties when compared against the current proposal to construct LRT through the Kenilworth Corridor. |
| Water and Natural Resources/ Groundwater | <ul style="list-style-type: none"> • A significant impediment to the construction of a cut and cover tunnel through the Kenilworth Corridor is the presence of the Cedar Isles Channel. The floor of a cut and cover tunnel would be at or just below the creek bed. It is difficult to conceive how this channel could be rerouted or closed without significant impact on the Chain of Lakes. • The most compelling concern with respect to tunneling through the Kenilworth Corridor is the potential disruption to the underground hydrologic system that connects Cedar Lake to the Lake of the Isles and is part of the larger Chain of Lakes system. Absent extensive investigation, it is impossible to predict the exact impact of placing a tunnel across the pathway between the two lakes. It is almost certain that the tunnel would be below ground water level, would require extensive pumping to keep dry and potentially could interrupt groundwater flow with unpredictable results to the water levels and water quality of the lake system. |
| Parkland/Section 4(f) | <ul style="list-style-type: none"> • Implementation of this scenario would not produce additional negative impact on historic properties when compared against the current proposal to construct LRT through the Kenilworth Corridor. |
| Noise/Vibration | <ul style="list-style-type: none"> • Impact of noise/vibration would need to be assessed. |
| Estimate of Total Project Cost Including Contingencies | |
| Costs | <ul style="list-style-type: none"> • Construction: \$220 Million • Right of Way: \$ 0 • Total : \$220 Million (Preliminary Estimate as Presented at the Special Joint Study Session of the City Council and School Board on November 29, 2010) |

SCENARIO #6: FREIGHT AND LRT SHARE USE OF TRACK; BICYCLE TRAIL AT-GRADE

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| Description | Envisions that the LRT track and commuter bicycle trail are constructed as shown in the Conceptual Engineering Drawings and that the freight rail operation shares track with the LRT alignment. |
| Conclusion: Alternative is not viable | |
| Comments | <ul style="list-style-type: none">• The impact to LRT and freight operations would make this scenario unworkable. Freight operations would be restricted to 4 hours in the middle of the night when LRT was not operating. TC&W could not operate with such a tight restricted window. (This is an FTA/FRA rule because LRT cars and freight cars are not crash compatible.)• The station design would need account for the different clearance standards between LRT and freight rail.• The freight rail operations increase the maintenance for the LRT tracks.• It is our opinion that this is not a viable alternative. |

SCENARIO #6: FREIGHT AND LRT SHARE USE OF TRACK; BICYCLE TRAIL AT-GRADE

| Evaluation Criteria | Description of Impacts |
|---|---|
| Description | Envisions that the LRT track and commuter bicycle trail are constructed as shown in the Conceptual Engineering Drawings and that the freight rail operation shares track with the LRT alignment. |
| Freight Railroad (Shares Track with the LRT Alignment through the Corridor) | |
| Route Distance | <ul style="list-style-type: none"> • Same As Present Route |
| Trackage Rights | <ul style="list-style-type: none"> • Existing Agreement |
| New Construction | <ul style="list-style-type: none"> • Approximately 2.5 miles of new track. |
| Freight Operations | <ul style="list-style-type: none"> • Sharing track between the TC&W and the LRT line is an unworkable solution because the freight service would be restricted to a time period insufficient to provide rail freight service and continue as a viable economic enterprise. |
| Ownership & Maintenance Resp. | <ul style="list-style-type: none"> • No Change |
| Sound Engineering | <ul style="list-style-type: none"> • Grades, curvature, clearances, and speeds are acceptable. |
| Customer(s) | <ul style="list-style-type: none"> • TC&W would need to continue using the connection at St. Louis Park and the MN&S route to reach Savage. |
| At-Grade Crossings | <ul style="list-style-type: none"> • There are four (4) at-grade crossings located between Louisiana Avenue and where TC&W joins the BNSF main track at Cedar Lake Junction. |
| Separations | <ul style="list-style-type: none"> • None |
| Southwest LRT (Constructed through corridor along the LPA alignment) | |
| Existing/Planned Transitways | <ul style="list-style-type: none"> • Transit vehicles, such as the LRT vehicles used in Hiawatha service and the planned Southwest LRT service, could share track with freight operations only by means of an FRA waiver based on strict temporal separation (i.e., most often freight operations are restricted to hours of no passenger service). • The design of the LRT system would need to be modified to accommodate a shared use section. • Even with a shared use section, placing the freight track on the north side of the LRT track would still require an additional LRT bridge west of Wooddale Avenue. • Considerable redesign of five (5) Southwest LRT stations will be necessary to ensure that transit patrons experience safe and secure access to the station platforms from both sides of the LRT tracks even when a freight train is passing. |
| Kenilworth Commuter Bicycle Trail (Remains along existing alignment with adjustments noted in the LPA plans) | |
| Existing Trails | <ul style="list-style-type: none"> • Preserves the commuter bicycle trail through the corridor. |
| Potential for Adverse Impacts Upon Critical Environmental Resources | |
| Acquisitions/Relocations | <ul style="list-style-type: none"> • Requires no additional right-of-way. |
| Subgrade/Earthworks | <ul style="list-style-type: none"> • No Identified Issues. |
| Historic Properties | <ul style="list-style-type: none"> • Implementation of this scenario may generate an adverse impact on Cedar Lake Parkway with LRT elevated and freight rail at-grade. Due to the placement of the freight rail tracks west of the LRT there may be additional impacts to historic properties. |
| Water and Natural Resources/ Groundwater | <ul style="list-style-type: none"> • Reconstruction of the freight track may require the construction of an additional bridge over Cedar-Isles Channel depending upon the exact extent of the shared use section but this would not be expected to affect water quality or stream flow negatively. • Implementation of this scenario would not have additional negative impact on groundwater flow when compared against the current proposal to construct LRT through the Kenilworth Corridor. |
| Parkland/Section 4(f) | <ul style="list-style-type: none"> • Implementation of this scenario would not produce additional negative impact on historic properties when compared against the current proposal to construct LRT through the Kenilworth Corridor. |
| Noise/Vibration | <ul style="list-style-type: none"> • Impact of noise/vibration would need to be assessed. |
| Estimate of Total Project Cost Including Contingencies | |
| Costs | <ul style="list-style-type: none"> • Construction:\$35-43 million • Right of Way : \$0 • Total: \$35-45 Million <p>(Preliminary Estimate as Presented at the Special Joint Study Session of the City Council and School Board on November 29, 2010)</p> |

SCENARIO #7: FREIGHT, LRT AND BICYCLE TRAIL AT-GRADE; LRT SINGLE TRACK

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| Description | Envisions that LRT track and the commuter bicycle trail are constructed as shown in the Conceptual Engineering Drawings with the exception that a portion of the LRT alignment would be constructed as single track through the corridor and that the freight rail track is constructed using the alignment presently anticipated to host a second LRT track where the existing right-of-way is too narrow to accommodate a double track LRT line and single track freight line. |
| Conclusion: Alternative is not viable | |
| Comments | <ul style="list-style-type: none">• This scenario would provide the only single track LRT corridor in the system making operations complex and it would probably not be acceptable to the system or the Federal Transit Administration (FTA).• The LRT stations would require additional design consideration to accommodate freight rail operations close by.• It is our opinion that this is not a viable alternative. |

SCENARIO #7: FREIGHT, LRT AND BICYCLE TRAIL AT-GRADE; LRT SINGLE TRACK

| Evaluation Criteria | Description of Impacts |
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| Description | Envisions that LRT track and the commuter bicycle trail are constructed as shown in the Conceptual Engineering Drawings with the exception that a portion of the LRT alignment would be constructed as single track through the corridor and that the freight rail track is constructed using the alignment presently anticipated to host a second LRT track where the existing right-of-way is too narrow to accommodate a double track LRT line and single track freight line. |
| Freight Railroad (Constructed At-Grade) | |
| Route Distance | <ul style="list-style-type: none"> • Same As Present Route |
| Trackage Rights | <ul style="list-style-type: none"> • Existing Agreement |
| New Construction | <ul style="list-style-type: none"> • Approximately 2.5 miles of new track. |
| Freight Operations | <ul style="list-style-type: none"> • Maintains current freight operations. |
| Ownership & Maintenance Resp. | <ul style="list-style-type: none"> • No Change |
| Sound Engineering | <ul style="list-style-type: none"> • Grades, curvature, clearances, and speeds are acceptable. |
| Customer(s) | <ul style="list-style-type: none"> • TC&W would need to continue using the connection at St. Louis Park and the MN&S route to reach Savage. |
| At-Grade Crossings | <ul style="list-style-type: none"> • There are four (4) at-grade crossings located between Louisiana Avenue and where TC&W joins the BNSF main track at Cedar Lake Junction. |
| Separations | <ul style="list-style-type: none"> • None |
| Southwest LRT (Constructed through corridor along the LPA alignment but with only one track through the corridor) | |
| Existing/Planned Transitways | <ul style="list-style-type: none"> • Inserting a single track segment into the otherwise double-track Southwest Corridor LRT system would create a pinch point that would imperil efficient operations at anticipated headways and forestall operating on closer headways in the future. • Considerable redesign of five (5) Southwest LRT stations will be necessary to ensure that transit patrons experience safe and secure access to the station platforms from both sides of the LRT tracks even when a freight train is passing. |
| Kenilworth Commuter Bicycle Trail (Remains along existing alignment with adjustments noted in the LPA plans) | |
| Existing Trails | <ul style="list-style-type: none"> • Preserves the commuter bicycle trail through the corridor. |
| Potential for Adverse Impacts Upon Critical Environmental Resources | |
| Acquisitions/ Relocations | <ul style="list-style-type: none"> • Requires additional right-of-way. The greater distance required by freight rail means that the minimum right-of-way requirement for the freight rail track, the single LRT line, and the trail would be 82 feet. The ROW width between West Lake Street and Cedar Lake Parkway is 62 feet at its most narrow. |
| Subgrade/ Earthworks | <ul style="list-style-type: none"> • No Identified Issues. |
| Historic Properties | <ul style="list-style-type: none"> • Implementation of this scenario may generate an adverse impact on Cedar Lake Parkway with LRT elevated and freight rail at-grade. Due to the placement of the freight rail tracks west of the LRT there may be additional impacts to historic properties. |
| Water and Natural Resources/ Groundwater | <ul style="list-style-type: none"> • Reconstruction of the freight track may require the construction of an additional bridge over Cedar-Isles Channel, depending upon the exact location of the single track segment but this would not be expected to affect water quality or stream flow negatively. • Implementation of this scenario would not have additional negative impact on groundwater flow when compared against the current proposal to construct LRT through the Kenilworth Corridor. |
| Parkland/Section 4(f) | <ul style="list-style-type: none"> • Implementation of this scenario would not have additional negative impact on historic properties when compared against the current proposal to construct LRT through the Kenilworth Corridor. |
| Noise/Vibration | <ul style="list-style-type: none"> • Impact of noise/vibration would need to be assessed. |
| Estimate of Total Project Cost Including Contingencies | |
| Costs | <ul style="list-style-type: none"> • Construction: \$31-38 million • Right of Way : \$0 • Total: \$31-38 Million <p>(Preliminary Estimate as Presented at the Special Joint Study Session of the City Council and School Board on November 29, 2010)</p> |



MEMORANDUM

TO: City Council Members

FROM: Dave McKenzie, P.E.

DATE: February 9, 2011 revised

RE: Technical Memorandum #3
SEH No. STLOU 114331

Based on our review of the completed Hennepin County freight rail studies and through coordination with City staff, a recommendation was presented to Council Members at the December 13, 2010 Study Session Meeting to narrow the range of alternative freight routes based upon impacts identified in the respective studies. This memo contains updated information on the four alternatives that were identified for additional review.

A summary of the four alternatives are in Table 1. Additional details are discussed later in the memo.

Table 1

| Alternative | Description | Comment |
|--|--|--|
| MN&S Sub Alignment Study | Reroute of freight rail out of Kenilworth Corridor and onto the MN&S in St Louis Park. | Currently Under Study (findings anticipated in spring 2011) |
| Western Connection | Reroute of all TC&W traffic westerly through Appleton MN and onto the BNSF RR into the Twin Cities | Does not appear feasible |
| Kenilworth Corridor Scenario 1: All Three Grade Alignments At-Grade | Allow the freight, LRT and the bike trail to coexist at grade in the corridor | Additional right of way is needed and will require cooperation with many agencies outside of St Louis Park to achieve. |
| Kenilworth Corridor Scenario 2: Trail Relocated | Allow the freight and LRT to coexist in the corridor and relocate the bike trail | Additional right of way is needed and will require cooperation with many agencies outside of St Louis Park to achieve. This is less intrusive than Scenario 1. |

MN&S Sub Alignment Study

Hennepin County is currently conducting a Environmental Assessment Worksheet for the MN&S alternative. Results from that analysis will be known in the Spring of 2011. It is expected that impacts and potential mitigation measures will be discussed at the Project Management Team (PMT) meeting on February 24, 2011.

Western Connection

The western connection alternative identified in the Amfahr Study originally suggested only rerouting coal trains out of St Louis Park. In Amfahr's proposal other TC&W trains would continue to travel through St. Louis Park. Transporting coal is only one of four primary components of TC&W trains passing through St. Louis Park. The other three elements are the local mixed-freight trains that operate daily between Glencoe and St. Paul; ethanol trains; and, grain trains.

The SEH suggestion was to explore more fully the possibility that all of TC&W traffic be diverted through this route, not just the coal trains. That is a much more difficult question to answer since much of the TC&W's freight originates or is delivered to eastern markets. To reroute this traffic on the BNSF would add about 120 miles and 2 or 3 days to each train trip. The additional travel time would require TC&W to increase the size of their fleet of train cars, increase their car hire costs, increase their labor costs, and increase power costs. The BNSF would also charge a trackage right fee for use of their track.

Coal Trains

The coal trains that pass through St. Louis Park originate in Wyoming and Montana and bring coal to a sugar plant in Renville, west of the Twin Cities. Currently trains come from Wyoming and Montana travel all the way into Minneapolis using the BNSF tracks before back tracking through the Kenilworth corridor and St. Louis Park west to the sugar plant. The empty coal trains return to Wyoming and Montana without passing through St. Louis Park or Minneapolis. They go directly west from the sugar plant to Appleton MN and interchange back to the BNSF line.

The loaded coals trains do not use the Appleton interchange because of track conditions on the west end of the TC&W. A track rehabilitation project to replace cross ties on the western part of the TC&W could allow for the reroute of the loaded coal trains and eliminate the need for the coal trains to pass through Minneapolis and St. Louis Park. TC&W has estimated that this project would cost about two million dollars.

Non Coal Trains

A reroute of all of TC&W's current trains to the west would mean all TC&W trains would use the BNSF's Wayzata subdivision, the existing east-west tracks which pass through St Louis Park roughly parallel to and south of Cedar Lake Road. The BNSF does not currently have a connection to the MN&S tracks however. Therefore TC&W would not have access to the grain terminals in Savage unless the existing wye in St Louis Park remained in place; or a new interconnection between the BNSF and the MN&S tracks was built. TC&W has not accessed the Savage terminals in recent years but would if market conditions change in the future. They would need to maintain their ability to access the Savage grain terminals.

The other unit train operating in St Louis Park is the unit ethanol train that is destined for markets in the eastern United States. Going west to connect with the BNSF before heading east on the BNSF tracks to reach their destination does not make sense with this train. This route has the negative operational, time and cost consequences noted above for other TC&W trains serving markets to the east.

Conclusion

The TC&W has stated that the Western Connection alternative would devastate their business and would not be workable.

There are many unknown cost variables that cannot be determined precisely at this time but could easily increase TC&W costs by millions of dollars every year. An annual freight rate subsidy would be costly to implement and an on-going expense without any identified source of ongoing funding.

We do not believe that this is a viable alternative except for the possibility of rerouting the coal trains. The City, County and MnDOT should explore with TC&W ways to fund a track rehabilitation project, if the community would like to pursue rerouting of all coal trains away from St Louis Park.

Kenilworth Corridor

Two of the four options for how to accommodate TC&W freight traffic identified for further study involve the Kenilworth corridor. This is the current temporary home for TC&W freight rail traffic. Both of the Kenilworth alternatives explore making it the permanent home for TC&W traffic. One option includes just freight rail and LRT; the other option also accommodates the regional trail. The concept plans and analysis of the Kenilworth alternatives undertaken by SEH builds on the base information from the HDR SWLRT concept plans and the RL Banks study. The analysis of the Kenilworth corridor alternatives is described below.

Corridor Description

The Kenilworth Corridor is currently being used by the CP/TC&W railroads and the Kenilworth bike trail in a shared corridor. The HCRRA owns the right of way. It varies in width from 44 feet to over 150 feet. The narrow portions of the HCRRA right of way have been identified in the past as “pinch points” with regards to accommodating freight rail and light rail in the Kenilworth Corridor. There is a 750’ long area just south of the Cedar Lake Channel that is 44’ wide, but has an adjacent publicly owned parcel that is 50’ wide that is owned by the City of Minneapolis. There is also another narrow parcel from Lake Street to Cedar Lake Parkway (about 2,300’) that is 62’ wide with development on both sides. These are the two pinch points in the corridor that are of greatest concern. While there may be other spots along the Kenilworth corridor where small encroachments onto publicly owned parcels owned by entities other than HCRRA maybe needed for the freight rail alternatives to work, the two “pinch points” identified above are the most critical areas. There is very little excess right of way adjacent to the east side of the existing corridor. The west side has several parcels that are owned by either Minneapolis Public Works or the Minneapolis Park Board.

RL Banks Study

Hennepin County hired RL Banks to conduct a study in the Fall of 2010 that addressed seven different scenarios. Five have been previously discounted as not feasible. The two remaining scenarios are:

1. LRT, freight rail and the trail all at grade in the corridor;
2. LRT and freight rail at grade in the corridor and the trail relocated to outside of the corridor.

Scenario 1 allowed the freight, LRT and bike trail to coexist on an at grade alignment. This assumption kept the trail in the same location and shifted the freight railroad to the north and west of the LRT. This alignment required the acquisition of most, if not all of the Cedar Lakeshore townhomes development.

The RL Banks' cost estimate for this alternative was about \$55 million dollars, including about \$21 million for acquisition of right of way.

Scenario 2 allowed for the freight tracks to be relocated onto the existing trail location and the trail relocated onto the street system south of 21st Street. Because of wider setbacks needed for the freight rail, under this scenario, the condominium development on the east side of the Kenilworth corridor, just north of the Mid-town Greenway would need to be acquired. The RL Banks cost estimate of this scenario was approximately \$110 million, about double the cost estimate of scenario 1. The higher cost estimate reflects the acquisition of the condominiums on the east side of the corridor.

Design Assumptions

Analyzing the potential to accommodate LRT, freight rail and potentially the regional trail in the Kenilworth corridor requires establishing basic design standards for each of the corridor uses. Minimum spacing and right of way requirements are particularly key factors. This is especially true because the adequacy of the width of the corridor has been a key concern regarding accommodating both freight rail and LRT in the Kenilworth corridor. The question has been, is the Kenilworth corridor wide enough to safely accommodate freight rail, LRT and the regional trail; and if not, how much additional right of way would be needed. The analysis of the fit of these elements within the corridor is complicated by a varying corridor width, curving right of way, location of bridge structures, grades and location of LRT stations among many factors. Based on discussions with Hennepin County, Met Council, their consultants and industry standards basic design assumption were developed. The following minimum spacings standards were used for all alignments:

- (1) 25' from edge of right of way to center of freight rail track
- (2) 25' from center of freight rail track to center of nearest LRT track
- (3) 14' between the centers of the LRT tracks
- (4) 12' from center of second LRT track to edge of paved trail
- (5) 16' of paved trail
- (6) 2' between paved trail and edge of right-of-way.

Essentially these spacing assumptions mean you need a minimum corridor width, without accommodating for any special circumstances, of 84 feet to accommodate LRT, freight rail and the regional trail at grade.

If only LRT and freight rail are accommodated in the corridor, a minimum width of 76 feet is needed.

SEH Analysis

In our analysis we explored 3 potential refinements to the RL Banks' Kenilworth scenarios. They are:

- 1) The designing the LRT around the existing freight alignment. Essentially leaving the freight track in its existing position.
- 2) Revise the LRT, freight tracks and the trail alignments to best fit all in the Corridor
- 3) Revise the LRT and freight track alignments and relocate the trail off of the Corridor.

We also assumed that the revised LRT track alignment would need to match the LRT alignments at the Lake Street bridge and at the I-394 bridge. We also tried to minimize the impact to the proposed station locations.

The SEH refinements are detailed below:

Retaining the Current Rail Alignment. The first concept explored was to leave the freight rail track on the existing alignment, and adjust the LRT and trail alignments around it. The RL Banks analysis had done the reverse. It assumed the proposed LRT alignment as a given and located the freight rail in accommodation of LRT. Our approach, was intended to explore if there was any benefit from designing a corridor alignment starting with the current freight rail alignment as fixed. The current freight rail location is very close to the west right of way line and the Cedar Lake Townhomes in the 62 foot "pinch point" immediately north of the Midtown Greenway connection to Kenilworth. The thought was that starting with the existing freight rail alignment as a given may result in a very efficient use of the limited space at this point in the corridor. This did not turn out to be the case. This approach resulted in the LRT tracks being shifted into the high rise condominium located on the east side of the track, at the Midtown Greenway. This is one of the most intensely developed parcels along the corridor. This was determined to be an unreasonable alignment.

Scenario 1A - The second concept explored assumed the alignments of all three elements in the corridor, the LRT, freight rail and the regional trail were flexible. The alignment of each element could be adjusted to minimize the additional right of way required. The results of the analysis (Scenario 1A) were similar to the results for scenario 1 of the RL Banks study. To accommodate all three corridor components at grade requires extensive right of way acquisition. Roughly half the Cedar Shores Townhome structures would be affected. The design also indicates that the apartment building at 2601 Sunset Boulevard will be impacted. Burnham Road north of Cedar Lake Parkway will also need to be realigned and there is a high potential that partial acquisition from some parcels on the west side of Burnham Road would be needed. Our preliminary estimates is \$60 to \$65 million dollars. If all of the Cedar Lakeshore townhome development is acquired, the cost estimate would increase by another \$13 million dollars.

Scenario 2A - This alignment concept, similar to RL Banks Scenario 2, assumed only the LRT and freight rail are in the corridor. The trail would be relocated outside the corridor. Our analysis (See Appendix A) assumed that the freight railroad stays on the north and west sides of the corridor. The deletion of the trail allows enough space for the freight and LRT tracks to fit in the corridor and meet the minimum design standards if some property is acquired from the Cedar Lakeshore townhomes development. This concept uses the green space between the Cedar Lake Shores town houses and their property line shared with the HCRRA property as part of the setback requirement for the freight rail tracks. The minimum design standards could be met without the acquisition of any Cedar Lake Shore structures.

While technically, the 25' spacing from the edge of right of way to the center line of track can be met by acquiring property from the Cedar Lake Townhomes, the result is a loss of setback area and greenspace for the townhomes. The resulting setback would be as little as 2 feet and would vary from 2 to 24 feet. Most setbacks would be less than 10 feet. The train tracks themselves would move closer for 2/3's of the 13 townhomes adjacent to the property line, most by 12 feet or more.

Currently the freight rail tracks are as close as 25 feet from the Cedar Lake Shores structures already. Today the townhomes are from 25 ft to 57 ft from the center line of the railroad tracks. However the rail location was never intended to be permanent. Under Scenario 2A, alignment the tracks would be mostly closer than they are now; and vary from 27 to 49 feet from the townhomes. SEH believes the Scenario 2A freight track alignment would be uncomfortably close to the townhome structures. (See Appendix B).

Regarding the regional trail, it could remain in the corridor in place from the Penn Street LRT station to just south of the Burnham Road overpass. At that point the HCRRA right of way narrows and the trail would need to leave the Kenilworth corridor unless additional right of way was acquired. The trail could be routed onto the local streets at Burnham road. Additional study would be needed to determine the preferred location of the trail.

Our estimated cost for this scenario would be about \$30 million plus right of way which depending upon the Cedar Lakeshore townhome development and the purchase of parcels from the City of Minneapolis and the Minneapolis Park Board, would add between \$5 million and \$35 million.

Unresolved Issues

There are several issues unrelated to literally the alignment or fit of freight, LRT and the trail in the Kenilworth corridor that would need to be evaluated and resolved before a final determination can be made if freight, LRT and trails can coexist in the Kenilworth Corridor. They include:

1. The environmental impact to parkland property including the Cedar Lake Channel, Cedar Lake Parkway crossing, of adding freight rail into the corridor as a permanent element.
2. Where the LRT tracks will cross the freight rail within the SW corridor.
3. How does the freight rail and LRT impact the Highway 100 bridge design?
4. What is the best location for the relocated trail? Right now the SWLRT plans show the regional trail is on the north side of the LRT west of Wooddale and the south side east of Wooddale.
5. The impact to the draft SW LRT EIS and would it need to be amended.
6. How much of the Cedar Lakeshore townhome development will be acquired.
7. How does the freight rail adjacent to the LRT affect the operation, design and success of the LRT stations
8. How would the freight rail in Kenilworth affect the opportunity to for trolley service on the Midtown Greenway?

Conclusions/Next Steps

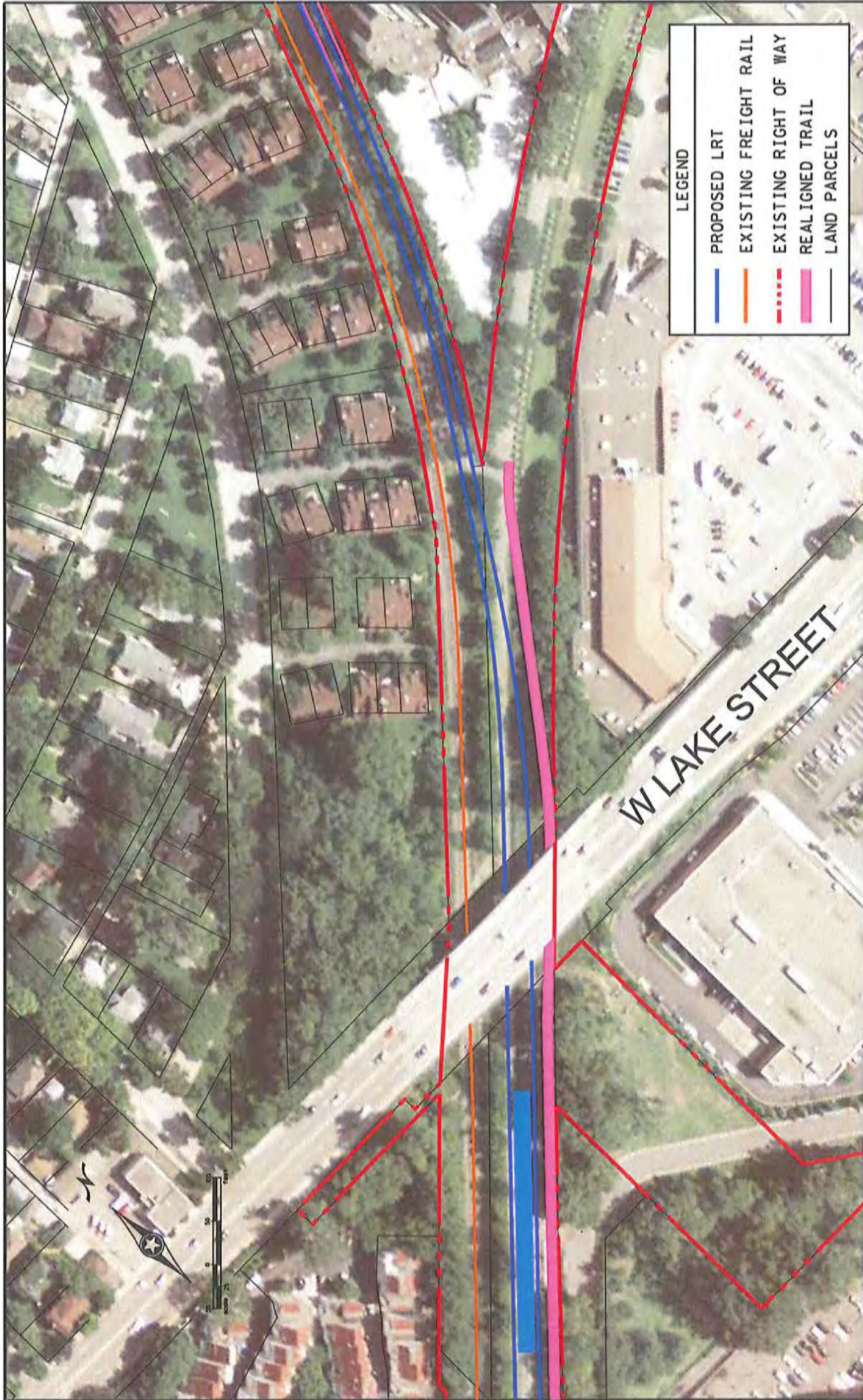
A final evaluation of the Kenilworth Corridor issues would need to be done relative to the MN&S sub alignment study. Understanding the impacts and costs, mitigation and actual concept plan proposed for MN&S will be needed to evaluate the relative merits for community of each of the alternative resolutions to the TC&W freight rail question.

The intent of this memorandum is to provide some additional information as SEH has examined the remaining four alternatives. SEH will provide future updates as more information is developed and refined.

Appendix A

Alignment 2A

Freight Rail and LRT with no trail



LEGEND

- PROPOSED LRT
- EXISTING FREIGHT RAIL
- EXISTING RIGHT OF WAY
- REALIGNED TRAIL
- LAND PARCELS

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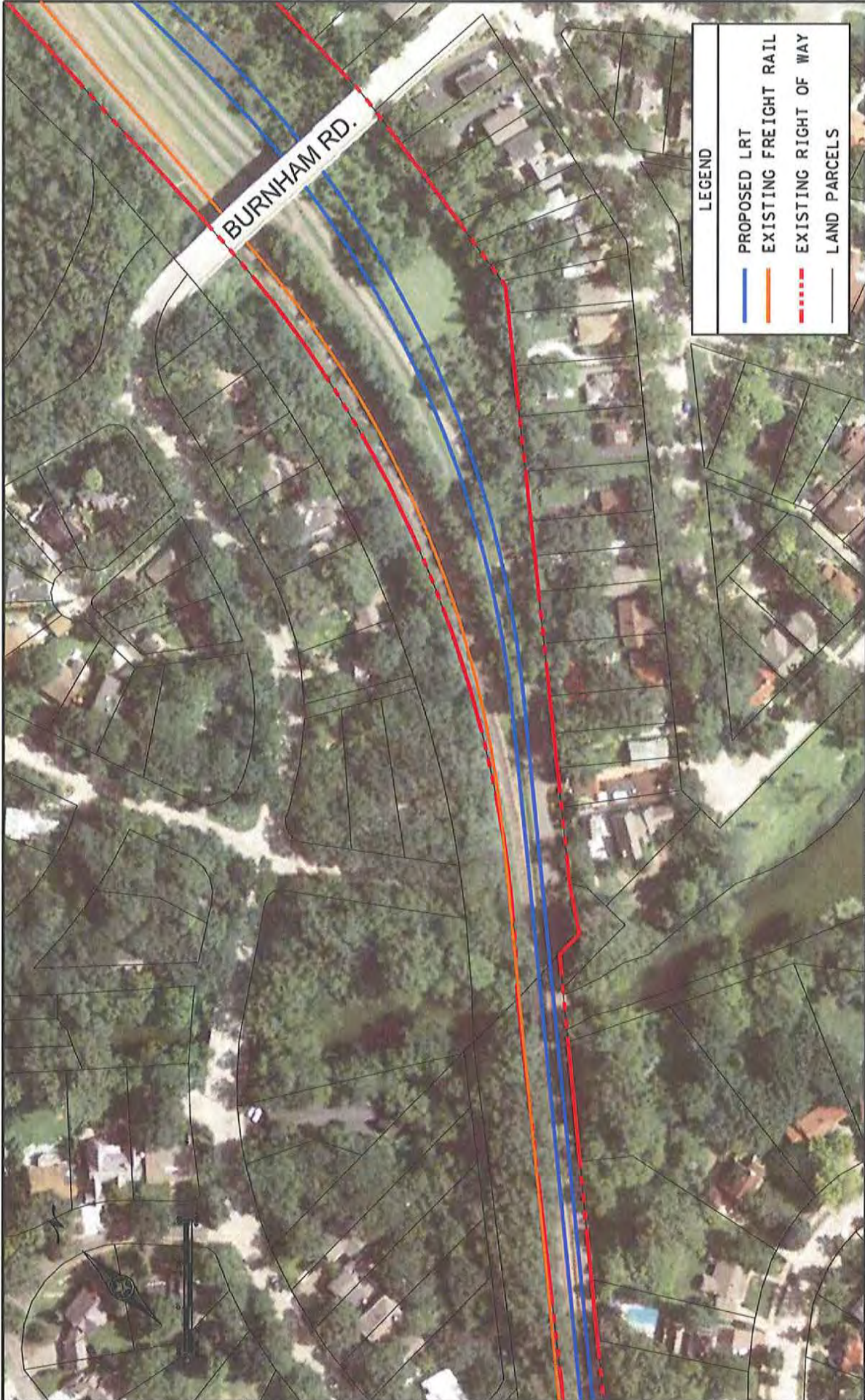
**KENILWORTH CORRIDOR, SCENARIO 2A
FREIGHT RAIL & LRT (NO TRAIL)**

**CITY OF
ST. LOUIS PARK**



I hereby certify that this work was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Missouri.
 Certified By: SEH L.C. No. _____
 Expiration Date: _____
 Project Name: _____

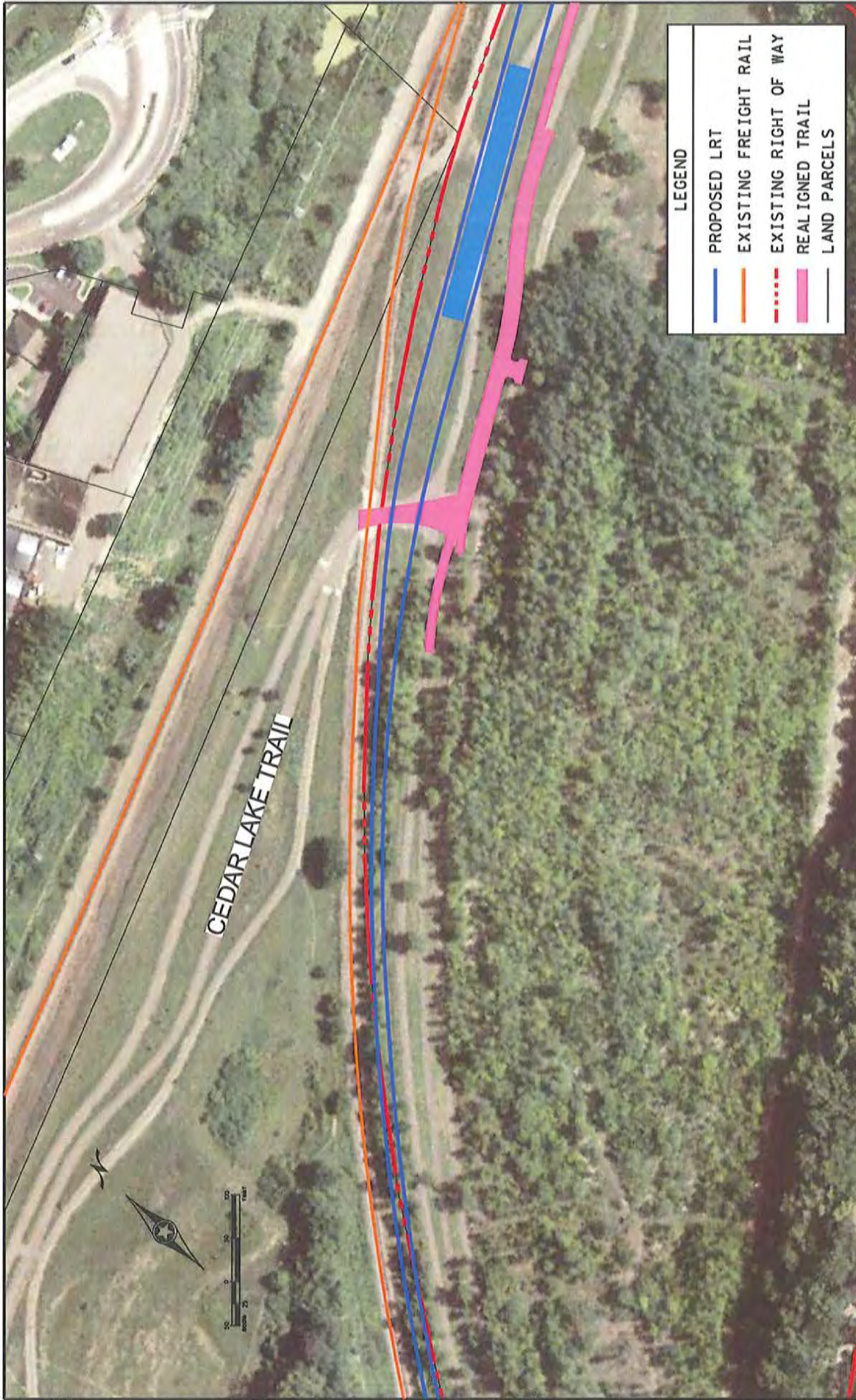
| DESIGN TEAM | NO. | BY | DATE | REVISIONS |
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| DESIGNED BY | | | | |
| CHECKED BY | | | | |



LEGEND

- PROPOSED LRT
- EXISTING FREIGHT RAIL
- - - EXISTING RIGHT OF WAY
- LAND PARCELS

| | | | | | | | | | | | | | | |
|-------------|----------|------------|------|-----|----|------|-----------|--|--|----------------------------------|---|-------------|---|---|
| DESIGN TEAM | DRAWN BY | CHECKED BY | DATE | NO. | BY | DATE | REVISIONS | I hereby certify that this work was prepared by me or under my direct supervision and I am a duly Licensed Professional Engineer for the State of Missouri. Certified By: <u>SEH</u> License No. <u>000000000</u> Printed Name: <u>SEH</u> Date: <u>05/15/10</u> |  SEH 300 INDIAN CREEK PL. ST. LOUIS, MO 63102 | CITY OF ST. LOUIS PARK | KENILWORTH CORRIDOR, SCENARIO 2A FREIGHT RAIL & LRT (NO TRAIL) | FILE NO. | 3 | 7 |
| | | | | | | | | | | | | PROJECT NO. | | |



LEGEND

- PROPOSED LRT
- EXISTING FREIGHT RAIL
- - - EXISTING RIGHT OF WAY
- █ REALIGNED TRAIL
- LAND PARCELS

| | | | | | | | |
|--|-------------------|---|--|----------------------------------|---|-----------------------|--------------------------|
| DESIGN TEAM DRAWN BY DESIGNED BY CHECKED BY | DATE REVISIONS | I HEREBY CERTIFY that this plan was prepared by me or under my supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Missouri. Certified By: <u>SEH</u> License No. <u>00123</u> Printed Name: _____ Date: <u>05/15/20</u> | PUBLIC WORKS DEPT. 203 HADLEY CENTER PL. ST. LOUIS, MO 63102 | CITY OF ST. LOUIS PARK | KENILWORTH CORRIDOR, SCENARIO 2A FREIGHT RAIL & LRT (NO TRAIL) | SHEET NO. 6 | TOTAL SHEETS 7 |
|--|-------------------|---|--|----------------------------------|---|-----------------------|--------------------------|

DATE

SCALE

PROJECT

Appendix B

Cedar Lakeshore Townhome Set backs

June 15, 2011

Frank Pafko
Director, Office of Environmental Services
Minnesota Department of Transportation
395 John Ireland Boulevard, MS 620
St. Paul, MN 55155-1899

Subject: MN&S Freight Rail Study EAW

Dear Mr. Pafko:

On behalf of the City of St. Louis Park enclosed are materials submitted as comments on the MN&S Freight Rail Study Environmental Assessment Worksheet, proposed by Hennepin County Regional Railroad Authority.

The St. Louis Park City Council approved and authorized submittal of the attached materials by council action at its June 6, 2011 City Council meeting. Enclosed are three documents.

1. Specific comments on the EAW;
2. A list of mitigation measures the City believes are necessary at a minimum to address the potential adverse impacts of the proposed project; and,
3. Tech Memo #4, a comparison of alternative routes for TC&W and a source of technical information for the City's EAW comments and mitigation measures; and,
4. Alternative Route Cost Comparison Table

The comments were prepared after extensive community input, careful technical review and thorough discussion of the EAW and the potential impacts of the proposed project on the City of St. Louis Park. We ask that you carefully consider our comments in your review of the MN&S Freight Rail Study EAW in your role as Responsible Governmental Unit.

Thank you for your attention to this important issue. If you have any questions regarding the materials submitted, please contact Kevin Locke, Community Development Director (952-924-2580).

Sincerely,



Tom Harmening
City Manager

Enclosures:
MN&S EAW Comments
Mitigation Measures
Tech Memo #4
Alternative Route Cost Comparison Table

cc: City Council, School Board, Superintendent Debra Bowers

Comments on MN&S EAW from City of St Louis Park

General Comments:

- 1) The original goal for the City was to minimize the time, noise and disruption that freight trains have in the City of St Louis Park. The stated purpose of the proposed action is inconsistent with the City's goals as stated in Resolution 10-070 (see attached); and, the purpose of the proposed action ignores the fact that a key purpose for the reroute of freight rail trains off of the Kenilworth alignment is to accommodate SW LRT. : However, SLP has determined that SWLRT and freight rail can both be accommodated within the Kenilworth corridor, with certain modifications, at considerably less expense.
 - a) As stated on Page 2, the purpose of the Proposed Action is tied to the State Rail Plan:

“The purpose of the Proposed Action is to study how to provide the TC&W railway with a relocated connection for operational and available freight movement to St. Paul, while minimizing adverse impacts to the surrounding community, and providing a system that is consistent with the State Rail Plan.”

And yet, there is very little reference in the EAW as to how the MN&S Freight Rail Study fits into the broader system described in the State Rail Plan; nor is there any explanation as to how the proposed reroute of TC&W trains furthers the implementation of the State Rail Plan.
 - b) If the MN&S EAW is to be consistent with the State Rail Plan, then the analyses and calculations of impacts in the EAW should be based on projected train activity levels consistent with the State Rail Plan's 2030 planning horizon. The MN&S EAW calculations and projections are based only on existing train traffic levels and make no provision for any increased train activity, even though the State Rail plans projects a 25% overall increase. The MN&S EAW also does not take into account in its calculations, any increased train traffic resulting from the impact of the MN&S track improvements on the overall State Rail system. The improved connectivity and the upgrading of tracks identified in the State Rail plan as part of a potential CP bypass of the bottlenecks like University Junction could result in increased train traffic. The fact that these factors have not been considered could mean that the EAW's calculations under estimate the potential impacts of improvements to the MN&S tracks.
 - c) Page 15 details that the proposed action does not include elimination of the wye (Skunk Hollow) track even though it is a major goal of the City.
 - d) Another goal of the city was the idea of rerouting coal trains west of the metro area and this is also not a part of the proposed action,

- 2) There is reference to meeting with the three affected railroads but there is no documentation on those meetings or the official position of the railroad on the design assumptions.
- 3) There are no track profiles shown in the EAW. There are three major concerns about the lack of information about the profiles:
 - a) The City is concerned that the track profiles match the existing road crossings to minimize roadway work or the project would be required to pay for the extensive street work. The Lake/Library area drainage is very sensitive to any grade changes.
 - b) The analysis assumes 25 mph for the trains. The profile is a critical component of speed and noise. The grades will not allow a consistent 25 mph speed, how the varying train speeds affect noise and vibrations is not explained.
 - c) The grades exceed mainline standards, and the EAW states that the grades over 1 percent are relatively short and match the current track profile. The longer trains may have difficulty with these grades. The City had requested earlier in the study for a speed profile analysis on how the longer trains will be affected by these grades. No speed profile analysis has been provided.
- 4) The EAW states that the track design will meet current CP standards, but the typical cross sections do not reflect the wider sub grade standard.
- 5) There is no discussion on how this EAW meshes with the DEIS being conducted for the SW LRT. The primary purpose of any MN&S reroute project is to gain space in the Kenilworth Corridor for the SW LRT tracks. There are inconsistencies in the design factors in these environmental studies such as whether freight rail tracks east of Wooddale remain in place. These two environmental documents should match each other.
- 6) There is no discussion about ownership and maintenance of the track and other improvements. The CP and TC&W railroads have indicated to the City that they do not want to own the new structures. In addition to the tracks themselves, who and how landscaping and the right of way will be landscaped and maintained should be addressed.
- 7) The traffic analysis uses inadequate assumptions:
 - a) Railroad crossing signals are activated before the train arrives at the crossing and remain down after the train exits the crossing. The time is normally about 30 seconds before the train enters plus 5 seconds after the train exits the crossings. There is no reference in the blockage computations that this time has been accounted for, and it appears this has not been included. This will change the traffic analysis.
 - b) The length of the rail car varies by the type and commodity. The EAW used 85 foot length for all cars. Coal cars are 55 to 60 feet long. Ethanol cars are about 60 feet. Grain cars are 65 to 70 feet long. Generally the length of trains is overstated.

- c) The peak hour traffic near the high school is not the normal peak hour. Bus schedules are sensitive to time and a train at the school's peak hour would be a major disruption to the bus system.
- 8) There is no discussion about potential derailments and how emergency personnel would develop an evacuation plan.
- 9) There is only a 20'6" clearance between the bottom of the new bridge over the Bass Lake Spur track and the Bass Lake Spur tracks; this does not meet the minimum State requirements.
- 10) Pages 19-21: Remediation of the Golden Auto National Lead site involved extensive processing of a large volume of lead contaminated soils and concrete, much of which has been safely contained on the site. A 10-18 inch impervious cap covers the bulk of the site. Excavation on this site has the potential to encounter areas of contaminated soils and areas of crushed concrete. The construction proposes to pierce the cap. Great care will need to be taken to ensure the integrity of the impervious cap is maintained and any contaminated soils that must be removed are handled properly. Geo-technical challenges may also be encountered due to the significant deposits of crushed concrete on the site. The distribution of contained contaminated soils and crushed concrete is not evenly distributed nor is it of a uniform thickness throughout the site. Further analysis is needed to establish the extent of capped contaminated soils and crushed concrete that will be encountered for construction of footings and foundations, or other earthwork on the Golden Auto National Lead site. The EAW minimizes and does not fully address these potential construction issues.
- 11) Page 77: In the Louisiana SW LRT station area it is noted the SW DEIS plans a facility for 250 cars – this is not the amount in the DEIS. It also states that this project will provide “optimal developable land” for development in the station area, however there will be property taken property off the tax rolls, and impacted greatly by the proposed rail bridge, leaving land remnants that are not “optimal.” There would also be impact on the local road system.

Specific Comments:

- 12) Page 2: The proposed action statement makes no reference to the SW LRT project.
- 13) Page 8: Closure of 29th Street is a City decision. The closure is proposed because the proposed track profile would be about 4 feet higher than the existing crossing making it difficult to construct a roadway approach that works. There are no details on how much of 29th Street is proposed to be removed or how the dead end streets resulting from closure of 29th Street's rail crossing will be handled. No cul de sacs or other means for vehicles, including street maintenance vehicles and emergency vehicles, to turn around is provided.
- 14) Page 12- track grade erroneously stated as .80%; should be .86% - which exceeds TCW's stated acceptable maximum incline. If MNDOT, County or other entity has

agreed or intends to provide compensation to railroad due to operational difficulties, such compensation must be publicly and promptly disclosed.

- 15) Page 16: No timeline explaining how and when this project will proceed is provided. This uncertainty adversely impacts residents, businesses and property owners within the MN&S area.
- 16) Page 16: The list of permits is incomplete. There needs to be a series of agreements with the three railroads and Hennepin County as well as between the railroads; these may not easily be achieved. Approvals are also needed from Three Rivers Park District for the trail revisions.
- 17) Page 20 – There is no discussion of the potential impacts or mitigation regarding the impacts of construction or increased train traffic on vapor intrusion in the MN&S Section.
- 18) Page 24-25 – Net loss of wetlands, no replacement identified.
- 19) Page 28- More detail is needed regarding the changes to the floodplain and whether nearby property owners will be affected. What is impact to Sungate West townhomes on Alabama Ave, which I believe are in floodplain?
- 20) Page 30- 70,400 cubic yards of material will be moved in the MN&S Section of the project area and 14,050 cubic yards will be moved in the BNSF Section. The EAW does not specify how they plan to move such massive amounts of soil, particularly given the lack of road access into the Iron Triangle. What will be the erosion impact?
- 21) Page 32-33 Existing soil and groundwater contamination may limit how stormwater ponds are constructed and where they are located.
- 22) Page 30 – It should be noted that today the short trains on the MN&S occasionally stop to get food at McDonalds; if this practice were to occur with the longer rerouted TC&W trains, severe traffic congestion and safety issues could occur.
- 23) Page 39 – Only the St. Louis Park High School and Park Spanish Immersion schools are noted as within close proximity to the MN&S tracks. Metropolitan Open School, Holy Family School and Dakota School are equally as close to the tracks as the Park Spanish Immersion school and should be referenced as well. Also, only the school bus movements at the schools are noted and analyzed. Parents dropping off and picking up children will also be affected by increased train activity on the MN&S tracks.
- 24) Page 40: 28th and 29th Streets are classified as local streets. The 2011 traffic count for 29th is 190 ADT. The impact on Minnetonka Blvd from closing 29th street is not discussed. This is especially important because it is anticipated that the 27th street access on to Hwy 100 is expected to be closed in the future meaning neighborhood traffic seeking to go south of Hwy 100 will need to access Minnetonka Blvd to access Hwy 100 in addition to traffic diverted to Minnetonka Blvd because 29th Street is closed.
- 25) Page 40-41; Page 47 – Blockage of intersections by trains will cause diversion of traffic into the Bronx Park, Birchwood, Lenox and Sorenson neighborhoods. These impacts are not considered, nor are the air quality impacts of this delayed and diverted traffic.

- 26) Page 42 – At-grade crossing times table, shows the length of time single and multiple intersections would be blocked by trains. It shows the time 5 intersections could be blocked by the longest trains (80 and 100 car trains), however it does not show how long 3 intersections could be blocked by these longer trains. This under represents the potential disruption, traffic diversion and delay impacts of rerouting trains to the MN&S; these impacts should be identified and analyzed.
- 27) Page 54 – References Table 4, it appears it should really reference Table 14.
- 28) Page 56 - Under represents the potential severity of noise impacts do to coal night trains (long trains) passing through residential neighborhoods. It is assumed that coal trains will be traveling at 25 mph. In reality trains may much more likely be traveling at 10 to 15 mph. The nighttime trains should be considered to be a severe noise event for St. Louis Park's residential areas.
- 29) Page 57 – Table 15 shows Dakota Park as 510 feet, Roxbury Park as 155 feet and Keystone Park 130 feet from the MN&S tracks. All three of these City Parks are immediately adjacent to the MN&S rail right of way and much closer to the rail tracks than represented in Table 15. This table should be revised and potential impacts on these parks re-evaluated.
- 30) Page 58 – Implementation of Whistle Quiet Zones at Library Lane and Dakota Avenue will need to accommodate important access ways to the St. Louis Park High School. This will be a design challenge. Costs for these improvements need to be included in the project costs for the MN&S reroute and should not be the responsibility of the City of St. Louis Park or the St. Louis Park School District.
- 31) Page 48-64 – The noise section does not address noise created by the addition of locomotives needed to pull trains up the interconnect incline, it does not account for noise due to squealing wheels on tight curves, braking as westbound trains go down the interconnect and bells on crossing arms installed per WQZ.
- 32) Page 64: There were two field locations for the vibration. The nearest site was 60 feet, yet the analysis assumes that there is no impact past 40 feet from the track. The City has heard from the School District and the businesses that they have vibration disruptions now, without the reroute. The vibration analysis does not accurately reflect the existing and proposed rail operations. The field work is based on the existing slow, short trains. No mitigation is proposed despite the potential for significant disruptions at the Lake Street businesses and the High School. The potential for vibration issues on the BNSF area due to trains idling on a new BNSF siding is not addressed.
- 33) Page 71: The proposed Cedar Lake Trail Bridge over the new Iron triangle track will also be 30 feet above the surrounding ground surface and will have a significant visual impact.
- 34) Page 72 – It is noted that St. Louis Park residents were represented on the MN&S Study Project Management Team. It should also be noted that many of the neighborhood representatives on the PMT were dissatisfied with the process and felt their mitigation recommendations were disregarded.

- 35) Page 77: It is stated that the SWLRT DEIS is “currently being prepared” whereas it is under review by the Federal Transit Administration (FTA) at this time.
- 36) Page 81-83 – Sufficient property should be acquired to create a minimum separation between residential properties and the center line of the MN&S tracks of 50 ft. This could be achieved by acquiring approximately 40 properties on the east side of the MN&S tracks from Minnetonka Blvd North to 27th Street; and, shifting the tracks to the east from its proposed alignment.
- 37) Page 81: Section 30b deals with right of way and relocations. The EAW comments that only one parcel is required and 13 partial takings. Table 19 understates the impacts.
- a) There are two residential units that have been proposed to be taken that are not listed in Table 19.
 - b) There is extensive construction work in the iron triangle area but there is not access into the construction site. The area is surrounded by wetlands, flood plains, parks, railroads and private developed property. The EAW should provide a construction access plan to this area and provide an evaluation of the environmental impacts of this access.
 - c) Parcels 108,109 and 110 will have a bridge within 25 feet of their building edges and for parcels 108 and 109 their parking lots and driveways will be impacted.
 - d) Parcels 97, 98, 100 and 101 are underdeveloped lots used primarily for outdoor storage of construction materials. Table 19 has inaccurate areas of impact.
- 38) Page 86 – The EAW acknowledges that the MN&S tracks separate the otherwise adjacent Roxbury and Keystone Parks. With increased train traffic on the MN&S, the tracks will become an increasingly severe barrier and pedestrian safety hazard. A pedestrian tunnel or bridge inter-connecting these parks should be provided.
- 39) Page 87 – Insufficient analysis is provided of the potential extent and impact of a derailment of a train carrying hazardous substances.
- 40) Page 87 – Crossing gates are needed at all crossings and fencing between the railroad tracks and adjacent properties should occur along the full MN&S route.
- 41) Page 89 – Property value analysis includes only a portion of the properties along the MN&S tracks. The value of the properties north of Minnetonka should be included in the EAW analysis.
- 42) Page 90 – Impacts of potential disruption of businesses during construction needs to be more fully addressed, including the possibility of one or more businesses needing to be relocated.
- 43) Page 90 - Page 93: The proposed improvements will be constructed between City maintained monitoring wells near the Golden Auto site that may be impacted by construction or vibration. There is no reference on how the project will affect these wells and how they will be protected.
- 44) Page 93: Table 20 estimates that 2 acres of wetlands will be impacted. The City would prefer that the wetland replacement be located within St Louis Park and the EAW should address possible mitigation sites.

- 45) Page 94: There is a reference to constructing 3 storm water runoff ponds. The City has had difficulty locating drainage facilities in this area because of development and contamination. The EAW does not describe in any detail where these ponds would be located and what properties will be affected.
- 46) Page 97: Commitment to include welded rail in the project should be an Area, since the CP and BNSF standards for mainline tracks is welded rail.
- 47) EAW fails to include any analysis of aesthetic impacts of new interconnect and other constructions.
- 48) EAW fails to include a plan to replace trees and other vegetation after construction is completed, and to maintain same thereafter.

| MN&S Mitigation Measures |
|--|
| <p>Track improvements</p> <ul style="list-style-type: none"> • Replace and upgrade the MN&S track with 136# seamless tracks reducing noise and vibrations • Install rail lubricators • Tie and road bed construction to minimize train vibrations |
| <p>Mandatory environmental requirements such as wetland, floodplain, hazardous materials handling, wildlife habitat, etc.</p> |
| <p>Whistle Quiet Zones to upgrade rail crossings safety measures to eliminate the need to blow whistles or horns as trains approach intersections.</p> |
| <p>Provide fencing and signing along the length of the railroad r-o-w to discourage people intruding unsafely on the MN&S tracks.</p> |
| <p>Create grade separated frontage road on north side of Hwy 7 by lengthening the MN&S bridge over Hwy 7 to provide space to create a frontage road on the north side.</p> |
| <p>Build a pedestrian overpass near High School and Dakota Avenue to connect the High School to the Lake Street area and football field.</p> |
| <p>Create pedestrian and non-vehicle access under MN&S tracks at Dakota Park by building an under pass at 27th St. to connect to the N. Cedar Lake regional trail from the east.</p> |
| <p>Expansion of MN&S r-o-w in residential area by acquiring homes immediately east of MN&S tracks north of approximately the intersection of MN&S tracks with Brunswick Avenue to 27th Street on the north.</p> |
| <p>Reroute coal trains west of metro area.</p> |
| <p>Elimination of sidings as well as through tracks east of Wooddale on Bass Lake spur to eliminate the possibility of cars being stored in this area or trains blocking Wooddale or Beltline.</p> |
| <p>Completely remove the Oxford industrial area switching wye tracks, abandon the rail r-o-w, and build a southern connection to MN&S.</p> |
| <p>Funding and construction of Louisiana & Hwy 7 Interchange.</p> |
| <p>Structure Improvement Program – Create a grant program to provide technical assistance and financial help for property owners to make noise and/or vibration mitigation improvements.</p> |
| <p>Sound and vibration mitigation improvements for all schools, businesses and homes adjacent to the MN&S line.</p> |
| <p>Pedestrian bridge over Hwy 7 close to the MN&S bridge to provide access for pedestrians.</p> |
| <p>Eliminate blind curves in the Lake Street/High School area.</p> |
| <p>The freight rail should only be rerouted if firm commitments are in place for implementation of SWLRT.</p> |

| |
|--|
| Property owners should be compensated for loss of property value due to rerouting of TCW trains to the MN&S tracks. |
| Any disruption of businesses due to construction of the MNS improvements must be appropriately mitigated. |
| Special care must be taken to protect and ensure no damage occurs to monitoring water wells as a result of the MN&S project. |
| Housing Buyout Program – Create a program to purchase homes on the west side of the MN&S tracks from willing sellers and remove, remodel or resell them. |
| Provide a pedestrian tunnel or bridge inter-connecting Roxbury and Keystone parks. |
| Mitigation for noise and vibration impacts on the neighborhoods surrounding the proposed BNSF siding. |
| Mitigation of blocking and switching activities if these activities are not being relocated to a Glencoe switchyard. |
| Mitigation of the MN&S tracks and crossings south of Bass Lake Spur including mitigation of the at grade crossings most notably Excelsior blvd. |



MEMORANDUM

TO: St Louis Park City Council

FROM: Dave McKenzie, P.E.

DATE: April 18, 2011
Rev 5/31/2011

RE: Tech Memo # 4
Comparison of the MN&S Route and the Kenilworth Route
SEH No. 114331

Introduction

This draft memorandum summarizes background information to assist the City of St. Louis Park with updating its freight rail policy. The memorandum consists of four sections.

- 1) Background information on Railroad Operations.
- 2) Comparison of the Kenilworth Corridor and the MN&S Corridor
- 3) Impacts to the City of St Louis Park
- 4) Potential Mitigation Measures, if the MN&S corridor is chosen

The analysis and information provided in this report focuses on two potential permanent routes for TC&W trains that pass through St. Louis Park and the Cedar Lake area of Minneapolis as they move between Southwestern Minnesota and rail destinations in Minneapolis and St. Paul. The two potential TC&W routes are highlighted on Map 1, which shows the general study area for this memorandum.

Railroad Operations

There are three railroads operating within the area of study on railroad rights of way and track that are owned by either BNSF or CP railroads. TC&W has rights to operate on at least portions of both rail systems. Today they operate primarily on the CP. Table 1 outlines the existing train operations within St Louis Park by segment of track.

Future Rail Operations

Over the past decade train operations within St Louis Park have been relatively stable. Changes have occurred however the total level of train traffic has changed very little. For the near future total train activity in St. Louis Park is not anticipated to change. Even if TC&W trains are routed onto the MN&S tracks overall train activity is not expected to change. Train traffic on MN&S would be increased and train traffic on the CP's Bass Lake Spur east of Wooddale Avenue would be eliminated.

Projecting future train operation is difficult because many variables are involved. Some of them are:

- World and national economy
- Capacity of the railroad network
- New plants or products being shipped (ethanol, distilled grains, containers)

- New destinations
- Oil prices
- World food supplies
- Capacity of other transportation systems(highways, truck, barges, ships, ports)
- Government policies
- Future of passenger rail system
- Railroad ownership changes
- Railroad Regulations

Making different assumptions for these various factors will produce widely different projections. Even the future rail activity of a regional railroad, like TC&W, is subject to so many factors that it is impractical to attempt to predict future train car volumes. Recent activity is as good a predictor of future activity as any at this time. As a result this memorandum focuses on the impacts associated with the level TC&W train activity occurring today.

It is important to note that even if TC&W's basic freight business were to increase, it would be accommodated by adding cars to the existing trains rather than adding more trains. The existing daily trains have the capacity to pull more cars if the demand for freight transport were to increase. Even today, the precise number of cars in each of the daily trains varies based on market demand.

Unit trains such as ethanol or coal trains are not daily occurrences and due to their size have less capacity to accommodate increased demand by simply adding cars to existing trains. If market conditions increase the need to transport unit train commodities, the increased demand would be handled by adding trains. TC&W currently handles about 10 unit trains per month.

The State Rail Plan projected that total train activity in Minnesota would increase by approximately 25 percent over the next 20 years. However that projection does not mean every rail operation will see a 25% increase. Some will increase, some will stay the same and some will decrease and predicting which railroad in which location will experience an increase is a different and exceedingly difficult question.

As was stated above, if the TC&W were to experience a 25% increase in general freight demand, it would probably mean its two existing trains would increase the number of cars pulled. Unit train demand could increase the number of unit trains by one or two trains per week.

CP RR and BNSF RR projections would be influenced more by world and national activities than TC&W. However the CP daily train on the MN&S is serving only a few customers at this time and is pulling very few cars. If demand increased the CP daily train has capacity to easily triple the number of cars pulled without adding another train. The MN&S track capacity is a constraint for increases in future train activity both because of the limited places for trains to meet and the slow speed.

Table 1 – Existing Train Operations

| Rail Segments of Interest | Description |
|--|---|
| <p align="center">CP Rail MN&S Sub</p> | <p>CP Railway</p> <ul style="list-style-type: none"> Operates one local train, round trip, 5 days per week (approximately 10-30 cars). |
| | <p>TC&W (Trackage Rights)</p> <ul style="list-style-type: none"> TC&W is currently not running trains on the MN&S line. TC&W currently has the right to operate on the MN&S corridor, both north to get to the Camden river terminal in north Minneapolis as well as south to get to the Savage river terminals. TC&W also has the option of running north on the MN&S Sub to CP’s Humboldt yard to get into Minneapolis and St. Paul. |
| <p align="center">CP Rail Bass Lake Spur</p> | <p>CP Railway</p> <ul style="list-style-type: none"> N/A |
| | <p>TC&W (Trackage Rights)</p> <ul style="list-style-type: none"> <u>Regular Operations (5 days/week and 6 days/week)</u> <ul style="list-style-type: none"> 1 eastbound train (< 80 cars) bound for CP’s St. Paul Yard during the AM. 1 eastbound train (~ 30 cars) bound for Minnesota Commercial’s Main Rail Yard in the Midway and Union Pacific’s Western Avenue Yard during the AM. 2 westbound trains bound for Hopkins during the PM. <u>Longer “Unit” Trains (full trainloads of one commodity)</u> <ul style="list-style-type: none"> Ethanol = approximately 1 loaded and 1 empty ethanol unit train per week (typically 80 cars in length). Coal = approximately 2 loaded coal trains per month (typically 123 cars in length). |
| <p align="center">CP Rail Interchange Track (Interconnect or Switching Wye)</p> | <p>CP Railway</p> <ul style="list-style-type: none"> Serves one industrial customer. |
| | <p>TC&W (Trackage Rights)</p> <ul style="list-style-type: none"> TC&W uses this interchange point to reach the Camden river terminal in north Minneapolis (to the north) as well as the Savage river terminals (to the south). Due to current market conditions, this movement is not currently occurring but could resume if market conditions favoring movement of grain by barge develop. TC&W also has the option of running north on the MN&S Sub to CP’s Humboldt yard to get into Minneapolis and St. Paul. TC&W uses this interchange point for locomotive maintenance movements and to interchange with Progressive Rail Incorporated. |
| <p align="center">BNSF Wayzata Subdivision</p> | <p>BNSF Railroad</p> <ul style="list-style-type: none"> BNSF operates approximately 15 trains per day at speeds up to 60 mph The TC&W and CP have trackage rights beginning at Cedar Lake Junction near I-394 extending into St Paul. |

Kenilworth / MN&S Comparison

The analysis of the Kenilworth and MN&S corridors provided below includes:

1. A base line comparison of the characteristics as they exist today; and,
2. A comparison of the two potential permanent routes for TC&W trains.

This comparison of the Kenilworth and MN&S corridors is a compilation of the existing land use and traffic data. It is intended to be a base line statistical comparison of the corridors as they exist today. It is intended to help evaluate the two corridors. Map 1 shows the general study area. There is no attempt to rate or weight the various categories. The comparison should not be considered to be at the level of detail of an EAW. The data used for this memorandum was taken from various sources including the MN&S Study, the SWLRT environmental documentation and City sources.

The MN&S Rail Study and EAW prepared by Hennepin County on the MN&S corridor is out for public comment. Information used from that study is based on the studies and background materials generated during the Project Management Team (PMT) process and meetings held during its study; and the MN&S EAW.

The Alternative TC&W Routes

For comparison purposes the west end of the two alternative TC&W route alignments begin on the CP tracks just east of Minnehaha Creek about 2,800 feet west of Louisiana Avenue. This where the new track needed to connect the CP tracks to MN&S would begin. Cedar Lake Junction, just west of the I-394 bridge over the BNSF tracks approaching downtown Minneapolis serves as the eastern end of both alternative TC&W routes for this analysis. These points provide a Point A to Point B comparison for the two alignments. The two corridors are both about 5 miles long with the MN&S corridor slightly longer.

Kenilworth Route

The Kenilworth alignment would generally follow the existing CP freight track but to accommodate the SWLRT, the track would shift to the north side of the HCRRA right of way just west of Wooddale Avenue and continue shifted to the northwest edge of the right of way until near 21st Street, where it would return to the existing freight track alignment. This is the alignment identified as Alternative 2a in SEH Tech Memo #3. This alternative accommodates both freight rail and LRT in the Kenilworth corridor and requires a partial relocation of the existing regional trail.

MN&S Route

The MN&S alignment creates a new freight track to the south of the existing CP track beginning near Minnehaha Creek. The new track ascends over the existing Bass Lake spur track and LRT track east of Louisiana, curves to the north connecting to the existing MN&S at Hwy 7 and continues north more or less following the existing MN&S alignment. The track shifts slightly to the east near Minnetonka Boulevard. The alignment connects to the BNSF tracks by reconstructing the wye track in the “iron triangle” area east of Dakota Park. The MN&S route also includes constructing a new 12,500’ siding on the BNSF right of way. Creating the new CP to MN&S to BNSF interconnections means trains would no longer travel the existing Bass Lake spur track through the Kenilworth Corridor. It was assumed that the Bass Lake Spur to Wooddale from the west and the “Skunk Hollow” wye tracks would remain in place. The existing Bass Lake spur east of Wooddale through the Kenilworth corridor would be removed.

Comparison of the Corridors for Rail Operational Suitability

Trains generally like flat, straight alignments. Neither one of these corridors fit that description. Both routes feature long relatively steep grades and multiple curves.

Grades and Elevations

The net elevation change from Cedar Lake Junction (east terminus of both routes) to Minnehaha Creek (west end of both routes) is about 60 feet. However both routes have hills between these common points that add to the difficulty of operating trains. The proposed MN&S route requires construction of a railroad bridge up and over the existing CP railroad’s Bass Lake Spur. This creates the high point on the MN&S route at roughly 93 feet above the Cedar Lake Junction on the east end of the route. The high point on the Kenilworth route is about 71 feet above Cedar Lake Junction. Table 2 and Table 3 illustrate

the elevations of the MN&S and Kenilworth routes respectively. They also show the relative steepness of the grades. The maximum grade on the MN&S is 1.5% and the Kenilworth is .77%. The Kenilworth .77% grade is an existing condition and is the grade between Lake Street and Wooddale Avenue, the high point on the Kenilworth route.

Curves

There are multiple curves on both routes. Generally the curves on the MN&S route are tighter. The new connection between the Bass Lake Spur and the MN&S would be the tightest curve, an 8 degree curve.

Railroad Right of Way

Railroad right-of-way is defined as property owned or controlled by a railroad. The needed right-of-way width is determined by the number of tracks, drainage requirements, embankment width, and available land. Typical railroad right-of-way is 100 feet, but could vary between 20 and 300 feet. Table 4 identifies the existing railroad right-of-way characteristics for the rail segments of interest within the City. Map 2 shows the current railroad ownership.

The MN&S right of way is very irregular and reflects the fact that it was acquired after land had been split into lots. The right of way varies from 34 ft to 145 ft with much of it 66 ft or 100 ft wide.

The Kenilworth with the existing freight rail tracks is 44 ft to 200 ft wide. However adjacent to the HCRRA right of way is right of way owned by other public entities in some cases. The City of Minneapolis and the Minneapolis Park Board own property in the corridor.

At Grade Crossings

Both routes have significant stretches of track uninterrupted by at grade crossings. West of Wooddale Avenue there are no at grade crossings on the east-west CP line in the Study Area. On the MN&S route, from the connection to the BNSF tracks and on the BNSF itself, there are no at grade crossings. The MN&S route has more at grade crossings than the Kenilworth route. Most notably they are concentrated in the Walker to Dakota Avenue stretch of track from Hwy 7 to the High School. The Kenilworth at grade crossings are on higher traffic streets. Dakota and Lake Street are the highest volume streets on the MN&S route with 4500 and 3850 Average Daily Trips (ADT) respectively. The Kenilworth route has two streets with ADT over 10,000; Beltline Blvd with 14,100 ADT and Wooddale Avenue with 11,300 ADT. Tables 6 and 7 provide more details on the road crossings.

Freight Rail Route Alternatives Comparison Tables

A list of specific data comparing the alternative routes is provided in Table 5 and Table 9. Both tables show existing conditions (TC&W trains traveling through Kenilworth); and the future conditions for each corridor. The data is different depending on which alternative is chosen as the permanent route for TC&W trains.

Table 5 shows the existing and future conditions for both full five mile routes. Data in Table 5 covers both the St. Louis Park and the Minneapolis portions of the two alternative corridors. Table 9 data is for only the St. Louis Park portion of each corridor.

Table 2: MN&S Alignment Profile

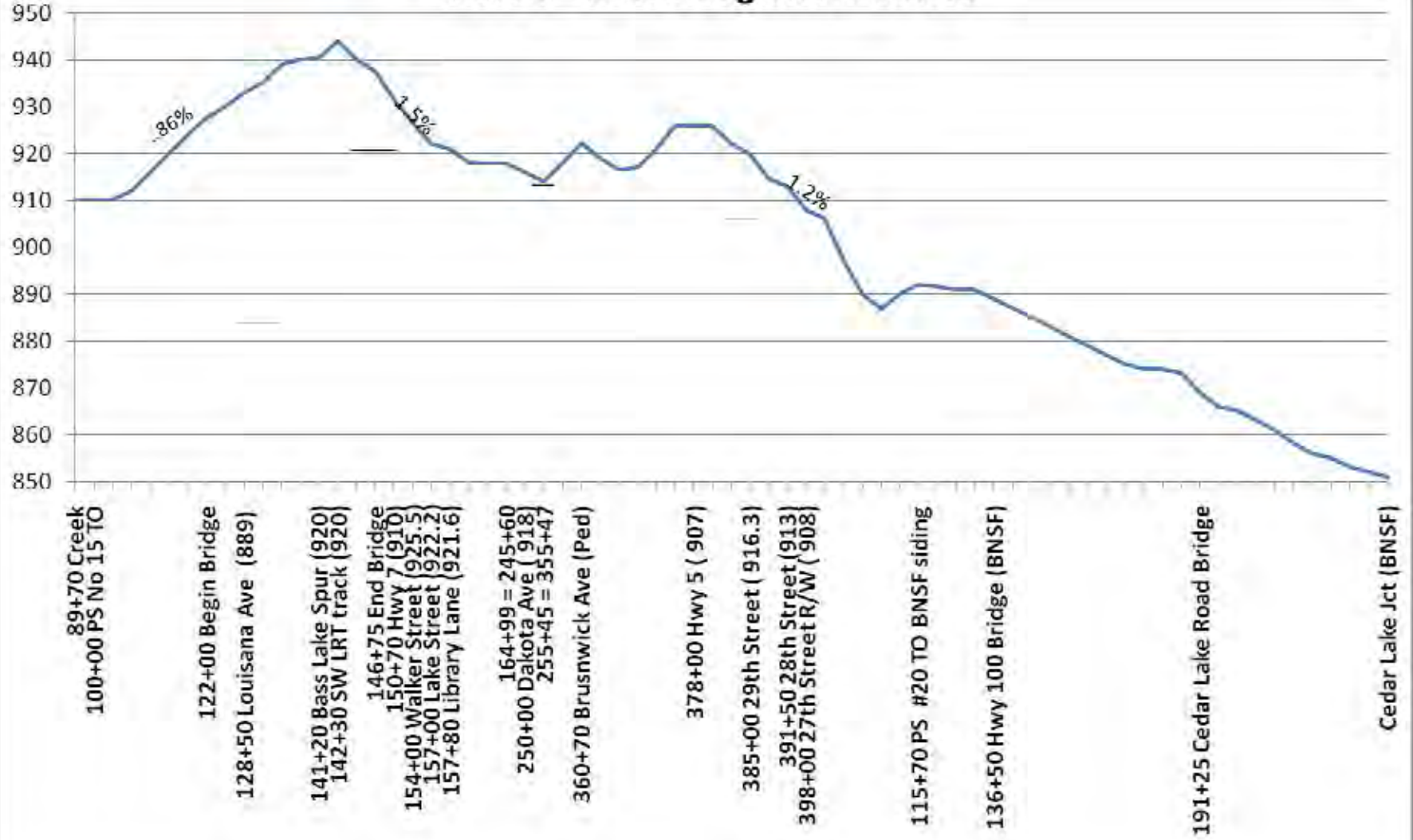


Table 3: Kenilworth Alignment Profile

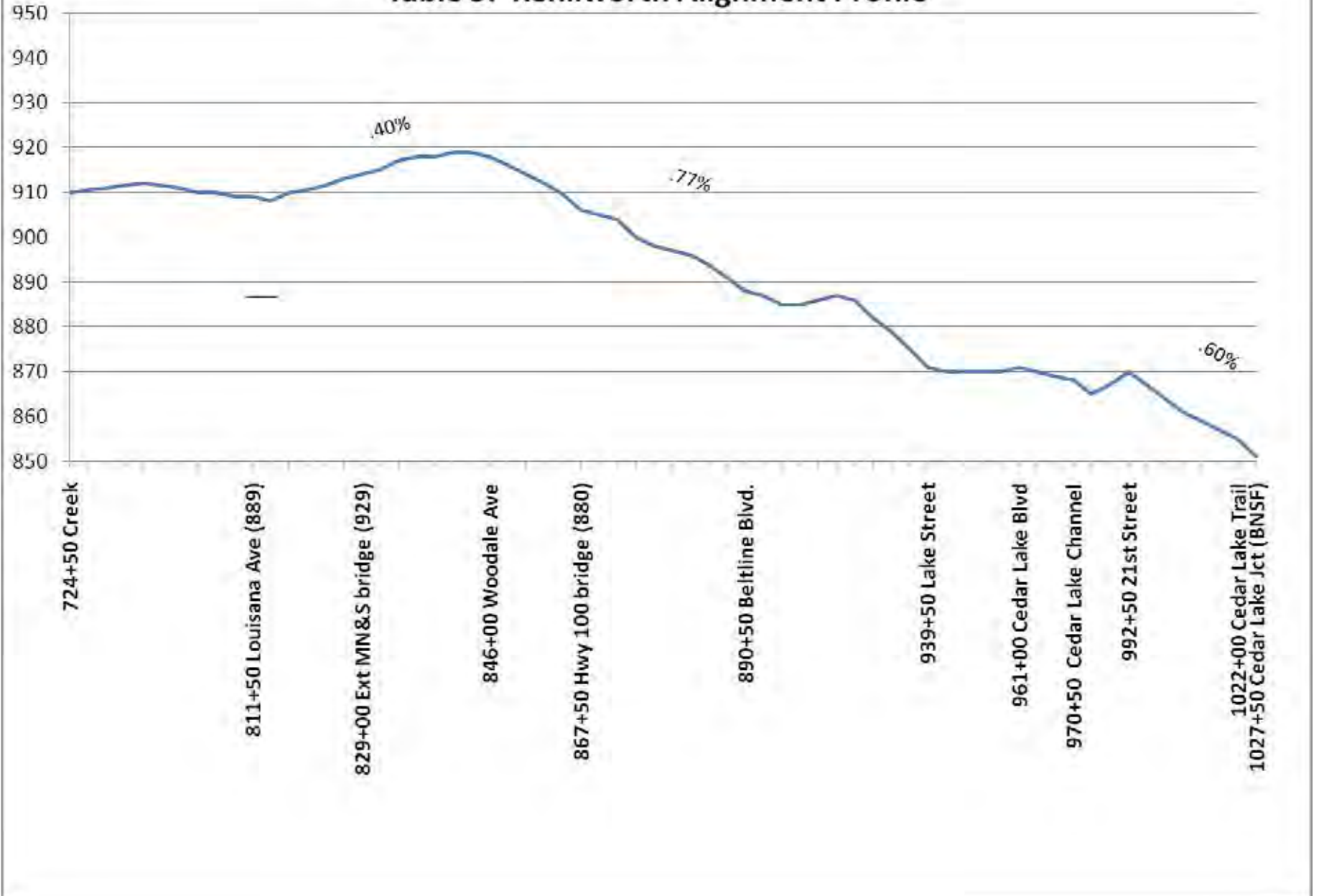


Table 4 – Existing Railroad Right-of-Way for the Rail Segments of Interest

| Rail Segments of Interest | | Right-of-Way Description |
|---|--|--|
| CP Rail MN&S Sub | Between CP Rail Bass Lake Spur and BNSF Wayzata Subdivision Mainline | <ul style="list-style-type: none"> • North of 27th Street width varies from 280 feet to include triangle shaped parcel formerly used for interconnect to BNSF mainline. • Right-of-way is 66 feet between 27th Street and Minnetonka Blvd, south of Minnetonka Blvd. • Right-of-way consists of several parcels varying in width from 34 feet to 145 feet with a typical width of approximately 100 feet. |
| | South of CP Rail Bass Lake Spur | <ul style="list-style-type: none"> • North of 39th Street right-of-way is composed of several parcels varying in width from 80 to 153 feet. • Between 39th Street and Excelsior Blvd, right-of-way width is 66 feet constant. • South of Excelsior, right-of-way varies from 66 to approximately 164 feet. |
| CP Rail Bass Lake Spur | East of CP Rail MN&S Sub | <ul style="list-style-type: none"> • The right-of-way over this segment is divided into two parallel parcels. • CP owns the south half (about 70 feet), and HCRRA owns the north half of this right-of-way (about 100 feet). • The total right-of-way width varies from 75 feet to 235 feet. |
| | West of CP Rail MN&S Sub | <ul style="list-style-type: none"> • The right-of-way over this segment is divided into two parallel parcels. • CP owns the south half (about 70 feet), and HCRRA owns the north half of this right-of-way (about 100 feet). • The total right-of-way width is constant, measuring between 164 and 170 feet over this entire segment. |
| CP Rail Interchange Track (Interconnect or Switching Wye) | | <ul style="list-style-type: none"> • There are only a few right-of-way parcels owned by the CP over the length of the switching wye. • Much of the segment is located within easements on private property. • The right-of-way that remains varies in width from 31 to 90 feet. |
| Kenilworth Corridor | | <ul style="list-style-type: none"> • The Kenilworth corridor is owned by HCRRA and varies in width from 44 feet and 200 feet. There are various publicly owned parcels adjoining the HCRRA. • The Kenilworth corridor was purchased by HCRRA from the CNW Railroad for the purposes of transit. The existing corridor has a freight track and trail and has been identified as the preferred SW LRT alignment. |
| BNSF Railroad | | <ul style="list-style-type: none"> • BNSF right of way varies between 100' and 150' wide but does have the Cedar Lake trail on an easement within their property. |

Source: *St. Louis Park Railroad Report*, 1999. SEH, Inc.

**Table 5
Freight Rail Route Options – Comparison Table
Entire Route**

| | Existing Conditions | | Conditions if Kenilworth is chosen | | Conditions if MN&S is chosen | |
|--------------------------------------|------------------------|------------------|---------------------------------------|------------------|---------------------------------|------------------|
| | Kenilworth Corridor | MN&S Corridor | Kenilworth Corridor | MN&S Corridor | Kenilworth Corridor | MN&S Corridor |
| Train Operations | | | | | | |
| # of trains/day - now | 4-5 | 2 | 4-5 | 2 | 0 | 6-7 |
| # of trains/day - future (2030) | 5-6 | 2-4 | 5-6 | 2-4 | 0 | 7-10 |
| Train Speed (mph) | 10-25 | 10 | 10-25 | 10 | 10-25 | 10-25 |
| Track | | | | | | |
| Route Length (FT) | 24,600 | N/A | 24,600 | N/A | N/A | 26,400 |
| Minnehaha Creek to Cedar Lake Jct | | | | | | |
| Track new & upgraded (FT) | 0 | 0 | 18,800 | 0 | 0 | 27,610 |
| Track Removed (FT) | N/A | N/A | 0 | 0 | 18,800 | 0 |
| RR Bridge constructed (FT) | N/A | N/A | 240 | 0 | 0 | 3490 |
| RR Bridge rebuilt (FT) | N/A | N/A | 280 | 0 | 0 | 245 |
| Track Grade Maximum | 0.77% | 1.90% | 0.77% | 1.90% | N/A | 1.50% |
| Track Curvature Maximum (degree) | 4 | 6 | 4 | 6 | N/A | 8 |
| Turnouts (No) | 1 | 5 | 1 | 0 | 0 | 5 |
| Road Crossings | | | | | | |
| # of At-grade Crossings | 4 | 6 | 4 | 6 | 0 | 5 |
| # of Crossing with ADT < 2,500 | 1 | 3 | 1 | 3 | 0 | 2 |
| # of Crossings with ADT 2,500-9,000 | 1 | 3 | 1 | 3 | 0 | 3 |
| # of Crossing with ADT > 9,000 | 2 | 0 | 2 | 0 | 0 | 0 |
| # of Crossings closed | N/A | N/A | 0 | 0 | 0 | 1 |
| # of Crossings with rr signals | 3 | 4 | 2 | 4 | 0 | 5 |
| # of Crossings s Quiet Zone | 2 | 0 | 4 | 0 | 0 | 5 |
| Residential Impacts | | | | | | |
| Single Family | | | | | | |
| # of homes | Home | 0 | 0 | 0 | 0 | 0 |
| < 25' | Parcel | 0 | 16 | 0 | 16 | 16 |
| # of homes | Home | 0 | 2 | 0 | 2 | 0 |
| 26'-50' | Parcel | 0 | 69 | 1 | 69 | 69 |
| # of homes | Home | 13 | 53 | 11 | 53 | 0 |
| 51-100' | Parcel | 20 | 30 | 11 | 30 | 7 |
| # of homes | Home | 35 | 127 | 35 | 127 | 35 |
| 101-200' | Parcel | 57 | 148 | 57 | 148 | 57 |
| Multi Family | | | | | | |
| # of units < 25' | Units | 3 | 0 | 3 | 0 | 0 |
| # of units 26'-50' | Units | 30 | 0 | 52 | 0 | 0 |
| # of units 51'-100' | Units | 154 | 4 | 135 | 4 | 0 |
| # of units 101'-200' | Units | 294 | 96 | 175 | 96 | 60 |
| Total Housing Units Affected | | | | | | |
| # of units < 25' | Units | 3 | 0 | 3 | 0 | 0 |
| # of units 26'-50' | Units | 30 | 2 | 52 | 2 | 2 |
| # of units 51'-100' | Units | 167 | 57 | 63 | 57 | 53 |
| # of units 101'-200' | Units | 329 | 223 | 210 | 223 | 287 |
| Institutional Impacts | | | | | | |
| Schools within 1/8 mile (#) | | 0 | 5 | 0 | 5 | 0 |
| Parks within 1/8 mile (#) | | 2 | 7 | 2 | 7 | 2 |
| Business Impacts | | | | | | |
| # of Industrial Building within 500' | | 58 | 66 | 58 | 66 | 58 |
| # of Commercial Building within 500' | | 10 | 15 | 10 | 15 | 10 |
| Right of Way | | | | | | |
| # of Residential Property acquired | | N/A | N/A | 34 | 0 | 2 |
| # of Business Property Acquired | | N/A | N/A | 0 | 0 | 1 |
| # of partial parcel takes | | N/A | N/A | 0 | 0 | 12 |
| # of Institutional Property Acquired | | N/A | N/A | 0 | 0 | 0 |
| SW LRT Issues | | | | | | |
| # of Stations next to frt rail | | 0 | 0 | 6 | 0 | 4 |
| # of grade separation over frt rail | | 0 | 0 | 1 | 1 | 1 |
| Costs | | | | | | |
| Construction costs | | | \$30,000,000 | | | \$71,172,000 |
| Property acquisition | | | \$5 - \$40,000,000 | | | \$5,500,000 |
| Total | | | \$35 - \$70,000,000 | | | \$76,672,000 |

Table 6 – At-Grade Crossing Summary for the Rail Segments of Interest

| Rail Segments of Interest | | Crossing # | Location | 24-Hour Traffic Count | Existing Control | Recent or Planned Improvements | |
|---------------------------|--|--------------------------|----------------------------|------------------------|-----------------------------|---|------|
| CP Rail MN&S Sub | North of BNSF Wayzata Subdivision Mainline | #854230K | Cedar Lake Road | 12,207 (2009) | Overhead Flashers | None | |
| | Between CP Rail Bass Lake Spur and BNSF Wayzata Subdivision Mainline | #854231S | W. 28 th Street | 1,200 (2009) | Stop Signs with Crossbucks | New signals with gates | |
| | | #854232Y | W. 29 th Street | 190 (2011) | Stop Signs with Crossbucks | Close | |
| | | #854233F | Brunswick Avenue (North) | N/A (Pedestrians Only) | None | Roadway Crossing Closed 2005. Pedestrian Crossing Constructed 2006. | |
| | | #854234M | Dakota Avenue | 4,500 (2009) | Flashers and Gates | Gates and New Concrete Surface Constructed 2005. | |
| | | #854235U | Library Lane | 1958 (2011) | Flashers | Programmed for Gate Installation in 2011/2012. | |
| | | #854236B | Lake Street | 3,850 (2009) | Overhead Flashers | | |
| | | #854237H | Walker Street | 2,905 (2009) | Flashers | New signals with gates | |
| | South of CP Rail Bass Lake Spur | #379742T | Brunswick Avenue (South) | N/A (Pedestrians Only) | None | Roadway Crossing Closed 2003. Pedestrian Crossing Constructed 2004. | |
| | | #854241X | Alabama Avenue | 3,025 (2009) | Flashers | Programmed for Gate Installation in 2011/2012. | |
| | | #854242E | Excelsior Boulevard | 25,500 (2007) | Overhead Flashers and Gates | None | |
| | | #854243L | W. 41 st Street | 976 (unknown) | Stop Signs with Crossbucks | None | |
| | | #854244T | W. 42 nd Street | 258 (unknown) | Stop Signs with Crossbucks | None | |
| | | #854245A | Brookside Avenue North | 1,160 (unknown) | Flashing Lights | None | |
| | | #854246G | Brookside Avenue South | 1,160 (unknown) | Flashing Lights | None | |
| | CP Rail Bass Lake Spur | East of CP Rail MN&S Sub | #397741L & #185195B | Wooddale Avenue | 11,300 (2009) | Overhead Flashers and Gates | None |
| | | | #187142J | Beltline/ Ottawa Ave | 14,100 (2009) | Overhead Flashers and Gates | None |
| | | West of CP Rail MN&S Sub | None | N/A | N/A | N/A | N/A |
| | CP Rail Interchange Track (Interconnect or Switching Wye) | | #379744G | Oxford Street | 3,300 (unknown) | Crossbucks | None |
| | | | #379745N | Louisiana Avenue | 10,500 (2007) | Overhead Flashers | None |

**Table 7
Railroad Grade Crossing Analysis
St Louis Park MN**

| Rail Segments of Interest | | Crossing # | Location | ADT | Year | Functional Class | # of Trains per day Existing | Existing Exposure | # of Trains per day MN&S reroute | Exposure |
|---|--|-------------------|----------------------------|--------|------------------------|------------------|------------------------------|-------------------|----------------------------------|----------|
| CP Rail MN&S Sub | Between CP Rail Bass Lake Spur and BNSF Wayzata Subdivision Mainline | #854231S | W. 28 th Street | 1,290 | 2009 | Local | 2 | 2,400 | 7 | 8,400 |
| | | #854232Y | W. 29 th Street | 190 | 2011 | Local | 2 | 380 | 7 | 1,330 |
| | | #854233F | Beunswick | | N/A (Pedestrians Only) | Note | 2 | 0 | 7 | 0 |
| | | #854234M | Dakota Avenue | 4,500 | 2009 | Major Collector | 2 | 9,000 | 7 | 31,500 |
| | | #854234U | Library Lane | 1,958 | 2011 | Local | 2 | 3,916 | 7 | 13,706 |
| | | #854236B | Lake Street | 3,250 | 2009 | Major Collector | 2 | 7,700 | 7 | 26,950 |
| | #854237H | Walker Street | 2,950 | 2009 | Local | 2 | 5,900 | 7 | 20,650 | |
| | #854230K | Cedar Lake Road | 12,207 | 2009 | Major Collector | 2 | 24,414 | 2 | 24,414 | |
| | South of CP Rail Bass Lake Spur | #379742T | Brunswick | | N/A (Pedestrians Only) | Local | 2 | 0 | 2 | 0 |
| | | #854241X | Alabama Avenue | 3,023 | 2009 | Local | 2 | 6,050 | 2 | 6,050 |
| | | #854242E | Excelsior Boulevard | 25,500 | 2007 | Major Collector | 2 | 51,000 | 2 | 51,000 |
| | | #854243L | W. 41 st Street | 975 | | Local | 2 | 1,950 | 2 | 1,950 |
| | | #854244T | W. 42 nd Street | 258 | | Local | 2 | 516 | 2 | 516 |
| | | #854245A | Brookside Avenue North | 1,160 | | Local | 2 | 2,320 | 2 | 2,320 |
| | | #854246G | Brookside Avenue South | 1,160 | | Local | 2 | 2,320 | 2 | 2,320 |
| CP Rail Bass Lake Spur | East of CP Rail MN&S Sub | #397741L /185195B | Wooddale Avenue | 11,200 | 2009 | Major Collector | 5 | 56,500 | 0 | 0 |
| | | #187142J | Belline Blvd/Ontawa | 14,100 | 2009 | Major Collector | 5 | 70,500 | 0 | 0 |
| | West of CP Rail MN&S Sub | None | | | | | | | | |
| CP Rail Interchange Track (Interconnect or Switching Wye) | | #379744G | Oxford Street | 3,300 | | Local | 0.25 | 825 | 0.25 | 825 |
| | | #379745N | Louisiana Avenue | 9,900 | 2009 | Major Collector | 0.25 | 2,475 | 0.25 | 2,475 |

City of St Louis Park Total Exposure 248,166 194,406

| Minneapolis | | Crossing # | Location | ADT | Year | Functional Class | # of Trains per day Existing | Existing Exposure | # of Trains per day MN&S reroute | Exposure |
|------------------------|--|------------|--------------------|------|------|------------------|------------------------------|-------------------|----------------------------------|----------|
| Minneapolis Kenilworth | | #185192E | Cedar Lake Parkway | 2650 | 2008 | Major Collector | 5 | 13,250 | 0 | 0 |
| | | #185190S | 21st Street | 824 | 2008 | Local | 5 | 4,120 | 0 | 0 |

City of Minneapolis Total Exposure 17,370 0

| | | | | | | | | | | |
|----------------------|--|--|--|--|--|--|--|---------------------|---------|---------|
| MN&S Crossings | | | | | | | | Total Exposure | 265,536 | 194,406 |
| Kenilworth Crossings | | | | | | | | MN&S Exposure | 29,296 | 102,536 |
| | | | | | | | | Kenilworth Exposure | 144,370 | 0 |

Land Use

The land use between the two alignments varies. The MN&S Section passes through a variety of land uses, including primarily industrial and commercial on the south end; residential, parkland, and community uses along the stretch between Highway 7 and 27th Street; and residential/green space on the northern end. The Kenilworth Section passes through primarily industrial and commercial on the west end, transitioning into a mix of multifamily and industrial in the middle and a mix of high density residential, single family and parkland on the northeast end. The MN&S has more single family and school related uses, while the Kenilworth has more parkland and multifamily.

Residential Properties

There are a significant number of residents living along both routes. However residents along the MN&S tend to be closer to the tracks than the residents along the Kenilworth route and the MN&S route is mostly single family homes. Within 50 ft of the center line of the MN&S tracks there are 85 single family lots and 2 single family homes, all of them in St. Louis Park. Along the Kenilworth route there are none that close today. There are 33 multi-family parcels and 13 townhomes within 50 ft of the centerline of railroad tracks in Kenilworth in Minneapolis if the freight rail tracks are re-aligned to accommodate both freight rail and LRT. No multi-family structures are within 50 feet of the center line of the proposed MN&S route, however three garages in the Sungate Townhome complex at the “iron triangle would be.

Institutional Uses

There are no institutional uses identified along the Kenilworth route within 1/8th mile of the freight rail tracks and five along the MN&S. Most notably St. Louis Park High School is located adjacent to the MN&S tracks between Dakota Avenue and Library Lane.

Business Uses

Business uses range from industrial plants, warehouses, big box stores and local retail and restaurants along both corridors. The MN&S corridor businesses are located on the southern end with a concentration around the Lake/Walker area. The MN&S businesses on Oxford Road will be affected by the proposed bridge to connect from the Bass Lake Spur to the MN&S tracks, northbound. Partial easements would be required from all but one parcel in this area.. It appears that one business/property (9600 Oxford Road) will be taken in full since the building would be under the proposed bridge.

Several of the businesses along Lake Street have expressed concerns about existing noise and vibration issues and are concerned that the proposed project will make conditions worse.

The Kenilworth Corridor businesses are located further away from the track and are more industrial in nature. The corridor north of Lake Street is residential and parkland.

Right of Way

The MN&S right of way is very irregular and reflects the fact that it was acquired after land had been split into lots. The right of way varies from 34 ft to 145 ft with much of it 66 ft or 100 ft wide.

The Kenilworth with the existing freight rail tracks is 44 ft to 200 ft wide. However adjacent to the HCRRRA right of way is right of way owned by other public entities including the City of Minneapolis and the Minneapolis Park Board.

Impacts to the City of St Louis Park

The SW LRT project is a driving force for the need to address the issue of finding a permanent home TC&W train traffic in the short term. A permanent location for TC&W traffic is needed before the

SWLRT line can be constructed. While separate questions and projects, the freight rail issue and SWLRT project are intertwined and influence one another. The decision between choosing the Kenilworth Corridor and MN&S Corridor has significant impacts to the City, some positive and some negative. Some of the key impacts on St. Louis Park are highlighted below.

SWLRT Project and Station Planning

The existing concept plan for the SWLRT line assumes that freight traffic no longer exists in the Kenilworth corridor. It assumes that the TC&W trains now operating in Kenilworth will be rerouted to the MN&S and that the improvements necessary for that rerouting will have been completed by the time the SWLRT is constructed.

If TC&W trains continue to operate in Kenilworth route design modifications to the SWLRT line would be needed. Key factors include the following:

1. *A new LRT bridge over CP Bass Lake Spur tracks near Wooddale Avenue.* If freight rail and LRT both operate in the Kenilworth corridor, the position of the freight rail and LRT tracks relative to one another needs to be switched to put the freight rail tracks north of the LRT tracks. This would be most easily accomplished by constructing an LRT bridge over the freight tracks near Wooddale Avenue.
2. *Regional Trail.* Freight rail and LRT both in the Kenilworth corridor requires at least partial relocation of the regional trail that exists now in the Kenilworth corridor.
3. *Additional right of way will need to be acquired in the Kenilworth Corridor.* Primarily this means acquisition of property and likely relocation of residents at the Cedar Shores Townhomes. It also means working with the City of Minneapolis and Minneapolis Park Boards regarding the use of property they own in the Kenilworth corridor that has been planned to be used for the SWLRT line and now would also be necessary for freight rail use.
4. *Additional "4f" parkland review issues.* The SWLRT concept plan currently raises environmental review issues due to the traversing of park/parkway properties by the proposed SWLRT tracks and trains. To the extent that these crossings are consider minimal or de minimis intrusions they can be allowed, the addition of freight rail tracks could complicate reaching that finding.

All of the above factors complicate and add costs to the implementation of the SWLRT project. The consequences of that added complexity on the timing, funding, cost and odds of successful implementation of the SWLRT project in the near future are difficult if not impossible to ascertain with any certainty. Potential impacts on the SWLRT project potentially affect St. Louis Park as well since the City supports the implementation of the SWLRT project and believes it is important and beneficial for the community. Clearly any increase in the complexity of the SWLRT project is a hindrance to moving forward successfully. How much of a hindrance and its exact impact is hard to say.

For St. Louis Park itself, the most significant potential impact of TC&W traffic continuing in the Kenilworth corridor is the potential impacts on the Wooddale and Beltline station areas. Kenilworth freight rail would also affect the three stations in Minneapolis.

Freight rail in Kenilworth corridor will affect the operation of the LRT stations as well as development in the area surrounding the stations. It is difficult to quantify the precise impacts freight rail will have on the stations and development. To help understand this issue as it relates to station area planning, we have asked assistance from SRF Consulting Group, who has already been working on LRT station area planning at the Beltline area. Their role is to help identify issues and principles that could help the City evaluate the potential impacts from freight rail on the station areas and to assist in arriving upon planning principles. They have compiled a list of issues assuming freight railroad and LRT share the same corridor. It is worthwhile to note that even if the MN&S route is chosen for TC&W trains, the Blake

Road station in Hopkins and the Louisiana Avenue station in St. Louis Park will need to address issues generated by the presence of freight trains at the LRT stations. The Louisiana Avenue station would have the advantage of grade separation which would simplify the access problems created by the presence of freight trains at LRT stations.

Key issues identified so far stem largely from the barrier to access that at grade freight rail tracks present to pedestrians, people on bikes and vehicles; and, the impact on the character of the area. The impact of the barriers to access is heightened since the level of traffic of all kinds is expected to increase due to the LRT stations. The inclusion of freight rail within the SW LRT corridor would:

1. Creates a barrier for pedestrian, bicycle, and transit access from the north side of the transit corridor
2. Creates increased vehicle queues along Wooddale Avenue and Beltline Boulevard
3. Creates additional design challenges for the possibility of Beltline Boulevard grade separation
4. Will tend to create a more industrial or utilitarian setting than that of an exclusive transit way corridor; thereby making the corridor somewhat less attractive for development
5. Presents increased safety concerns with increased traffic congestion and queues

A total of six future LRT stations are planned along the Kenilworth route, three in St. Louis Park and three more in Minneapolis. The Kenilworth stations are

1. Louisiana Avenue – St. Louis Park
2. Wooddale Avenue – St. Louis Park
3. Beltline Blvd – St. Louis Park
4. West Lake Street – Minneapolis
5. W 21st Street – Minneapolis
6. Penn Avenue – Minneapolis

One station, the Louisiana Avenue Station is along the MN&S route in addition to being along the Kenilworth.

Each of the St. Louis Park stations is located on a major north-south collector or connector street with adjoining trail or sidewalk in order to provide access to the LRT stations from a ½ mile walking radius, potential feeder bus services, “kiss and ride” patrons; and, in the case of the Louisiana and Beltline Stations, “park & ride” patrons. The stations were also chosen and planned to support future development that would in turn support the transit system. The projected ridership for the stations is provided in Table 8.

Table 8
SWLRT Projected Boardings (Alternative 3A)

| Station | Daily Boardings | Park & Ride |
|-------------------------|-----------------|-------------|
| Blake Road | 1,600 | Yes |
| Louisiana Avenue | 1,200 | Yes |
| Wooddale Avenue | 1,200 | Yes |
| Beltline Road | 1,400 | Yes |
| West Lake | 2,850 | No |
| 21 st Street | 1,050 | Yes |
| Penn Avenue | 600 | No |

Roadway System

The MN&S EAW addressed impacts to the City roadways, and shows some impact to the intersections of Walker, Library, Lake, and Dakota especially at certain critical times of the day; specifically rush hour and school dismissal. Trains on the MN&S tracks at these times of day will block traffic at these street crossings, creating congestion and delays. The impacts should be relatively short but even a few minutes disruption when school buses are operating their system will be affected.

The two highest volume roads (Beltline and Wooddale) in the study area are cross the Bass Lake spur and are the location of SW LRT stations. With the opening of the LRT stations traffic will increase on these roads and will become difficult to manage. The traffic analysis in the DEIS for SWLRT anticipates that Beltline will not function well without improvements once LRT operating, much less if freight trains are also operating. The SW LRT approved plan does not show a grade separation at Belt Line but it may need to be added to address the traffic issues anticipated at this location. Beltline already has traffic congestion issues under current conditions. The addition of LRT station traffic and retention of freight rail tracks will add to the challenges. The freight rail track across Belt Line makes it a real challenge to construct a grade separation. The SW LRT station planning effort is studying those options.

Pedestrian System

Pedestrians near freight rail tracks are a conflict that sometimes is difficult to measure or control. The closeness of the schools to the MN&S tracks has highlighted the pedestrian issues associated with the MN&S route. The two major regional trails in St Louis Park that are close to freight rail tracks are also areas for concern. In particular the access points to the SWLRT trail at Beltline and Wooddale

are heavily used by pedestrians and bicyclists. Selection of the Kenilworth route would continue train traffic at these busy pad/bike access points. Selection of the MN&S route would remove trains not only from the Beltline and Wooddale trail access points, but from three miles of regional trail right of way.

Primary hubs of pedestrian and bicycle activities in the vicinity of the alternative rail routes include St. Louis Park High School, Central Community Center/Park Spanish Immersion School, Hobart School, the commercial areas along Lake Street and W.36th Street; three future LRT stations and, a series of parks and two regional trails. There is little or no actual pedestrian or bicycle traffic volume information available for any locations near either of the freight rail routes. Clearly four areas with significant pedestrian and biking activity along the routes in St. Louis Park stand out. They are

1. The High School, its football field, adjacent commercial area on Lake Street, and the connection with the Spanish Immersion/Community Center via Dakota Avenue;
2. The regional trail access point and future LRT station location at Beltline Blvd;
3. The regional trail access point and future LRT station location at Wooddale Avenue;
4. The Dakota Park/dog park and Hobart School
5. Both the MN&S and the Kenilworth routes parallel regional trails for extended distances.

In addition much of the MN&S route between Walker Street and Dakota Park passes through a pedestrian scaled retail/service area and residential neighborhoods that are served by a grid system of streets and sidewalks that create a very walkable community.

Despite the heavy use of the regional trails in the study area including the Kenilworth Trail, the record provides some history of safety. Cedar Lake Parkway in Kenilworth corridor is a significant at grade crossing with TC&W trains, a mixture of pedestrians, vehicles and bicyclists use this skewed crossing which is also within a quiet zone. A recent search of the FRA database shows no record of any incidents involving trains and pedestrians or vehicles.

Noise and Vibration

The EAW has concluded that noise will be a major conflict primarily the train horns. Their mitigation plan is to institute a quiet zone. This will reduce the high level but noise will still be apparent.

The vibration tests that were run for the EAW indicated that train vibration with about 40 feet of the tracks needs to be mitigated, even though many residents and business people have indicated that it is bothersome further away. The high school has indicated that some of their equipment has problems with adjustment because of the vibration. There are two homes within that 40-50' impact range. The strips of businesses along Lake Street also are in this range.

Switching Wye

The system of tracks in the Oxford Street industrial area (Skunk Hollow) is the switching/interchange wye which provides access to potential rail customers in the Oxford industrial area and a means for connecting the CP Bass Lake Spur to the MN&S tracks. The wye makes it possible even today for trains on the Bass Lake Spur to connect to the MN&S tracks and proceed south or north. The wye is also being used by CP to access one customer who is located on Oxford Street west of Louisiana Avenue. The wye tracks are not included as part of either alternative TC&W route. The MN&S route would eliminate the need to use the wye to connect from the Bass Lake Spur to the northbound MN&S tracks. It could also be used as an alternative means for connecting from the Bass Lake Spur to the MN&S

southbound tracks. Neither alternative route would eliminate the need to service the lone rail customer in the Oxford Street area.

Train activity on the wye to move trains to the south is minimal because of lack of activity at the Savage ports. This could change depending upon the market conditions. A direct connection to the south would benefit the railroad operations and minimize the switching activity in the Oxford industrial area. In Appendix A, there is a conceptual drawing of a direct south connection.

**Table 9
St. Louis Park Only**

| | Existing Conditions | | Conditions if Kenilworth is chosen | | Conditions if MN&S is chosen | |
|--------------------------------------|------------------------|------------------|---------------------------------------|------------------|---------------------------------|------------------|
| | Kenilworth Corridor | MN&S Corridor | Kenilworth Corridor | MN&S Corridor | Kenilworth Corridor | MN&S Corridor |
| Train Operations | | | | | | |
| # of trains/day - now | 4-5 | 2 | 4-5 | 2 | 0 | 6-7 |
| # of trains/day - future (2030) | 5-6 | 2-4 | 5-6 | 2-4 | 0 | 7-10 |
| Train Speed (mph) | 10-25 | 10 | 10-25 | 10 | 10-25 | 10-25 |
| Track | | | | | | |
| Route Length (FT) | 24,600 | N/A | 24,600 | N/A | N/A | 26,400 |
| Minnehaha Creek to Cedar Lake Jct | | | | | | |
| Track new & upgraded (FT) | 0 | 0 | 18,800 | 0 | 0 | 27,610 |
| Track Removed (FT) | N/A | N/A | | | | |
| RR Bridge constructed (FT) | 180 | 2450 | | | | |
| RR Bridge rebuilt (FT) | 340 | 395 | | | | |
| Track Grade Maximum | 0.77% | 1.90% | 0.77% | 1.90% | N/A | 1.50% |
| Track Curvature Maximum (degree) | 4 | 6 | 4 | 6 | N/A | 8 |
| Turnouts (No) | 1 | 5 | 1 | 0 | 0 | 5 |
| Road Crossings | | | | | | |
| # of At-grade Crossings | 2 | 6 | 2 | 6 | 0 | 5 |
| # of Crossing with ADT < 2,500 | 0 | 3 | 0 | 3 | 0 | 2 |
| # of Crossings with ADT 2,500-9,000 | 0 | 3 | 0 | 3 | 0 | 3 |
| # of Crossing with ADT > 9,000 | 2 | 0 | 2 | 0 | 0 | 0 |
| # of Crossings closed | N/A | N/A | 0 | 0 | 0 | 1 |
| # of Crossings with rr signals | 2 | 4 | 2 | 4 | 0 | 5 |
| # of Crossings in Quiet Zone | 0 | 0 | 2 | 0 | 0 | 5 |
| Residential Impacts | | | | | | |
| Single Family | | | | | | |
| # of homes | Home | 0 | 0 | 0 | 0 | 0 |
| < 25' | Parcel | 0 | 16 | 0 | 16 | 16 |
| # of homes | Home | 0 | 2 | 0 | 2 | 2 |
| 26'-50' | Parcel | 0 | 69 | 0 | 69 | 69 |
| # of homes | Home | 0 | 53 | 0 | 53 | 53 |
| 51-100' | Parcel | 0 | 30 | 0 | 30 | 30 |
| # of homes | Home | 11 | 127 | 11 | 127 | 127 |
| 101-200' | Parcel | 11 | 148 | 11 | 148 | 148 |
| Multi Family | | | | | | |
| # of units < 25' | Units | 0 | 0 | 0 | 0 | 0 |
| # of units 26'-50' | Units | 0 | 0 | 0 | 0 | 0 |
| # of units 51'-100' | Units | 0 | 4 | 0 | 4 | 0 |
| # of units 101'-200' | Units | 60 | 96 | 216 | 96 | 160 |
| Total Housing Units Affected | | | | | | |
| # of units < 25' | Units | 0 | 0 | 0 | 0 | 0 |
| # of units 26'-50' | Units | 0 | 2 | 0 | 2 | 2 |
| # of units 51'-100' | Units | 0 | 57 | 0 | 57 | 53 |
| # of units 101'-200' | Units | 71 | 223 | 227 | 223 | 287 |
| Institutional Impacts | | | | | | |
| Schools within 1/8 mile (#) | | 0 | 5 | 0 | 5 | 0 |
| Parks within 1/8 mile (#) | | 2 | 7 | 2 | 7 | 2 |
| Business Impacts | | | | | | |
| # of Industrial Building within 500' | | 50 | 66 | 50 | 66 | 50 |
| # of Commercial Building within 500' | | 10 | 15 | 10 | 15 | 10 |
| Right of Way | | | | | | |
| # of Residential Property acquired | | 0 | 0 | 0 | 0 | 2 |
| # of Business Property Acquired | | 0 | 0 | 0 | 0 | 1 |
| # of partial parcel takes | | 0 | 0 | 0 | 0 | 12 |
| # of Institutional Property Acquired | | 0 | 0 | 0 | 0 | 0 |
| SW LRT Issues | | | | | | |
| # of Stations next to frt rail | | 0 | 0 | 3 | 1 | 1 |
| # of grade separation over frt rail | | 0 | 0 | 1 | 1 | 1 |
| Costs | | | | | | |
| Construction costs | | | \$30,000,000 | | | \$71,172,000 |
| Property acquisition | | | \$40,000,000 | | | \$5,500,000 |
| Total | | | \$70,000,000 | | | \$76,672,000 |

Mitigation of the MN&S

Railroad traffic brings with it a variety of impacts many of which have been highlighted earlier in this memorandum. At least some of the negative impacts can be ameliorated through mitigation measures. Table 10 below outlines potential mitigation measures that could be considered to address negative rail traffic impacts within the MN&S corridor. It may be appropriate to implement many of the items listed. In some cases a range of potential solutions to a particular impact are listed. In that case implementation of a more comprehensive mitigation item may eliminate the need for one or more of the other items on the list. It is assumed the cost to implement the measures noted below would not be borne by the City of St. Louis Park

A similar table of potential mitigation measures could also be created to address negative impacts associated with permanently routing TC&W freight traffic on the Kenilworth route. However the mitigation focus in this memorandum is on the MN&S route since this is the route evaluated in the MN&S Freight Rail Study and for which an EAW was prepared and the most detailed information is available.

Table 10
MN&S Mitigation Measures

| |
|--|
| <p>Track improvements</p> <ul style="list-style-type: none"> • Replace and upgrade the MN&S track with 136# seamless tracks reducing noise and vibrations • Install rail lubricators • Tie and road bed construction to minimize train vibrations |
| <p>Mandatory environmental requirements such as wetland, floodplain, hazardous materials handling, wildlife habitat, etc.</p> |
| <p>Whistle Quiet Zones to upgrade rail crossings safety measures to eliminate the need to blow whistles or horns as trains approach intersections.</p> |
| <p>Provide fencing and signing along the length of the railroad r-o-w to discourage people intruding unsafely on the MN&S tracks.</p> |
| <p>Create grade separated frontage road on north side of Hwy 7 by lengthening the MN&S bridge over Hwy 7 to provide space to create a frontage road on the north side.</p> |
| <p>Build a pedestrian overpass near High School and Dakota Avenue to connect the High School to the Lake Street area and football field.</p> |
| <p>Create pedestrian and non-vehicle access under MN&S tracks at Dakota Park by building an under pass at 27th St. to connect to the N. Cedar Lake regional trail from the east.</p> |
| <p>Expansion of MN&S r-o-w in residential area by acquiring homes immediately east of MN&S tracks north of approximately the intersection of MN&S tracks with Brunswick Avenue to 27th Street on the north.</p> |
| <p>Reroute coal trains west of metro area.</p> |
| <p>Elimination of sidings as well as through tracks east of Wooddale on Bass Lake spur to eliminate the possibility of cars being stored in this area or trains blocking Wooddale or Beltline.</p> |
| <p>Completely remove the Oxford industrial area switching wye tracks, abandon the rail r-o-w, and build a southern connection to MN&S.</p> |
| <p>Funding and construction of Louisiana & Hwy 7 Interchange.</p> |
| <p>Structure Improvement Program – Create a grant program to provide technical assistance and financial help for property owners to make noise and/or vibration mitigation improvements.</p> |

| |
|---|
| <p>Sound and vibration mitigation improvements for all schools, businesses and homes adjacent to the MN&S line.</p> |
| <p>Pedestrian bridge over Hwy 7 close to the MN&S bridge to provide access for pedestrians.</p> |
| <p>Eliminate blind curves in the Lake Street/High School area.</p> |
| <p>The freight rail should only be rerouted if firm commitments are in place for implementation of SWLRT.</p> |
| <p>Property owners should be compensated for loss of property value due to rerouting of TCW trains to the MN&S tracks.</p> |
| <p>Any disruption of businesses due to construction of the MNS improvements must be appropriately mitigated.</p> |
| <p>Special care must be taken to protect and ensure no damage occurs to monitoring water wells as a result of the MN&S project.</p> |
| <p>Housing Buyout Program – Create a program to purchase homes on the west side of the MN&S tracks from willing sellers and remove, remodel or resell them.</p> |
| <p>Provide a pedestrian tunnel or bridge inter-connecting Roxbury and Keystone parks.</p> |
| <p>Mitigation for noise and vibration impacts on the neighborhoods surrounding the proposed BNSF siding</p> |
| <p>Mitigation of blocking and switching activities if these activities are not being relocated to a Glencoe switchyard.</p> |
| <p>Mitigation of the MN&S tracks and crossings south of Bass Lake Spur including mitigation at grade crossings most notably Excelsior Blvd.</p> |

Appendix

Tech Memo # 4

St Louis Park Freight Railroad Analysis

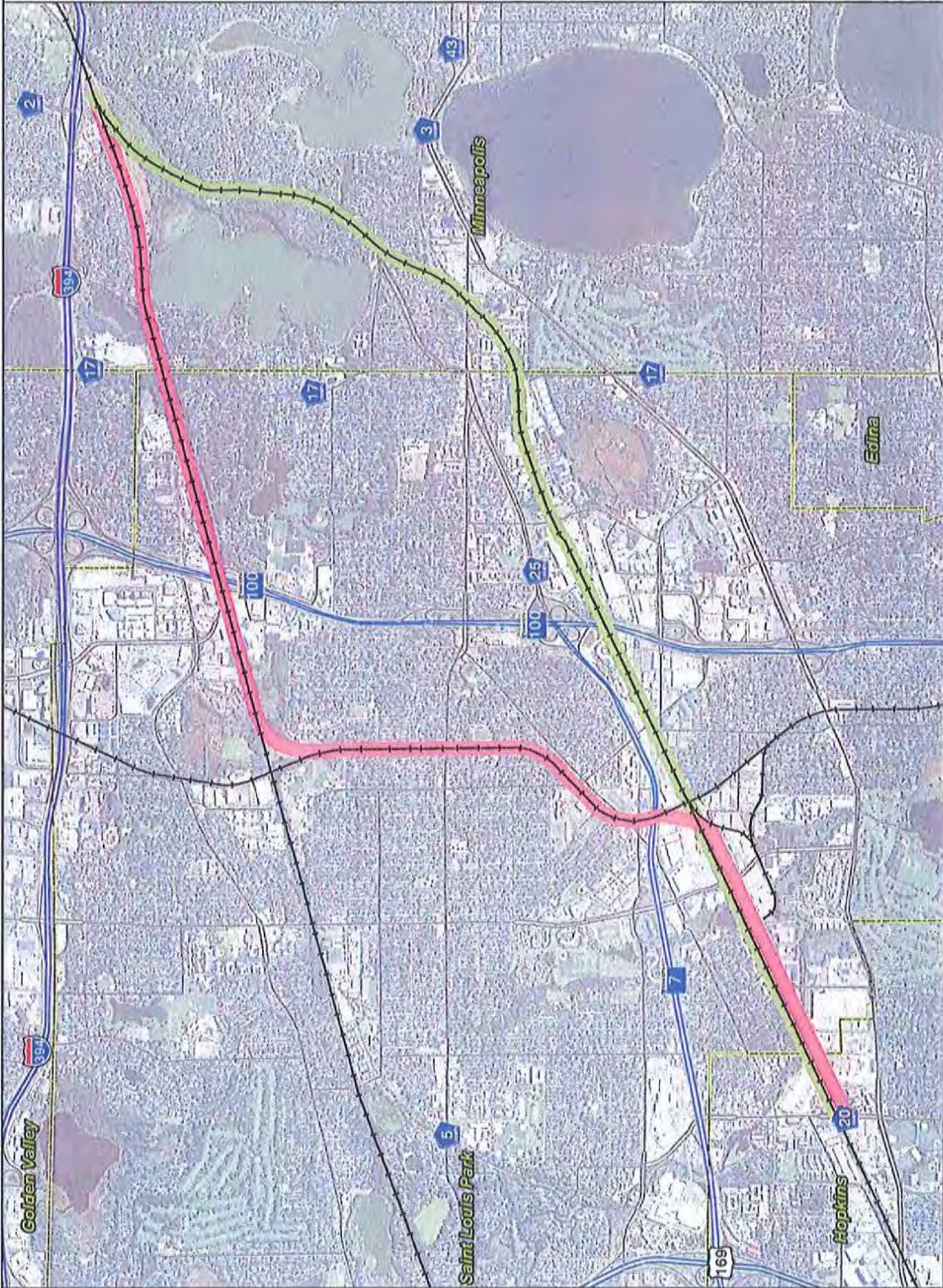
Map 1 Kenilworth and MN&S Analysis Map

Map 2 Railroad Ownership Map

Parcel Data Maps for St Louis Park and Minneapolis

South Wye Connection Concept Layout

Expanded Right of Way Concept Layout



- Legend**
- Railroads
 - Municipal Boundaries
 - Kenilworth Route
 - MN&S Route



This map is a technical drawing and not a photograph. It is not intended to be used as a substitute for a photograph. The map is a technical drawing and not a photograph. It is not intended to be used as a substitute for a photograph. The map is a technical drawing and not a photograph. It is not intended to be used as a substitute for a photograph.

RAILROAD FREIGHT RELOCATION STUDY

Saint Louis Park, Minnesota

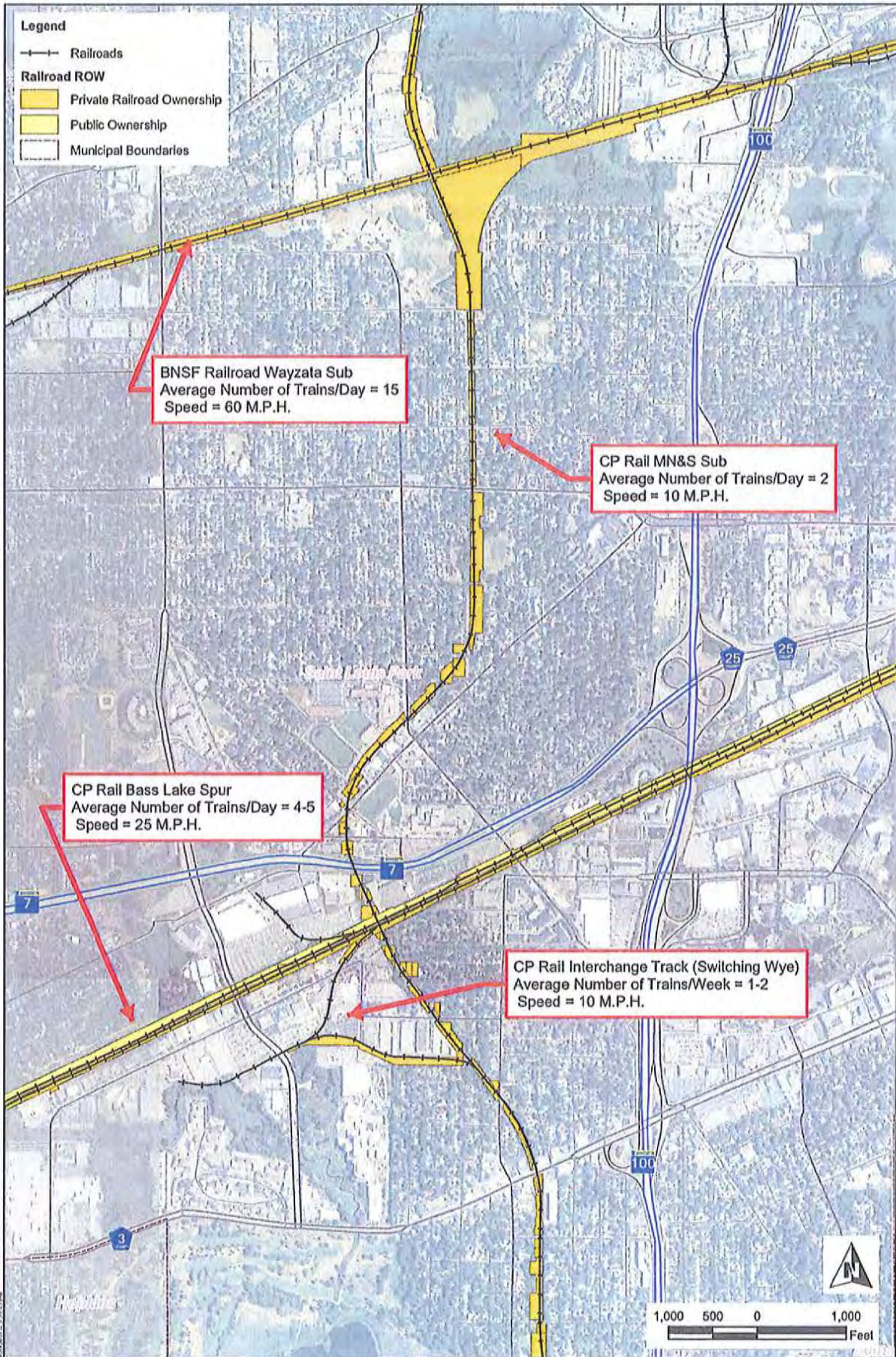
**Kenilworth and
MN&S
Analysis**

Map
1

Project: STLOU 114331
 Print Date: 04/13/2011
 Map by: SAH
 Prepared by: Kenilworth County, Minnesota
 City of Saint Louis Park, MN
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300 VANDERBILT CENTER DR.
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 PHONE: (314) 465-2000
 FAX: (314) 465-2000
 WWW: www.sah.com





Legend

- +— Railroads
- Railroad ROW**
- Private Railroad Ownership
- Public Ownership
- Municipal Boundaries

BNSF Railroad Wayzata Sub
Average Number of Trains/Day = 15
Speed = 60 M.P.H.

CP Rail MN&S Sub
Average Number of Trains/Day = 2
Speed = 10 M.P.H.

CP Rail Bass Lake Spur
Average Number of Trains/Day = 4-5
Speed = 25 M.P.H.

CP Rail Interchange Track (Switching Wye)
Average Number of Trains/Week = 1-2
Speed = 10 M.P.H.

Map Reviewed: 01/09/2011 14:21:02 01/09/2011 14:21:02



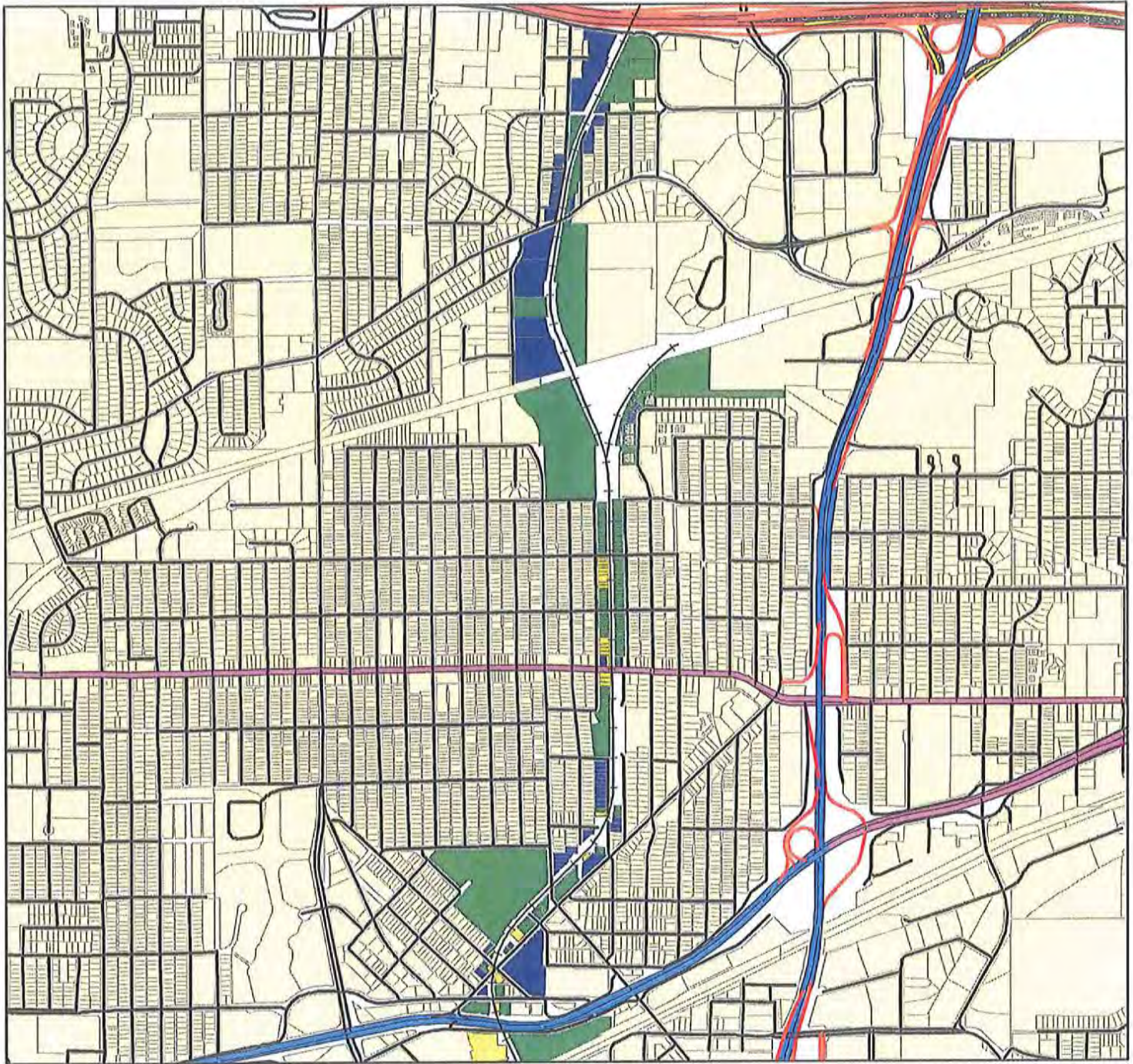
3535 WADSWORTH CENTER DR
ST. PAUL, MN 55110
PHONE: (651) 490-2000
FAX: (651) 490-2150
WWW: 650-325-2055
www.sehinc.com

Project: STLOU 114331
Print Date: 04/20/2011
Map by: B.H.
Reviewed: Hennepin County/MD318
Source: MNDOT, MNDOT, LINC,
City of St. Louis Park, and SEH Inc

RAILROAD ROW OWNERSHIP
RAILROAD FREIGHT RELOCATION STUDY
Saint Louis Park, Minnesota

Map
2

This map was prepared by SEH Inc. for the Hennepin County, Minnesota, and the City of Saint Louis Park, Minnesota. It is not intended to be used for any other purpose. SEH Inc. and its employees shall not be held liable for any errors or omissions in this map. The Hennepin County, Minnesota, and the City of Saint Louis Park, Minnesota, are not responsible for any errors or omissions in this map. The Hennepin County, Minnesota, and the City of Saint Louis Park, Minnesota, are not responsible for any errors or omissions in this map.



Approximate Location - Parcels Adjacent to MN & S RR Highway 7 to I-394

3,200 Feet 1 in = 1,667 ft

Date: January 5, 2011

Created by: St. Louis Park Community Development Department



Legend

—+— Approximate RR centerline

Approx. Distance from RR centerline

Greater than 100 feet

Zero to 25 feet

25 to 50 feet

50 to 100 feet

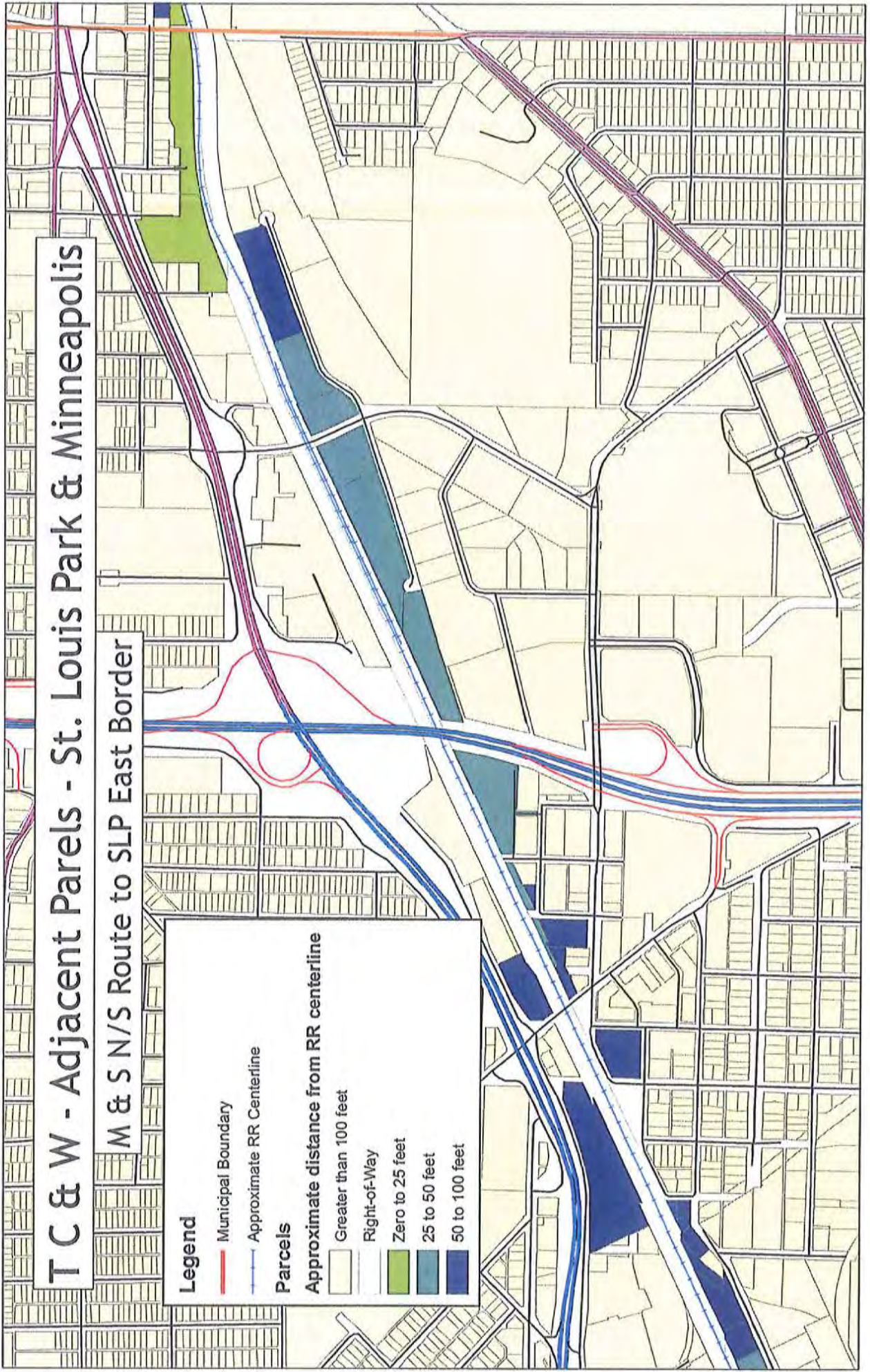


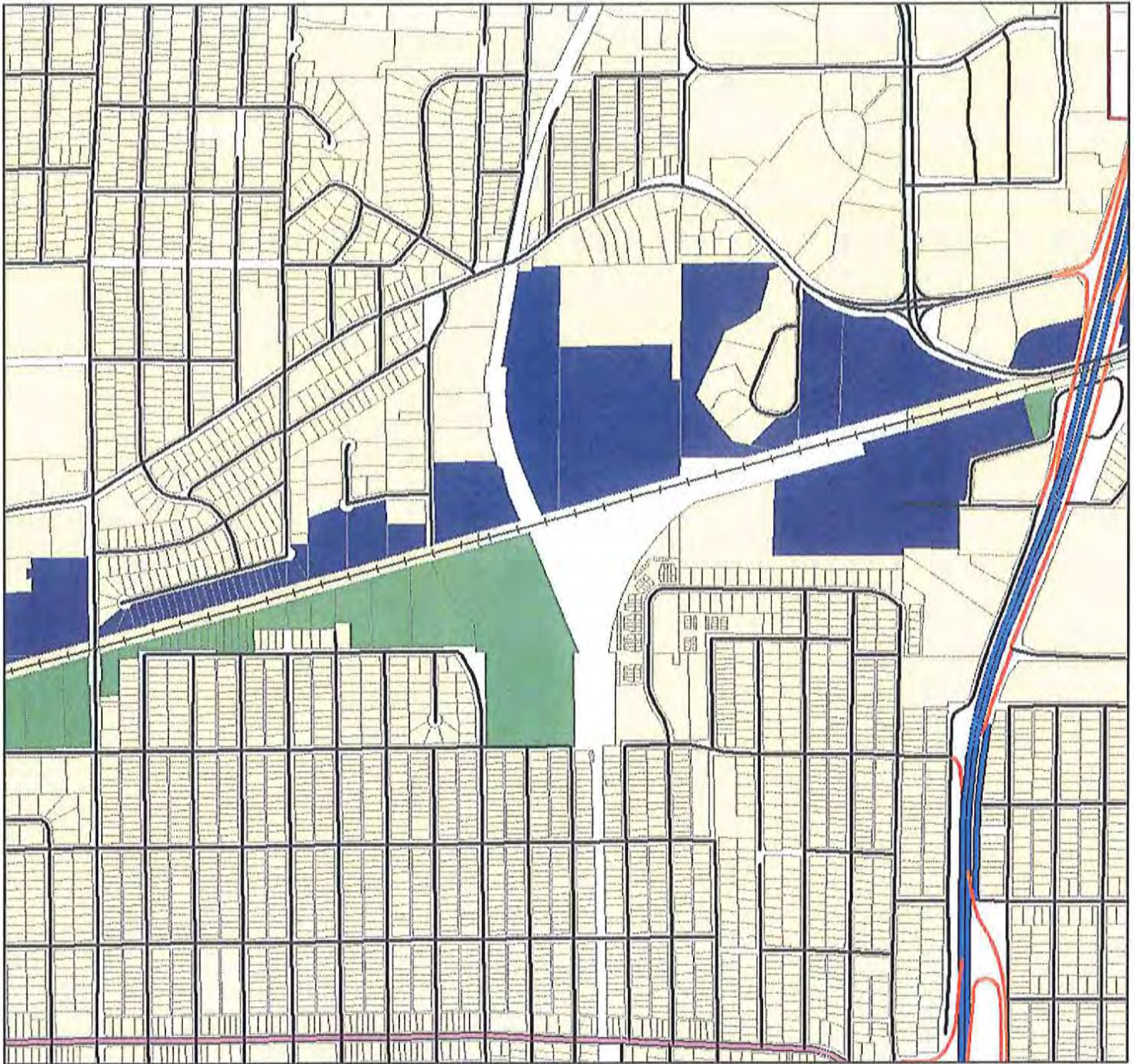
T C & W - Adjacent Parelis - St. Louis Park & Minneapolis

M & S N/S Route to SLP East Border

Legend

- Municipal Boundary
- Approximate RR Centerline
- Parcels
- Approximate distance from RR centerline
 - Greater than 100 feet
 - Right-of-Way
 - Zero to 25 feet
 - 25 to 50 feet
 - 50 to 100 feet





Approximate Location - Parcels Adjacent to BNSF RR

Louisiana Ave. to Hwy 100

1,900 Feet 1 in = 965 ft

Date: December 17, 2010

Created by: St. Louis Park Community Development Department



Legend

—+—+— Approximate BNSF RR Centerline

Parcels

Approx. Distance from RR centerline

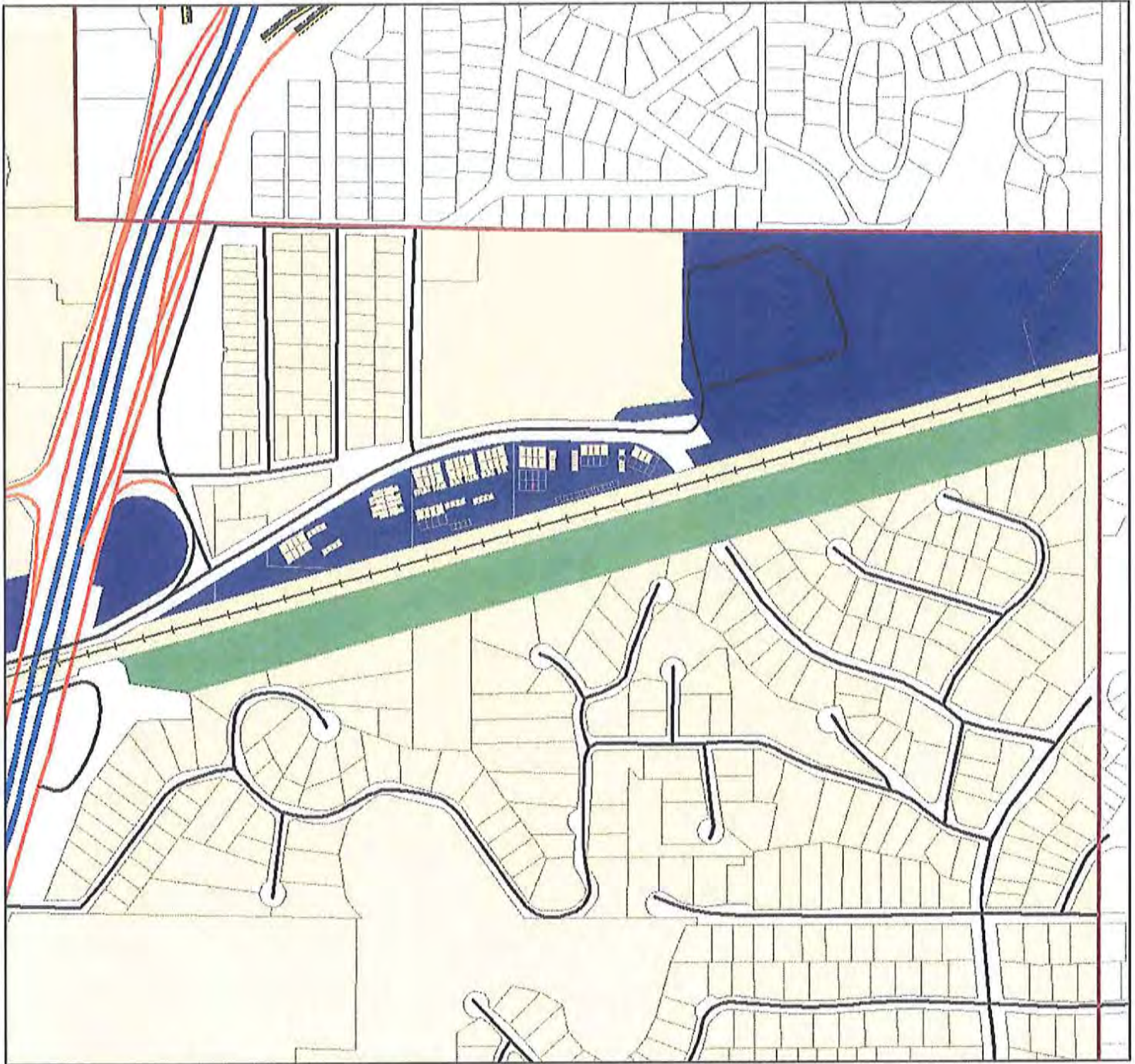
Greater than 100 feet

Zero to 25 feet

25 to 50 feet

50 to 100 feet





Approximate Location - Parcels Adjacent to BNSF RR Hwy 100 to Mpls Border

1,000 Feet

1 in = 542 ft



Date: December 17, 2010

Created by: St. Louis Park Community Development Department



Legend

—+—+— Approximate BNSF RR Centerline

Parcels

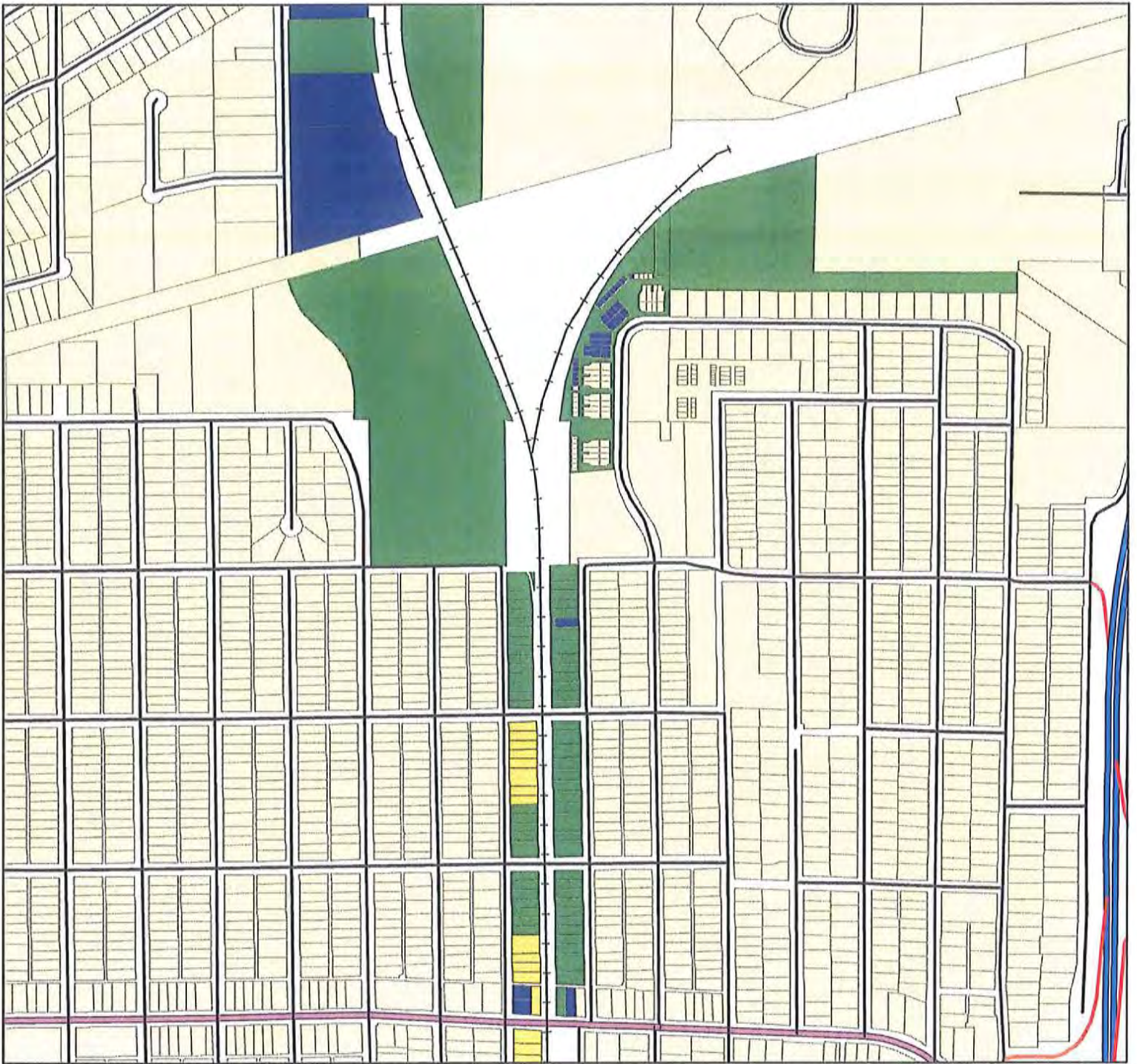
Approx. Distance from RR centerline

Greater than 100 feet

Zero to 25 feet

25 to 50 feet

50 to 100 feet



Approximate Location - Parcels Adjacent to MN & S RR

Minnetonka Blvd. to W. 26th St.

1,200 Feet 1 in = 620 ft

Date: January 5, 2011

Created by: St. Louis Park Community Development Department



Legend

—+— Approximate RR centerline

Approx. Distance from RR centerline

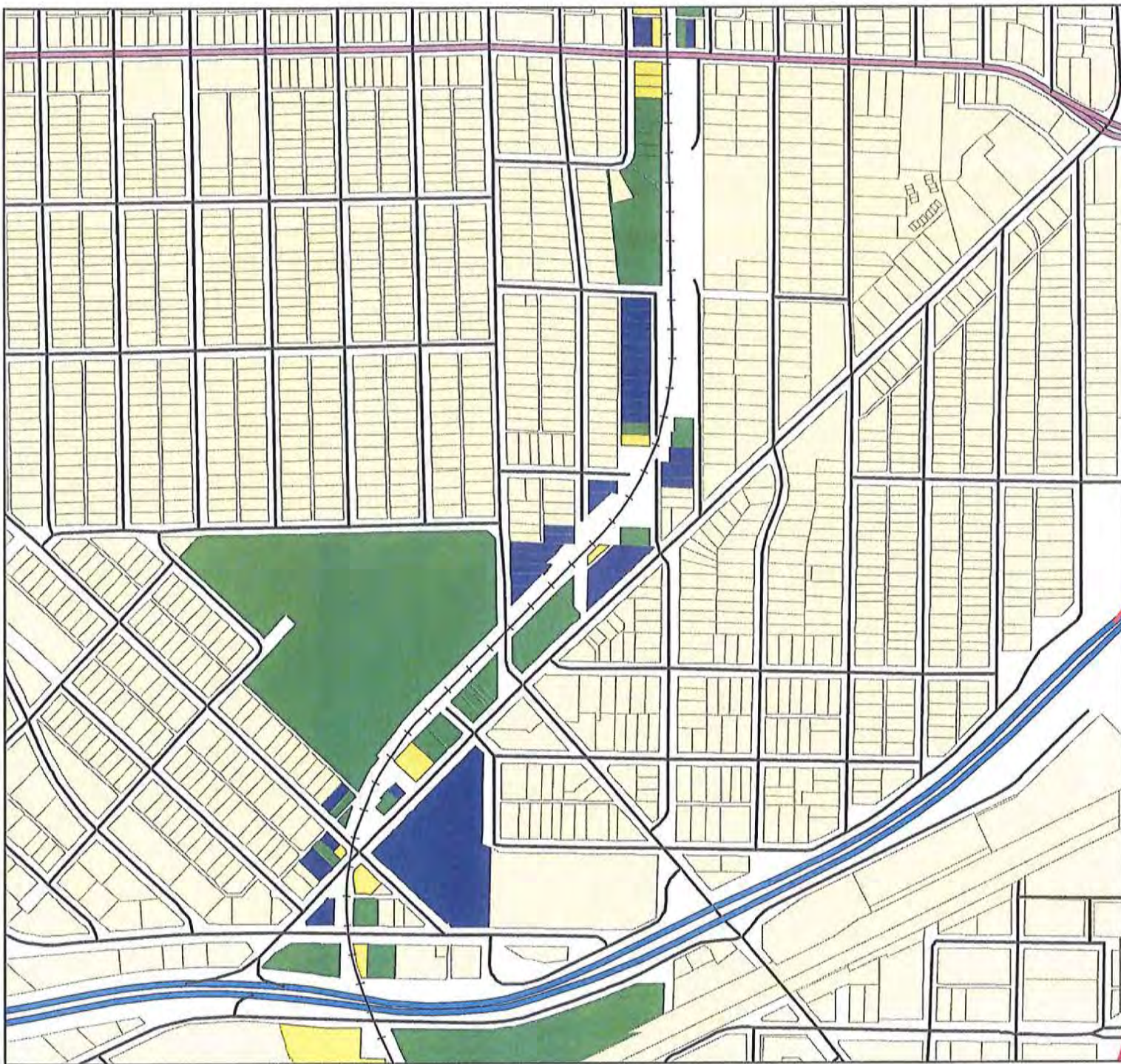
Greater than 100 feet

Zero to 25 feet

25 to 50 feet

50 to 100 feet





Approximate Location - Parcels Adjacent to MN & S RR Highway 7 to Minnetonka Blvd.

1,200 Feet 1 in = 620 ft

Date: January 5, 2011

Created by: St. Louis Park Community Development Department



Legend

—+— Approximate RR centerline

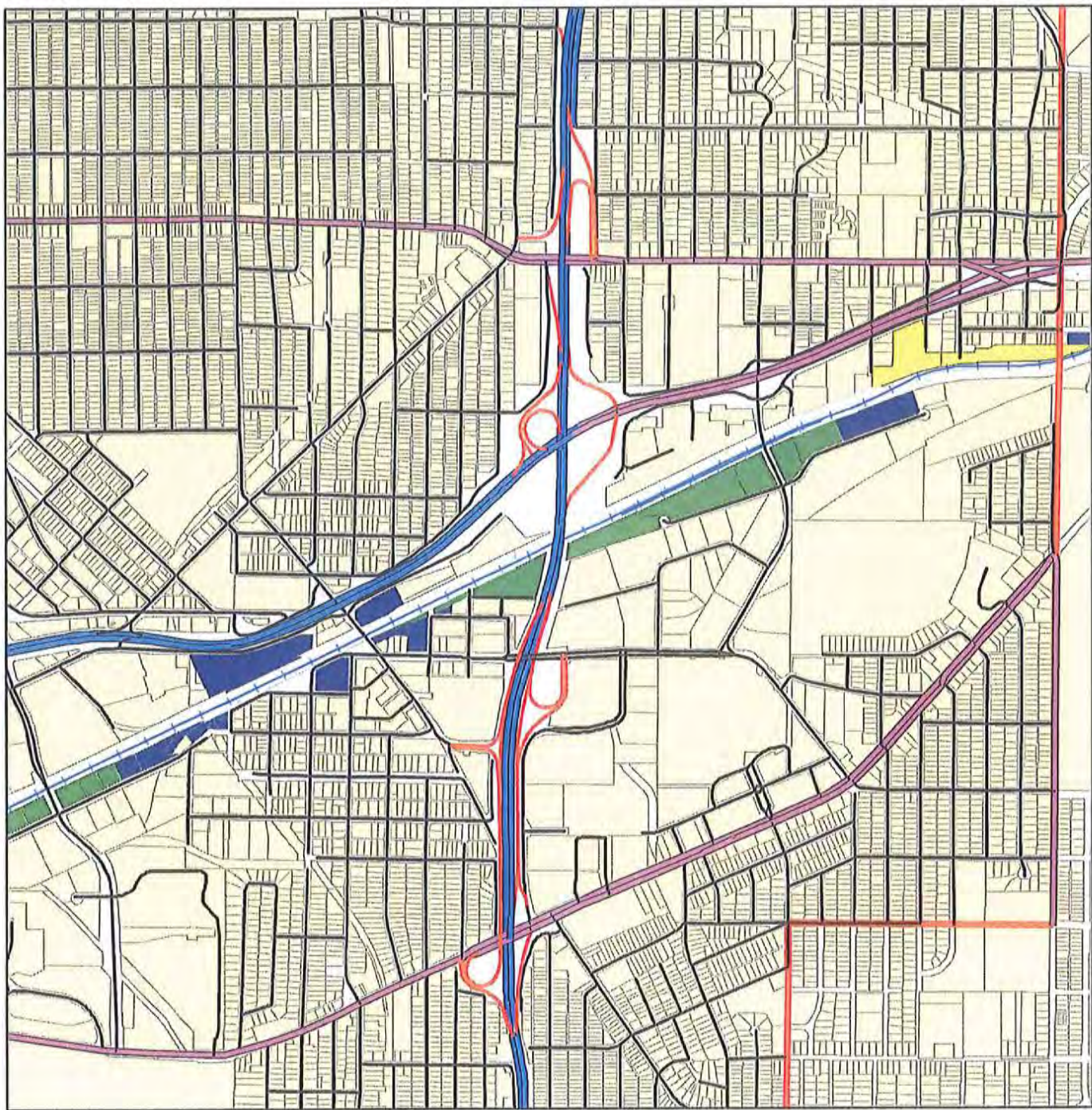
Approx. Distance from RR centerline

Greater than 100 feet

Zero to 25 feet

25 to 50 feet

50 to 100 feet



Approximate Location - Parcels Adjacent to TC & W RR

TC&W RR from Louisiana Ave. to Mpls border

Date: December 17, 2010

Created by: St. Louis Park Community Development Department



Legend

- Municipal Boundary
- Approximate RR Centerline

Parcels

Approximate distance from RR centerline

- Greater than 100 feet
- Right-of-Way
- Zero to 25 feet
- 25 to 50 feet
- 50 to 100 feet



Approximate Location - Parcels Adjacent to TC & W RR TC&W RR from Mpls border to Cedar Lk. Rd.

Date: December 17, 2010

Created by: St. Louis Park Community Development Department



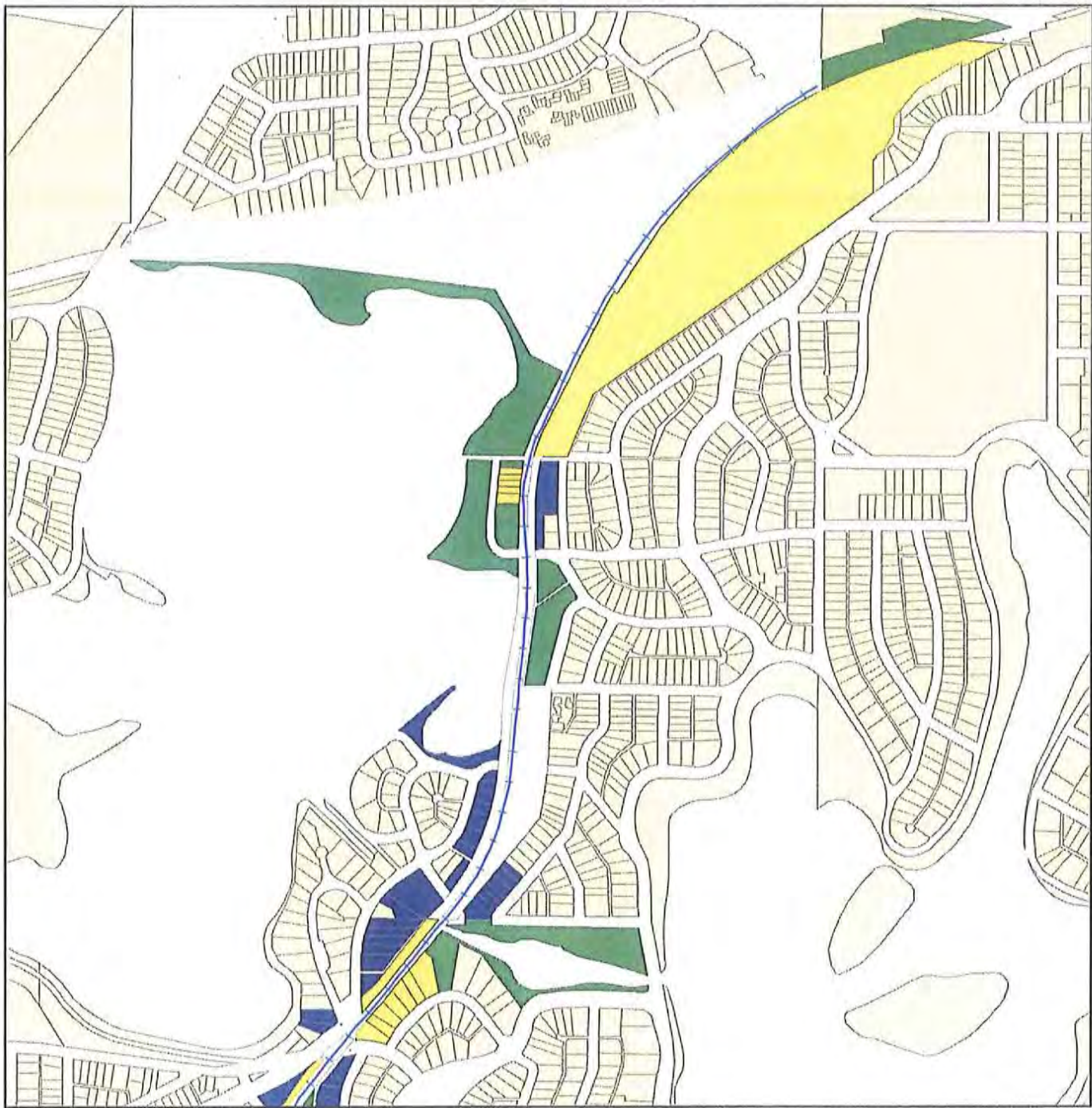
Legend

- Municipal Boundary
- Approximate RR Centerline

Parcels

Approximate distance from RR centerline

- Greater than 100 feet
- Right-of-Way
- Zero to 25 feet
- 25 to 50 feet
- 50 to 100 feet



Approximate Location - Parcels Adjacent to TC & W RR TC&W RR from Cedar Lk. Rd. to BNSF RR

Date: December 17, 2010

Created by: St. Louis Park Community Development Department



Legend

- Municipal Boundary
- Approximate RR Centerline

Parcels

Approximate distance from RR centerline

- Greater than 100 feet
- Right-of-Way
- Zero to 25 feet
- 25 to 50 feet
- 50 to 100 feet

Approximate Building Location Map

All structures shown - including garages
Highway 7 to Minnetonka Blvd.

Legend

— Approximate RR centerline

All Structures - Distance from Centerline

Approximate distances only

Greater than 100 feet

Zero to 25 feet

25 to 50 feet

50 to 100 feet



Approximate Building Location Map

All structures shown - including garages
Minnetonka Blvd. to 26th Ave. W.

Legend

— Approximate RR centerline

All Structures - Distance from Centerline

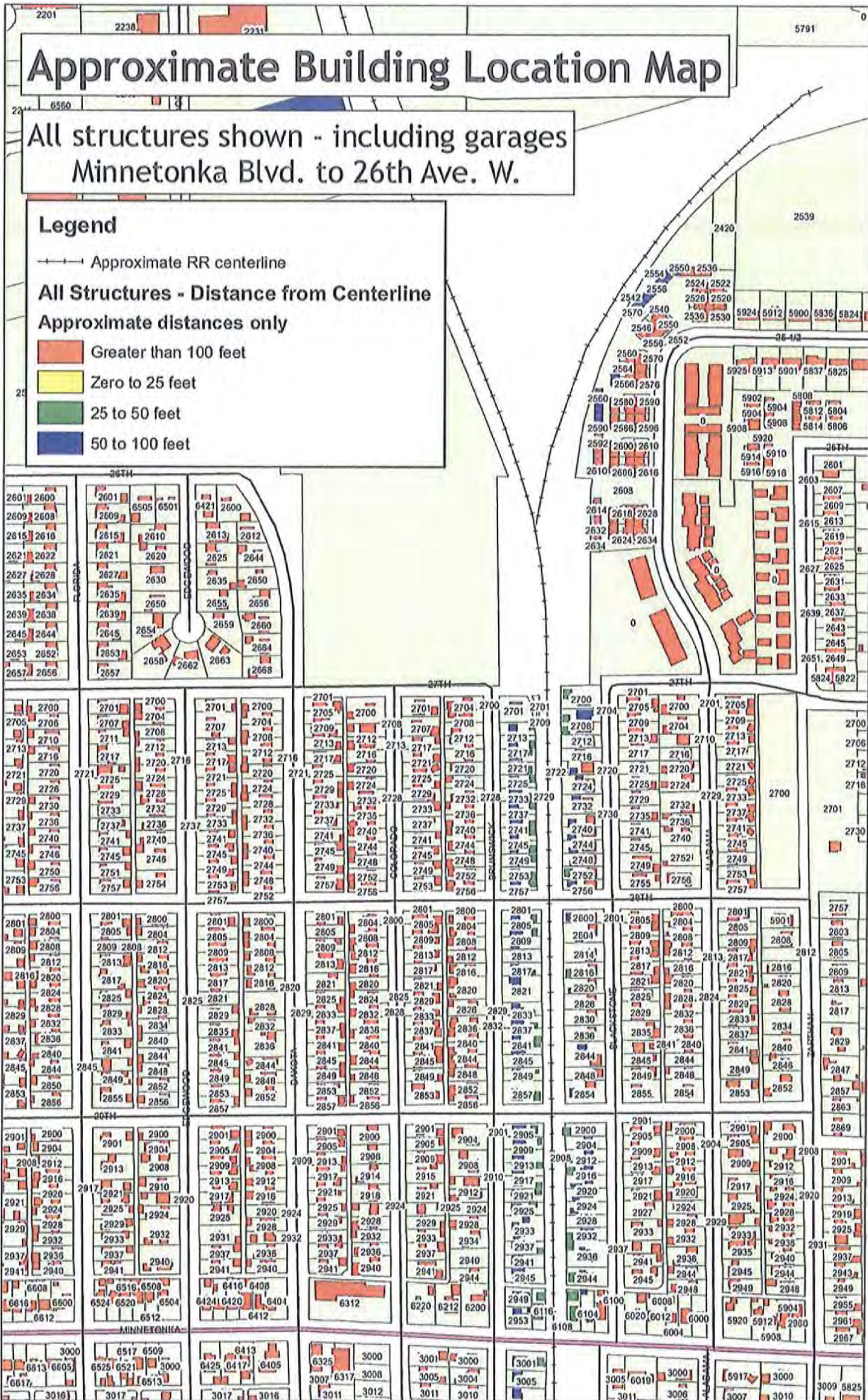
Approximate distances only

Greater than 100 feet

Zero to 25 feet

25 to 50 feet

50 to 100 feet



Map Document: (S:\PT\ST\Stlou114331\GIS\Map\Fig0X_Acquisition\Create100RCW.mxd)
5/13/2011 11:05:30 AM



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WATTS: 800-325-2055
www.sehinc.com

Project: STLOU 114331
Print Date: 05/13/2011
Map by: SRH
Projection: Hennepin County NAD83 ft
Source: Mn/DOT, Mn/DNR, LMIC,
City of St. Louis Park, and SEH Inc.

Expanded RR ROW Concept

Railroad Freight Relocation Study

Saint Louis Park, Minnesota

Figure X

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigation, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH will not be liable for any damages which arise out of the user's access or use of data provided.

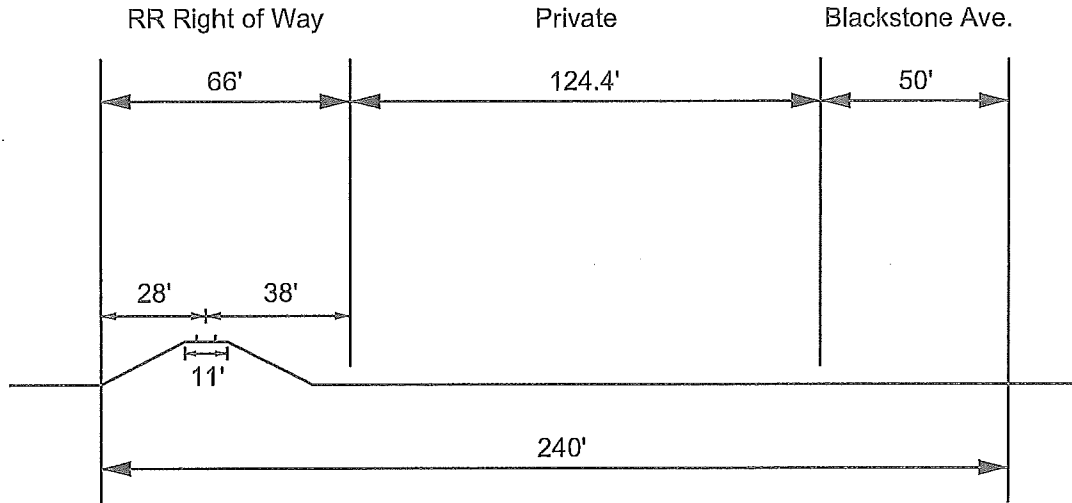
STIMES

SDATE

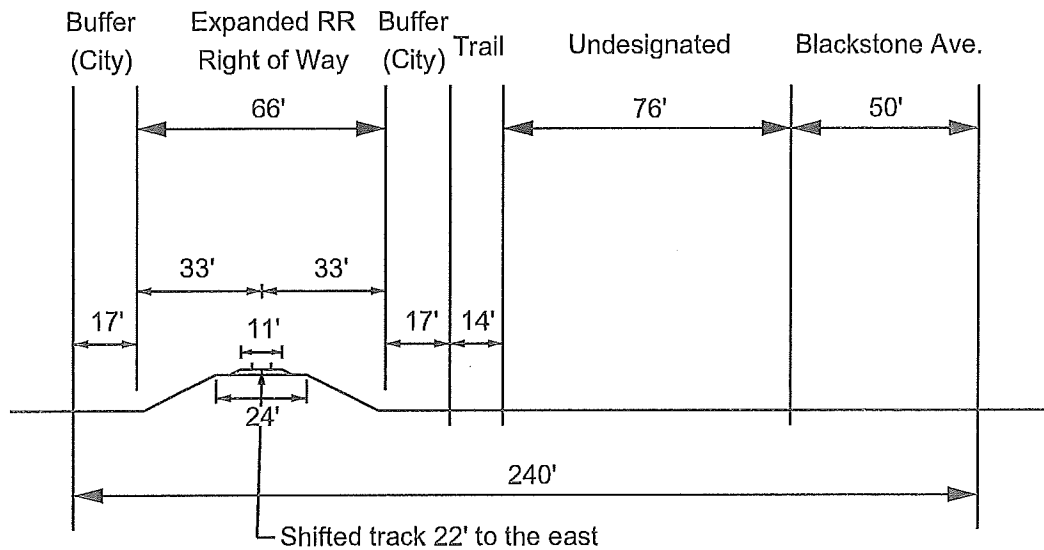
SMODEL

SFILES

EXISTING



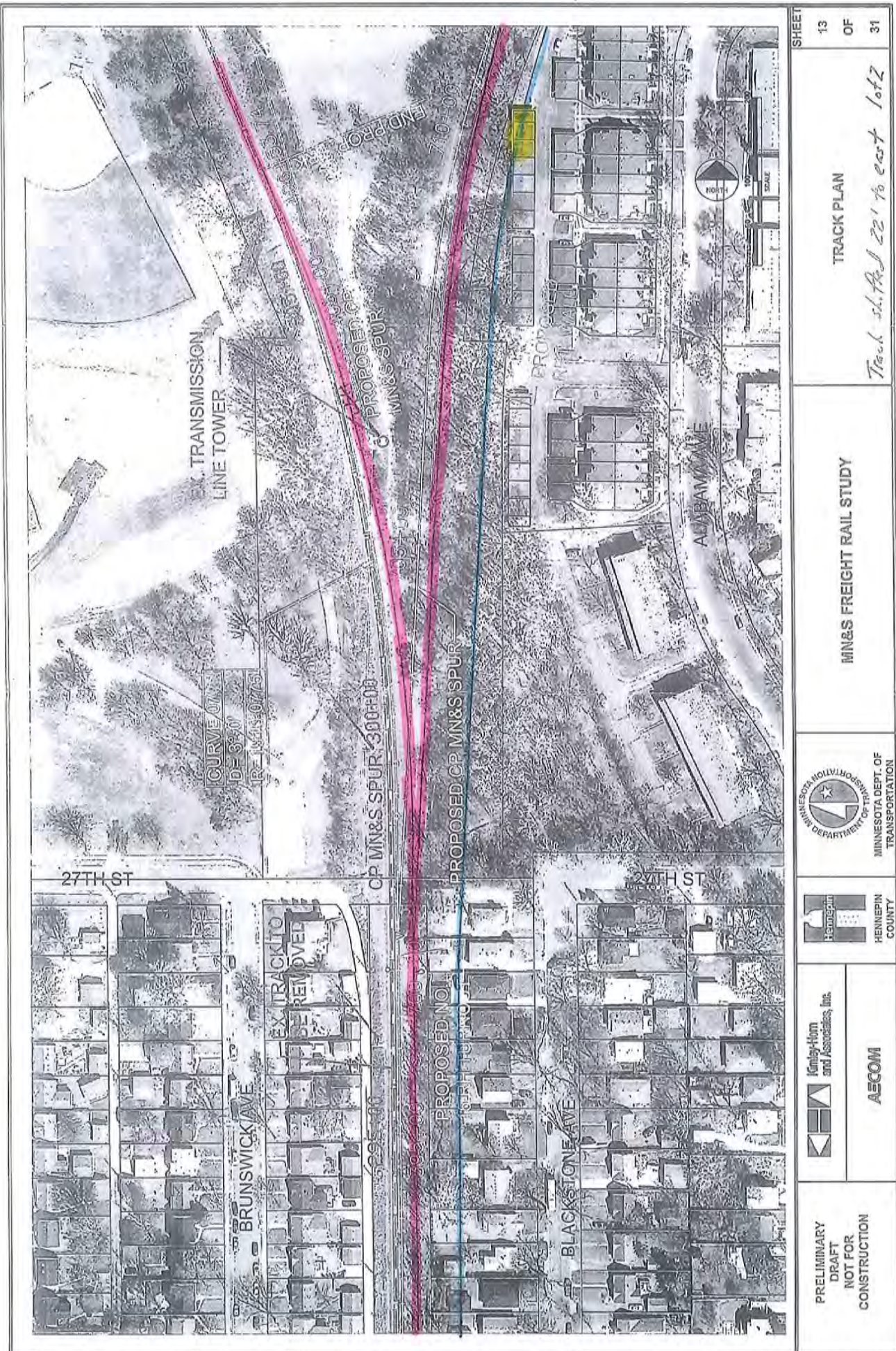
PROPOSED



NOT DRAWN TO SCALE



EXPANDED RR ROW CONCEPT
 FREIGHT RAILROAD RELOCATION STUDY
 ST. LOUIS PARK, MN



SHEET 13 OF 31

TRACK PLAN

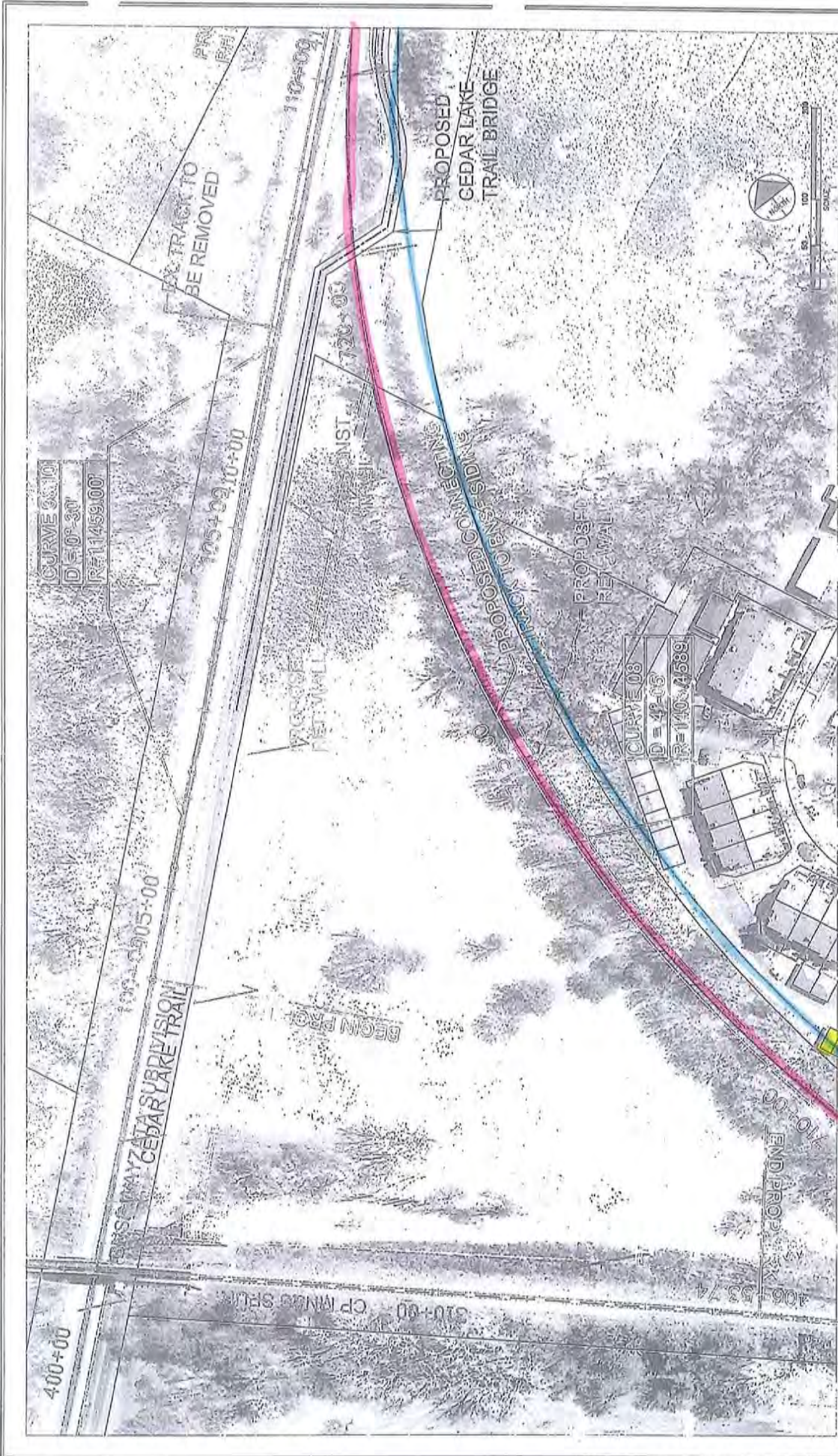
MN&S FREIGHT RAIL STUDY



Kimley-Horn and Associates, Inc.
AECOM

PRELIMINARY DRAFT NOT FOR CONSTRUCTION

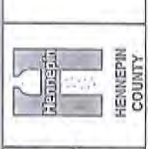
Track sh. Rd 221 to east lot 2



SHEET 14 OF 31

TRACK PLAN
Track shifted 22' to East 2 of 2

MINNESOTA FREIGHT RAIL STUDY



Kelly-Horn and Associates, Inc.
ASCUM

PRELIMINARY DRAFT NOT FOR CONSTRUCTION

Freight Rail Alternatives Cost Comparison Table

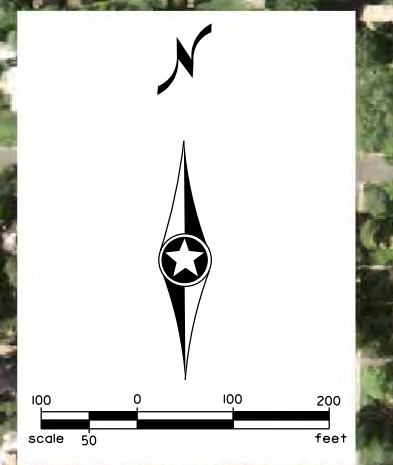
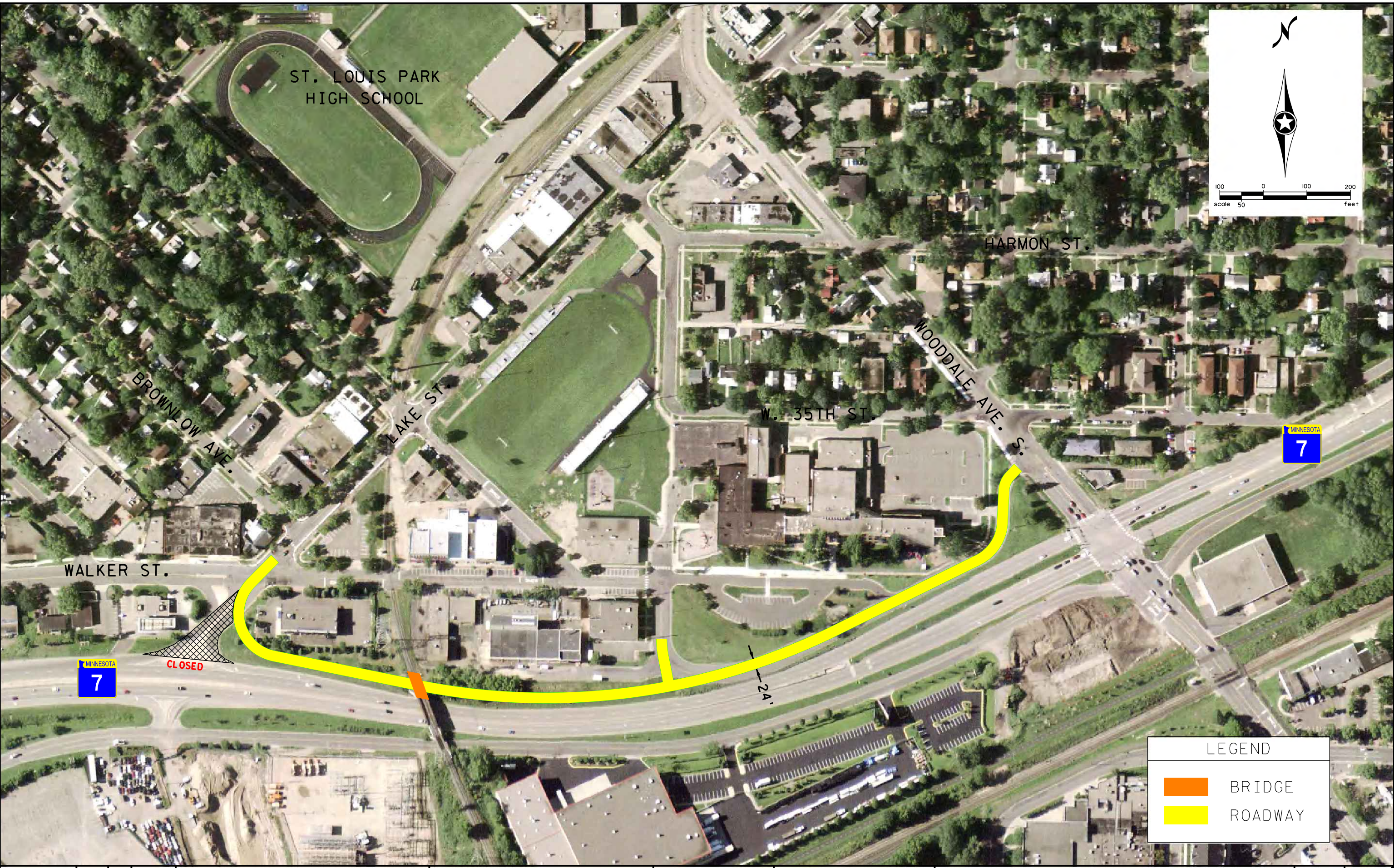
| | | <u>MNS Base plan</u> | <u>Kenilworth Base plan</u> | <u>MNS - Robust Mitigation</u> | <u>Kenilworth Robust Mitigation</u> |
|-------------------------------|---|-------------------------|-----------------------------|--------------------------------|-------------------------------------|
| Base | | \$ 76,672,000 | \$ 55,000,000 | \$ 76,672,000 | \$ 55,000,000 |
| | Construction | \$ 71,172,000 | \$ 30,000,000 | \$ 71,172,000 | \$ 30,000,000 |
| | property acquisition (1) | \$ 5,500,000 | \$ 25,000,000 | \$ 5,500,000 | \$ 25,000,000 |
| mitigation | Level 1 | included in base | included in base | included in base | included in base |
| | a - track improvements/upgrades | included in base | included in base | included in base | included in base |
| | b - mandatory environmental req'ts | included in base | included in base | included in base | included in base |
| | c - WQZ | included in base | included in base | included in base | included in base |
| | d - Fencing & signage | included in base | included in base | included in base | included in base |
| | e - Elimination of CP tracks east of Wooddale | included in SWLRT | included in SWLRT | included in SWLRT | included in SWLRT |
| mitigation | Level 2 | not included | not included | \$ 49,125,000 | \$ 25,060,000 |
| | f - Improvements to reroute coal trains (2) | not included | not included | \$ 2,500,000 | \$ 2,500,000 |
| | g - Removal of switching wye (3) | not included | not included | \$ 2,500,000 | \$ 2,500,000 |
| | h - Connection to MN&S south (4) | not included | not included | \$ 7,000,000 | \$ 7,000,000 |
| | i - rail lubricators | not included | NA | \$ 45,000 | NA |
| | j - concrete ties (vibration reduction) | not included | NA | \$ 30,000 | NA |
| | k - grade separated Hwy 7 frontage rd | not included | NA | \$ 800,000 | NA |
| | l - Create 100 ft min. width corridor in SF area (5) | not included | NA | \$ 18,000,000 | NA |
| | m - Pedestrian overpass at Dakota avenue (6) | not included | NA | \$ 2,500,000 | NA |
| | n - Pedestrian underpass at Dakota Park (27th) | not included | NA | \$ 100,000 | NA |
| | o - Louisiana/Hwy 7 Interchange | not included | NA | \$ 10,500,000 | NA |
| | p - mitigation for sound and vibration at SLP HS | not included | NA | \$ 50,000 | NA |
| | q - Pedestrian bridge over Hwy 7 at MN&S (7) | not included | NA | \$ 5,000,000 | NA |
| | r - Roxbury Park underpass | | | \$ 100,000 | |
| | s - grade separated Beltline Blvd (8) | | | | \$ 10,560,000 |
| | t - pedestrian overpass at Wooddale avenue (9) | | | | \$ 2,500,000 |
| SWLRT Cost Adjustments | | NA | to be determined | NA | to be determined |
| | - Relocation of regional trail | NA | to be determined | NA | to be determined |
| | - Modifications to LRT stations to accommodate freight rail | NA | to be determined | NA | to be determined |
| | - Crash walls where LRT and freight rail are tightly spaced | NA | to be determined | NA | to be determined |
| | Grade separation of LRT at Wooddale | NA | to be determined | NA | to be determined |
| Total cost | | \$ 76,672,000 | \$ 55,000,000 | \$ 125,797,000 | \$ 80,060,000 |



- Notes:
- 1) Acquisition costs for the Kenilworth alternative estimated to be between \$5,000,000 and \$40,000,000. Partial acquisition of \$20,000,000 is used for purposes of this table.
 - 2) Range of costs for coal train rerouting is \$1,500,000 - 2,500,000
 - 3) range of costs for way removal is \$1,500,000 to 2,500,000
 - 4) cost estimates for the connection south assume wye removed completely
 - 5) range of costs for widening corridor estimated to be \$15-18,000,000
 - 6) Range of costs for ped bridge estimated to be \$1,500,000 - 2,500,000
 - 7) Range of costs for ped bridge over Hwy 7 estimated to be \$2,500,000 - 5,000,000
 - 8) Range of costs for grade separated crossing at Beltline is \$8,640,000 to 10,560,000
 - 9) Range of costs for a ped bridge over the freight rail tracks at Wooddale Avenue estimated to be \$1,500,000 -\$2,500,000.

7:55:30 AM

12/20/2012

S:\PT\SS\Hou\114331\5-dsgn\51-cadd\Civil\North Frontage Road Option.dgn
Default




| LEGEND | |
|---|---------|
|  | BRIDGE |
|  | ROADWAY |

| DESIGN TEAM | | | |
|-------------|----|------|-----------|
| DRAWN BY: | | | |
| DESIGNER: | | | |
| CHECKED BY: | | | |
| NO. | BY | DATE | REVISIONS |
| | | | |

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

Certified By: _____ Lic. No. _____
 Printed Name: Licensed Professional Engineer Date: 12/20/2012



PHONE: (651)490-2000
 3535 VADNAIS CENTER DR.
 ST. PAUL, MN 55110

CITY OF
 ST. LOUIS PARK

NORTH FRONTAGE ROAD OPTION

| |
|--------------------|
| FILE NO. 122893 |
|--------------------|



Minnesota Department of Transportation

395 John Ireland Boulevard
Saint Paul, MN 55155

December 20, 2011

To Whom It May Concern:

RESOLUTION

WHEREAS, a project consisting of track improvements to the existing Canadian Pacific (CP) Bass Lake Spur, CP Minneapolis, Northfield & Southern (MN&S) Spur, and the Burlington Northern Santa Fe (BNSF) Wayzata Subdivision in the City of St. Louis Park was proposed to accommodate the relocation of the Twin Cities and Western (TC&W) freight rail traffic currently operating in the Kenilworth Corridor in Minneapolis (Proposed Freight Project); and

WHEREAS, the Hennepin County Regional Railroad Authority (HCRRA) was the Proposer of the Proposed Freight Project, as the term "Proposer" is defined by Minn. R. 4410.0200, subp. 68 (2011); and

WHEREAS, the Minnesota Department of Transportation (MnDOT) was the Responsible Governmental Unit (RGU) for the Proposed Freight Project pursuant to Minn. R. 4410.0500, subp. 2 (2011), and as the term "RGU" is defined by Minn. R. 4410.0200, subp. 76 (2011); and

WHEREAS, MnDOT prepared an Environmental Assessment Worksheet (EAW) for the Proposed Freight Project pursuant to Minn. R. 4410.1400 (2011), and as the term "Environmental Assessment Worksheet" is defined by Minn. Stat. § 116D.04, subd. 1a(c) (2011) and Minn. R. 4410.0200, subp. 17 (2011); and

WHEREAS, MnDOT published notice of the completion of the EAW for the Proposed Freight Project and provided copies of the EAW to the Minnesota Environmental Quality Board and its member agencies, and received and responded to comments on the need for an Environmental Impact Statement (EIS) following publication pursuant to the requirements of Minn. Stat. § 116D.04, subd. 2a(b) (2011), Minn. R. 4410.1500 (2011); Minn. R. 4410.1600 (2011); and

WHEREAS, MnDOT determined that the Proposed Freight Project does not have the potential for significant environmental impact pursuant to Minn. R. 4410.1700 (2011); and

An Equal Opportunity Employer



WHEREAS, MnDOT determined that an Environmental Impact Statement (EIS) was not required pursuant to the Minnesota Environmental Protection Act, Minn. Stat. § 116D.01, et seq. (MEPA), and accordingly issued and distributed a Negative Declaration on June 30, 2011, pursuant to Minn. R. 4410.1700 (2011); and

WHEREAS, on December 19, 2011, the HCRRA Board passed a resolution determining that the Proposed Freight Project no longer warrants separate environmental analysis under state law as a standalone project and is no longer being pursued as a standalone project;

NOW THEREFORE, MnDOT hereby vacates the EAW for the Proposed Freight Project; and

NOW THEREFORE, MnDOT hereby vacates its Negative Declaration for the Proposed Freight Project; and

NOW THEREFORE, because the Proposed Freight Project is no longer being pursued as a standalone project by the Proposer, environmental review as a standalone project is no longer required; and

NOW THEREFORE, if any other project is proposed in the future, the need for a new environmental review will be evaluated in accordance with the provisions of the Minnesota Environmental Policy Act.



Frank Pafko
Chief Environmental Officer
Minnesota Department of Transportation

An Equal Opportunity Employer





October 14, 2008

Ms. Katie Walker, AICP
Transit Project Manager
Hennepin County Housing, Community Works & Transit
417 North 5th Street, Suite 320
Minneapolis, MN 55401

RE: Scoping for the Draft Environmental Impact Statement (DEIS) for the Southwest Transitway Project

Dear Ms. Walker,

The City of St. Louis Park supports the work of the HCRRA and the development of LRT within the Southwest corridor at the earliest possible date. Improved transit service in the region and Hennepin County and, especially LRT in the Southwest corridor, is vital to future health and prosperity of our area. We applaud the County's leadership and steadfast commitment to bringing LRT service to Southwest Hennepin County.

A project of this magnitude and importance deserves careful planning and evaluation at each step of the process. We look forward to eagerly participating in the Draft Environmental Impact Statement (DEIS) process for the Southwest Transitway. We expect that a careful analysis of the potential impacts will be prepared; and, that potential mitigating measures (and necessary funding) to address any negative impacts will be identified for the corridor.

For St. Louis Park the potential impacts of the Southwest Transitway Project extend beyond the immediate Southwest Corridor itself. They include impacts associated with the potential relocation of freight rail from the trail corridor south of TH7 to the Canadian Pacific (CP) and Burlington Northern Santa Fe (BNSF) rail alignments which pass through the heart of St. Louis Park's residential areas. While we have issues that we have listed below that concern the proposed transitway itself, we especially ask that you make sure issues associated with the potentially rerouted freight rail are completely and comprehensively addressed.

Rerouted freight rail traffic is a big change with the potential to negatively affect many residents and businesses. It is an important issue that the community has anticipated for many years. In 1997 the City of St. Louis Park initiated the Railroad Task Force to study the impact of freight rail traffic on our community and the impact on our neighborhoods if freight rail would be rerouted from its

present tracks along Highway 7/25 to the north-south tracks in St. Louis Park. Such diversion would add significant train traffic to our neighborhoods, which include many homes within 50 ft. of the tracks, sometimes even closer. It would also result in a substantial increase of freight rail traffic immediately adjacent to St. Louis Park High School, and would significantly interfere with vehicle traffic on many already-congested streets, including Excelsior Blvd.

The Task Force expressed a strong preference that freight rail traffic not be rerouted through St. Louis Park, but acknowledged that such rerouting maybe necessary. It reached consensus on principles that should guide the relocation. St. Louis Park requests that the DEIS also use these principles to guide its evaluation of the impacts of the freight rail rerouting and the design of mitigating measures. The principles are:

- Rail traffic should run smoothly, entering and leaving St. Louis Park as efficiently and safely as possible;
- No de-coupling or switching of rail cars should take place in St. Louis Park;
- Noise, vibration, and other adverse impacts on adjacent neighborhoods must be minimized to the extent feasible;
- Safety of at-grade rail/street intersections must be improved for pedestrians, motorists and bicyclists;
- Freight rail traffic coming from the west or east must be split, with half diverted north and half south along the CP tracks

Funding must be made available to accomplish these principles, as part of the development of the SWLRT.

The City of St. Louis Park (SLP) submits the following comments and requests several items be included into the Draft Environmental Impact Statement (DEIS) for the Southwest Transitway Project.

Elimination of Current "Bottleneck"

Two of the potential SWLRT routes (# 1A and 3A) would include a short segment (less than ¼ mile) near W. Lake St. where freight trains currently travel, that is currently too narrow to accommodate the SWLRT parallel to the existing freight rail tracks and bike trail. If either of these routes is selected and the narrow "bottleneck" is not widened or other steps are not taken to accommodate all three modes of transportation, the freight rail would have to be diverted elsewhere. Due to the scarcity of north-south tracks within Hennepin County, that diversion could likely be through St. Louis Park, on the Canadian Pacific and Burlington Northern Santa Fe rail alignments.

St. Louis Park recognizes that the costs and regulatory requirements necessary to implement the mitigation measures associated with freight rail diversion (please see below) will be significant. We therefore urge that the DEIS fully explore the feasibility and costs of alternatives that would eliminate the diversion of freight rail traffic through St. Louis Park.

We request consideration of the following alternatives:

- Purchase sufficient right-of-way adjacent to the “bottleneck” near W Lake St. to accommodate SWLRT, freight rail, and the bike trail.
- Reroute or elevate the bike trail to permit SWLRT and freight rail within the “bottleneck” at West Lake Street.

The costs of one or more of these alternatives, if adopted, likely could be significantly cheaper than the costs of mitigation for freight rail relocation, and would eliminate the extensive disruption to St. Louis Park neighborhoods that would be caused by freight rail diversion.

DEIS study requirements – Freight Rail Rerouting

Freight rail relocation would result in a major increase in freight traffic in residential neighborhoods within St. Louis Park, and many impacts need to be evaluated with the DEIS prior to any decision to affect this potential change. St. Louis Park requests that Hennepin County Regional Rail Authority (HCRRA) address and mitigate impacts on neighbors and neighborhoods adjacent to the CP and BNSF railways in the event that the freight rail is rerouted. The following items need to be evaluated as part of the DEIS process:

- Determine the amount of increased rail traffic that would occur from rerouting trains to the north and east.
- Analyze the need for upgraded tracks and railroad bridges to permit trains to safely and efficiently travel through St. Louis Park.
- Assess the noise, vibration, visual and aesthetic impacts on residences and businesses and determine how to mitigate, in consultation with adjacent neighbors and businesses them.
- Evaluate the specific impacts on St. Louis Park High School with regard to traffic, pedestrian crossings, noise impacts, and the disruption to the learning process from additional rail traffic.
- Evaluate all at-grade rail/street intersections to be improved for the safety of pedestrians, motorists and bicyclists, including the need for signalized crossings. Evaluate using the proper railroad protective devices and the increased noise from additional train traffic.
- Evaluate noise walls, landscaped berms, soundproofing insulation and/or other measures to mitigate negative impacts of rail traffic on the many hundreds of homes and the St. Louis Park Senior High School that are located immediately adjacent to the freight rail tracks.

- Determine if there is a need to purchase more property to accommodate and mitigate the impacts of more rail traffic. Consider purchase of adjacent homes within the usual and customary distance to the rail lines, to create a green buffer for other nearby homes and to provide adequate space to construct noise barriers.
- Evaluate the impacts of building two new bridge connections at the Golden Auto site and an additional rail interconnection at the "iron triangle" site (which must be done prior to the rerouting of any rail traffic).
- Consider that Three Rivers Park District is conducting a feasibility study for a north-south bike/walking trail. Any freight rail diversion should be examined for issues concerning mitigation with trail location, construction, and usage, including the safety impacts of these two adjacent uses.
- Consider the extent which freight rail cars contain hazardous substances as they travel through St. Louis Park, and the impact on our community of any potential derailment.
- Assess elimination of the rail "wye" in the Elmwood/Oxford neighborhood, on which trains are backed up, de-coupled and reconfigured. This is a lengthy and noisy process that adversely affects the neighborhood all hours of the day and night.
- Evaluate the possibility of moving the current rail switching and blocking operations (which occur in SLP, Hopkins, and Minnetonka) to Glencoe.

The potential diversion of freight rail traffic through St. Louis Park would not be necessary but for the potential construction of the SWLRT along Route Nos. 1A or 3A and the potential decision by HCRRA to decline to fix the "bottleneck". Absent such decisions, freight rail traffic could continue indefinitely on its present alignment through the Kenilworth corridor. We believe it is critical that funding be made available to evaluate these impacts on St. Louis Park, as part of the development of the SWLRT. Additionally, the costs of these required measures must be considered, and be transparent to the public, as an integral element of the overall costs of Route Nos. 1A and 3A, when the final route is selected.

DEIS Study Requirements – Additional Transit Impacts

There are a number of issues that need additional attention beyond the typical required DEIS items, due to associated transportation issues. To address these issues, St. Louis Park requests that HCRRA address the following items to be evaluated as part of the DEIS process:

- Address the need to grade separate the light rail line and trail at both Beltline Boulevard and Wooddale Avenue.
- Evaluate the impacts of access, circulation and traffic issues in the station areas.
- Determine the need for parking in the station areas, and determine the demand versus supply and the spillover impacts to neighborhoods.

Ms. Katie Walker, AICP

Page 5

October 14, 2008

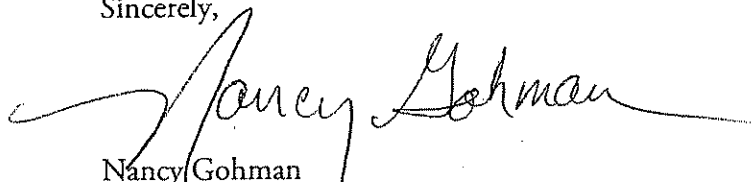
- Determine the need for a circulating feeder bus system to serve the transit stations; and resolve how that will be provided.

Conclusion

The full costs of rerouting freight rail traffic through St. Louis Park must be evaluated as part of route selection for SWLRT. The above suggests the types of improvements which will be necessary, and which require analysis as part of the DEIS process. We expect that these issues would be reviewed as part of this process and it is our request that the DEIS process incorporate all of our concerns as listed above. We additionally request that the DEIS process include at least one meeting within St. Louis Park to discuss these unique issues.

Thank you for your attention to these concerns.

Sincerely,



Nancy Gohman
Deputy City Manager

CC: Mayor Jeff Jacobs
Councilmember John Basill
Councilmember C. Paul Carver
Councilmember Phil Finkelstein
Councilmember Paul Omodt
Councilmember Loran Paprocki
Councilmember Sue Sanger
City Manager Tom Harmening
Jim Brimeyer, PAC Member
Lisa Miller, CAC Member
Bob Tift, CAC Member
Bill James, CAC Member
Shawn Klein, CAC Member

St. Louis Park SWLRT Station Area Planning Principles

SRF is currently assisting the City with the development of high-level SWLRT station area planning principles. In addition, the station areas at Wooddale Avenue and Beltline Boulevard are being studied to understand the implications of the regional trail, Southwest Light Rail Transit (LRT) and freight rail crossings.

The traffic implications for regional trail, LRT and freight rail crossings are illustrated in the attached "Sketch-Up" 3 dimensional figures. Assumptions for each of the scenarios are summarized below.

Beltline Station

1A Existing Conditions with Freight Rail and Trail at grade

- Vehicle queues due to freight rail are calculated based on recent on site traffic counts during the morning (a.m.) peak hour
- This assumes traffic on Beltline Boulevard was blocked for 10 minutes for the freight rail to cross

1B LRT and Trail at grade, no Freight Rail

- Vehicle queues due to LRT are calculated based on recent on site traffic counts during the morning (a.m.) peak hour
- This assumes that traffic on Beltline Boulevard was blocked for 45 seconds for LRT to cross

1C LRT, Freight Rail and Trail at grade

- Vehicles queues are shown for a freight rail crossing, based on recent on site traffic counts during the morning (a.m.) peak hour
- This assumes traffic on Beltline Boulevard was blocked for 10 minutes for the freight rail to cross

1D Grade Separated Trail, LRT and Freight Rail at grade

- Vehicle queues due to LRT are calculated based on recent on site traffic counts during the morning (a.m.) peak hour
- This assumes traffic on Beltline Boulevard was blocked for 10 minutes for the freight rail to cross

1E Grade Separated LRT and Trail, no Freight Rail

- No vehicle queues expected along Beltline Boulevard

1F Grade Separated LRT, Freight Rail and Trail

- No vehicle queues expected along Beltline Boulevard

Wooddale Station

1A Existing Conditions with Freight Rail and Trail at grade

- Vehicle queues due to freight rail are based on actual observations on April 28, 2011 during the morning (a.m.) peak hour
- Traffic on Wooddale Avenue was blocked for 10 minutes for the freight rail to cross

1B LRT and Trail at grade, no Freight Rail

- Vehicle queues due to LRT are calculated based on recent traffic counts during the morning (a.m.) peak hour
- This assumes that traffic on Wooddale Avenue was blocked for 45 seconds for LRT to cross

1C LRT, Freight Rail and Trail at grade

- Vehicles queues are shown for a freight rail crossing, based on actual observations on April 28, 2011 during the morning (a.m.) peak hour
- Traffic on Wooddale Avenue was blocked for 10 minutes for the freight rail to cross

Additional Notes

- For freight rail implications at the Beltline station, calculated queues may be longer than actual queues, since vehicles were seen rerouting away from the freight rail crossing during the April observation on Wooddale Avenue.
- All traffic implications related to freight rail assume travel speeds of 10 mph. If freight rail travel speeds increase to 25 mph, delays and queues may decrease.
- All traffic implications related to LRT, freight rail and trail were identified for the morning (a.m.) peak hour. Evening (p.m.) peak hour traffic volumes for Beltline Boulevard and Wooddale Avenue are higher than the morning peak hour. Therefore, delays and queues may be greater during the evening peak hour.



1A Beltline Station Existing Conditions



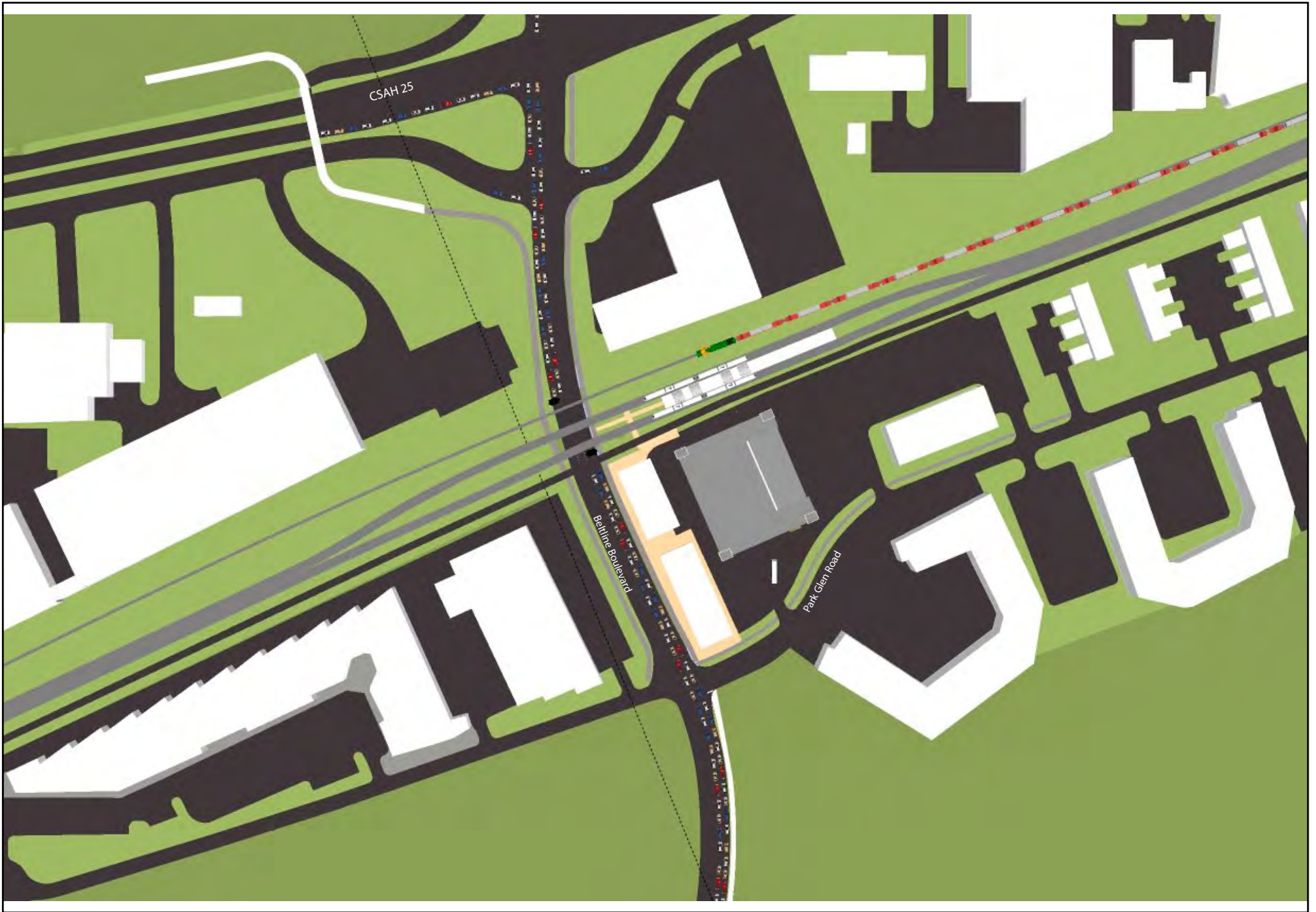
1A Beltline Station Existing Conditions



1B Beltline Station- LRT and Trail at grade, no Freight Rail



1B Beltline Station- LRT and Trail at grade, no Freight Rail



1C Beltline Station- LRT, Freight Rail and Trail at grade



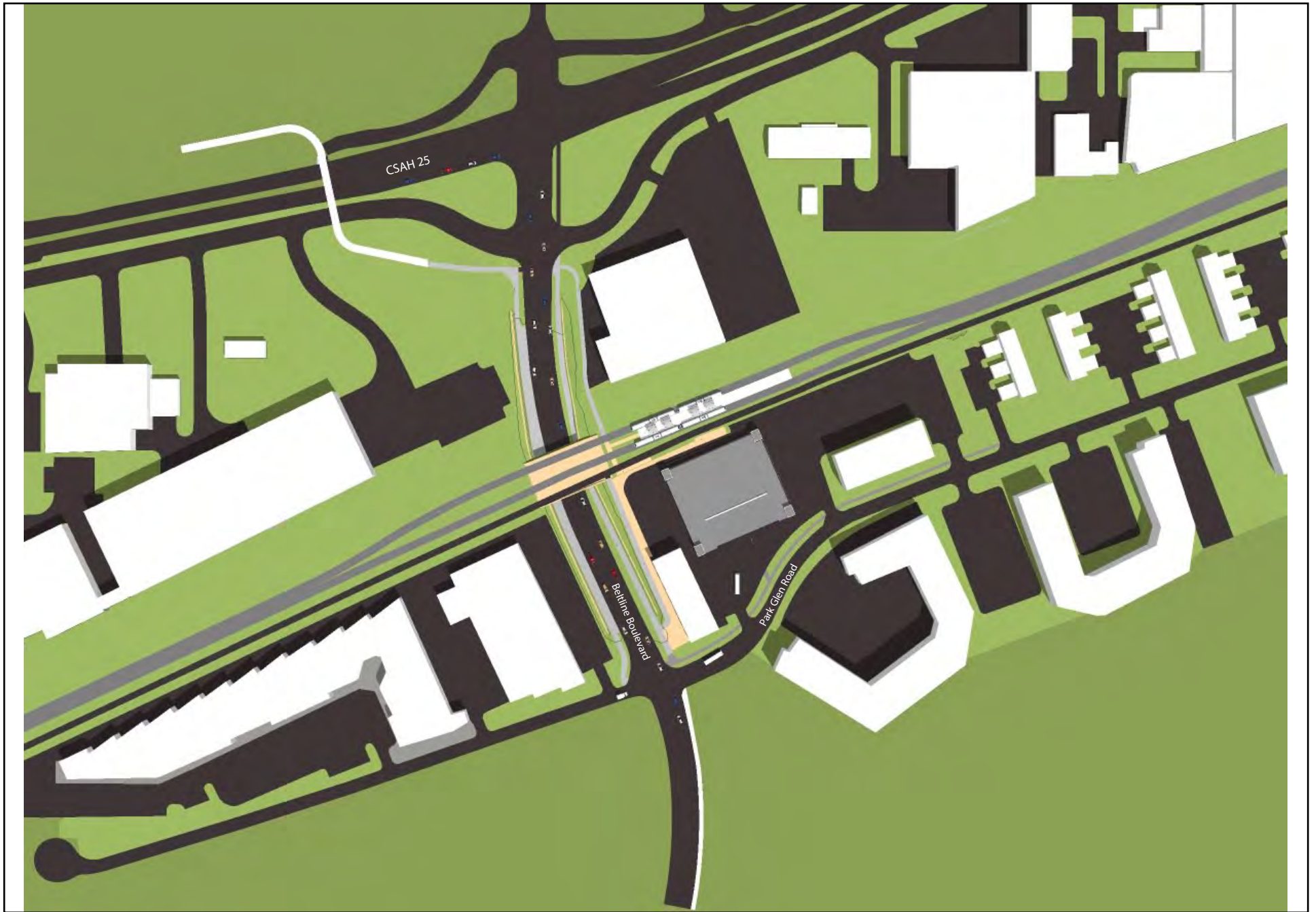
1C Beltline Station- LRT, Freight Rail and Trail at grade



1D Beltline Station- Grade Separated Trail, LRT and Freight Rail at grade



1D Beltline Station- Grade Separated Trail, LRT and Freight Rail at grade



1E Beltline Station- Grade Separated LRT and Trail, no Freight Rail



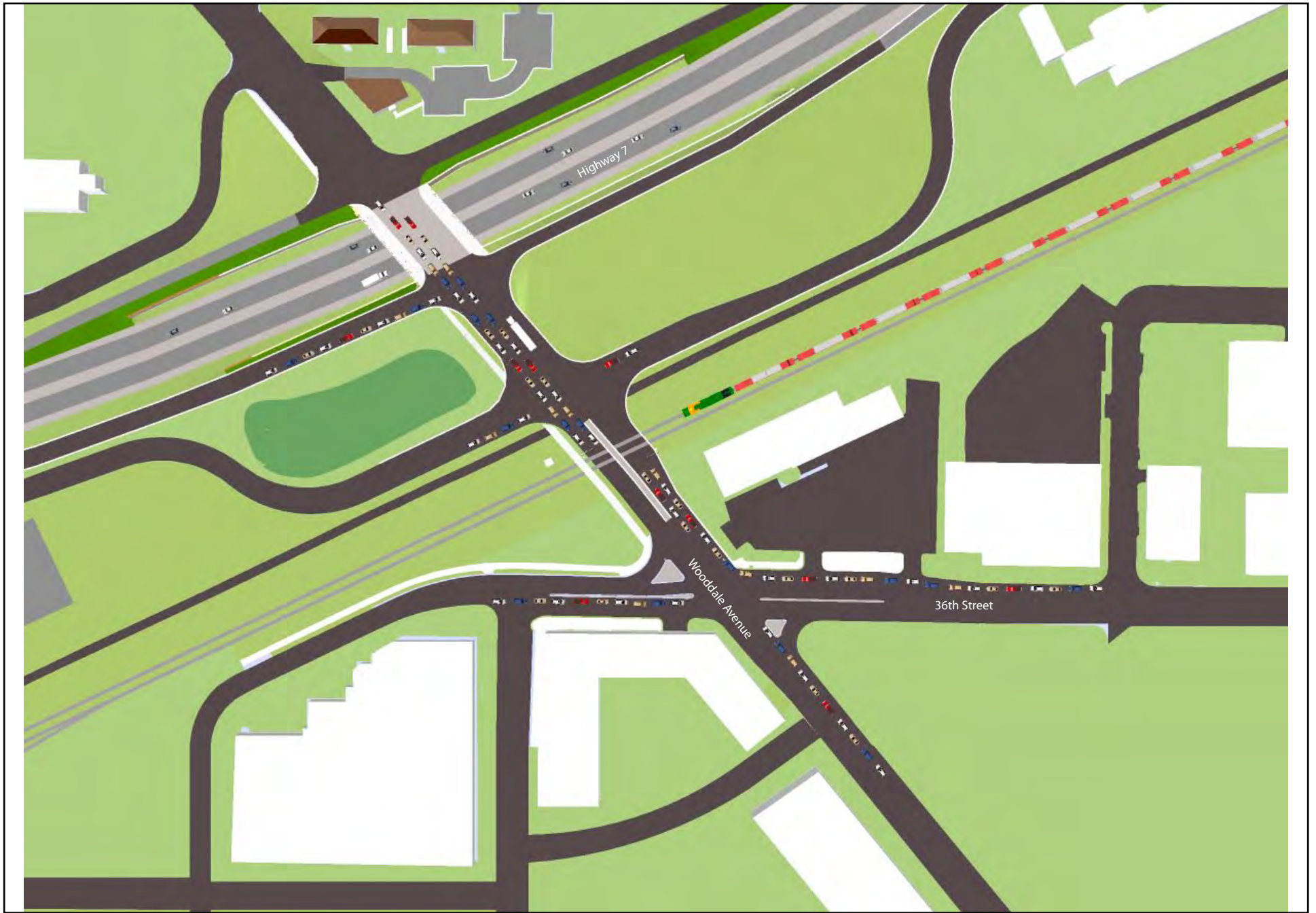
1E Beltline Station- Grade Separated LRT and Trail, no Freight Rail



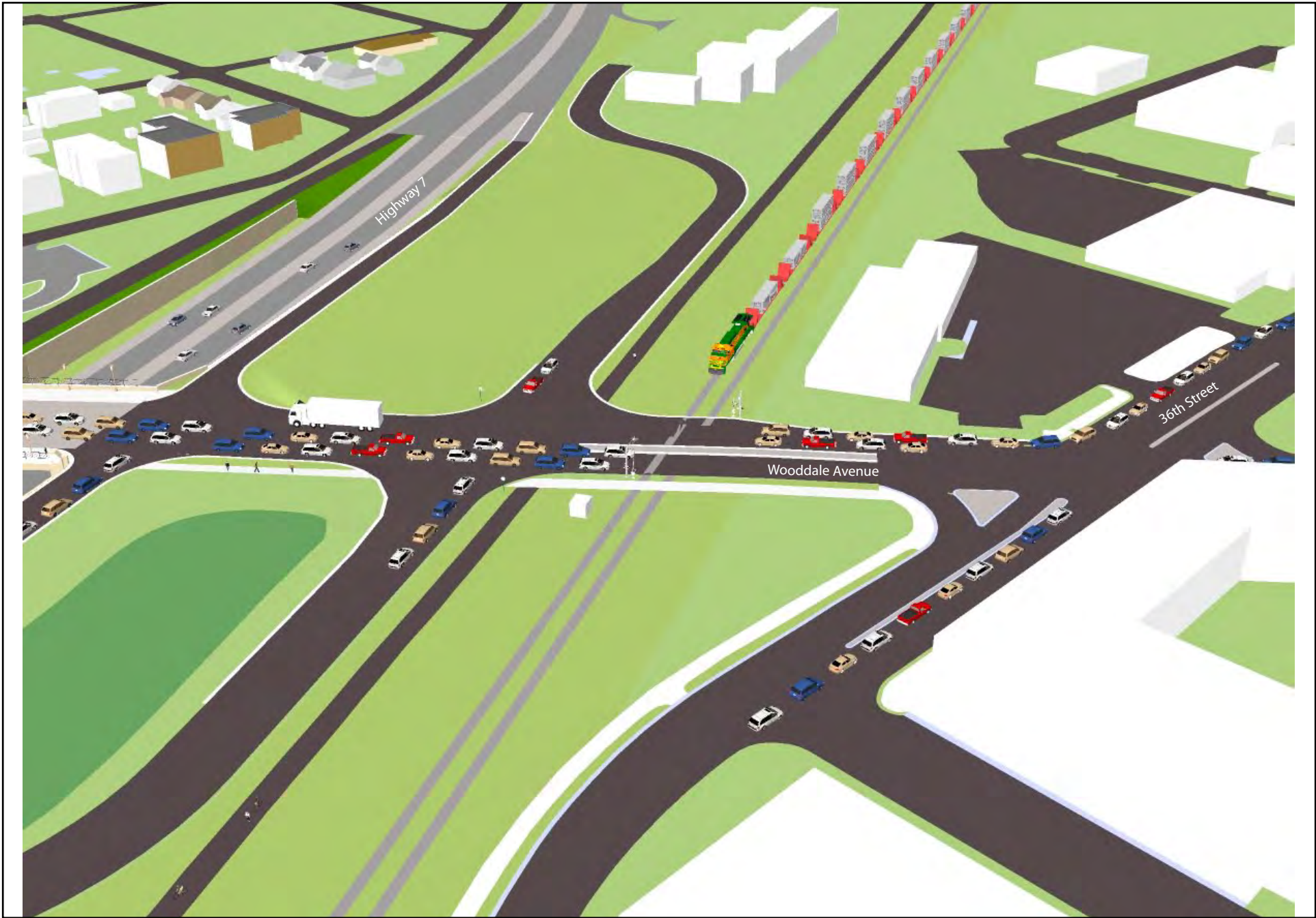
1F Beltline Station- Grade Separated LRT, Freight Rail and Trail



1F Beltline Station- Grade Separated LRT, Freight Rail and Trail



2A Wooddale Station- Existing Conditions



2A Wooddale Station- Existing Conditions



2B Wooddale Station- LRT and Trail at grade, no Freight Rail



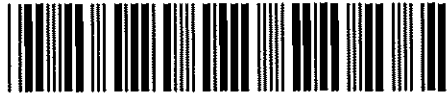
2B Wooddale Station- LRT and Trail at grade, no Freight Rail



2C Wooddale Station- LRT, Freight Rail and Trail at grade



2C Wooddale Station- LRT, Freight Rail and Trail at grade



Doc No 4543033 11/06/2008 12:00 PM
Certified filed and or recorded on above date:
Office of the Registrar of Titles
Hennepin County, Minnesota
Michael H. Cunniff, Registrar of Titles
TransID 453672

New cert

Cert
1195585

Deputy 45
Fees
\$1.50 AF
\$10.50 STATEFEE
\$34.00 TDOC FEE
\$0.00 TSUR
\$46.00 Total

1195585

RAILROAD EASEMENT AGREEMENT

CONTRACT NO.

141-06

CITY OF ST. LOUIS PARK

THIS AGREEMENT is made this 20th day of November 2006 by HIGHWAY 7 BUSINESS CENTER LLC, a Minnesota limited liability company ("Grantor"), in favor of CITY OF ST. LOUIS PARK, MINNESOTA, a Minnesota municipal corporation ("Grantee").

Recitals

A. The Grantor, Grantee and the St. Louis Park Economic Development Authority ("Authority") entered into that certain Contract for Private Redevelopment dated as of May 15, 2006 (the "Contract"), providing for the redevelopment of certain property in the City described as follows (hereafter the "Redevelopment Property"):

Lots 1 and 2, Block 1, RER Addition

B. Grantor and Grantee acknowledge that a portion of the Redevelopment Property was acquired with proceeds of an Environmental Response Fund grant from Hennepin County (the "ERF Grant"), pursuant to Minnesota Statutes, Section 383B.81 (the "ERF Act").

C. Pursuant to the Contract and Subdivision 6 of the ERF Act, the Grantor agreed to grant to Grantee an easement on a portion of the Redevelopment Property for railroad right of way purposes, all as further described herein.

Terms of Easement

1. Grant of Easement. For good and valuable consideration, receipt of which is acknowledged by Grantor, Grantor grants and conveys to the Grantee the following easement:

A perpetual easement for railroad right of way purposes over, under and across a part of the Redevelopment Property, such area being described on Exhibit A hereto (the "Easement Area").

2. Conditions of Easement. (a) Prior to the Use Commencement Date described in paragraph (b) of this Section, Grantor may occupy, improve and use the Easement Area for surface parking in accordance with the terms of the Contract. Grantor may not construct any other improvements during such period without prior written approval of Grantee. Grantor shall maintain the Easement Area during such period at its cost.

(b) Grantee or its assigns must provide 180 days' written notice to Grantor that Grantee or its assigns intends to exercise its rights in the Easement Area. Expiration of such 180-day period is hereinafter referred to as the Use Commencement Date. From and after

the Use Commencement Date, Grantee or its assigns may occupy and use the Easement Area for any railroad or rail transit purposes, specifically including (but not limited to) any rail or transit uses set forth in Subdivision 6 of the ERF Act. At all times after the Use Commencement Date, Grantor's occupation and use of the Easement Area is subject to Grantee's use of the Easement Area for the purposes described in this Agreement. Upon request by Grantee, Grantor at its cost shall remove any improvements constructed prior to the Use Commencement Date that, in Grantee's judgment, interferes with or impairs Grantee's use of the Easement Area for the purposes described in this Agreement. From and after the Use Commencement Date, Grantor shall have no obligation to maintain or pay the costs to maintain the Easement Area, except as Grantor and Grantee may otherwise mutually agree in writing.


3. Assignment. Grantee may at any time assign its rights and obligations under this Agreement to any entity, public or private, with the powers under Minnesota law to own, operate, regulate, or provide financing for railway or transit facilities of any kind, including without limitation Hennepin County and the Hennepin County Regional Railroad Authority.

4. Warranty of Title. The Grantor warrants that it is the owner of the Redevelopment Property and has the right, title and capacity to convey to the Grantee the easement herein.

5. Binding Effect. The terms and conditions of this instrument shall run with the land and be binding on the Grantor, its heirs, successors and assigns.

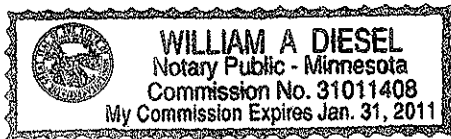
IN WITNESS WHEREOF, the Grantor has caused this Agreement to be duly executed in its name and behalf and its seal to be hereunto duly affixed and the Grantee has caused this Agreement to be duly executed in its name and behalf as of the date first above written.

^{7~~th~~}
HIGHWAY & BUSINESS CENTER LLC

By 
Paul Hyde, Chief Executive Officer

STATE OF MINNESOTA)
) SS.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 20th day of Nov., 2006, by Paul Hyde, the Chief Executive Officer of Highway 7 Business Center LLC, a Minnesota limited liability company, on behalf of the company.




Notary Public

CITY OF ST. LOUIS PARK

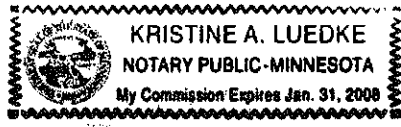
By [Signature]
Its Mayor
By [Signature]
City Manager

STATE OF MINNESOTA)
) SS.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 27 day of November,
2006 by Jeff Jacobs and Tom Harmening, the Mayor and City Manager,
respectively, of the of the City of St. Louis Park, on behalf of the City.

[Signature]
Notary Public

STATE DEED TAX DUE HEREON: NONE



THIS INSTRUMENT DRAFTED BY:
Kennedy & Graven, Chartered
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402

**EXHIBIT A
TO RAILROAD EASEMENT AGREEMENT**

Description of Easement Area

That part of Lot 2, Block 1, RER ADDITION, Hennepin County, Minnesota lying easterly of the following described line:

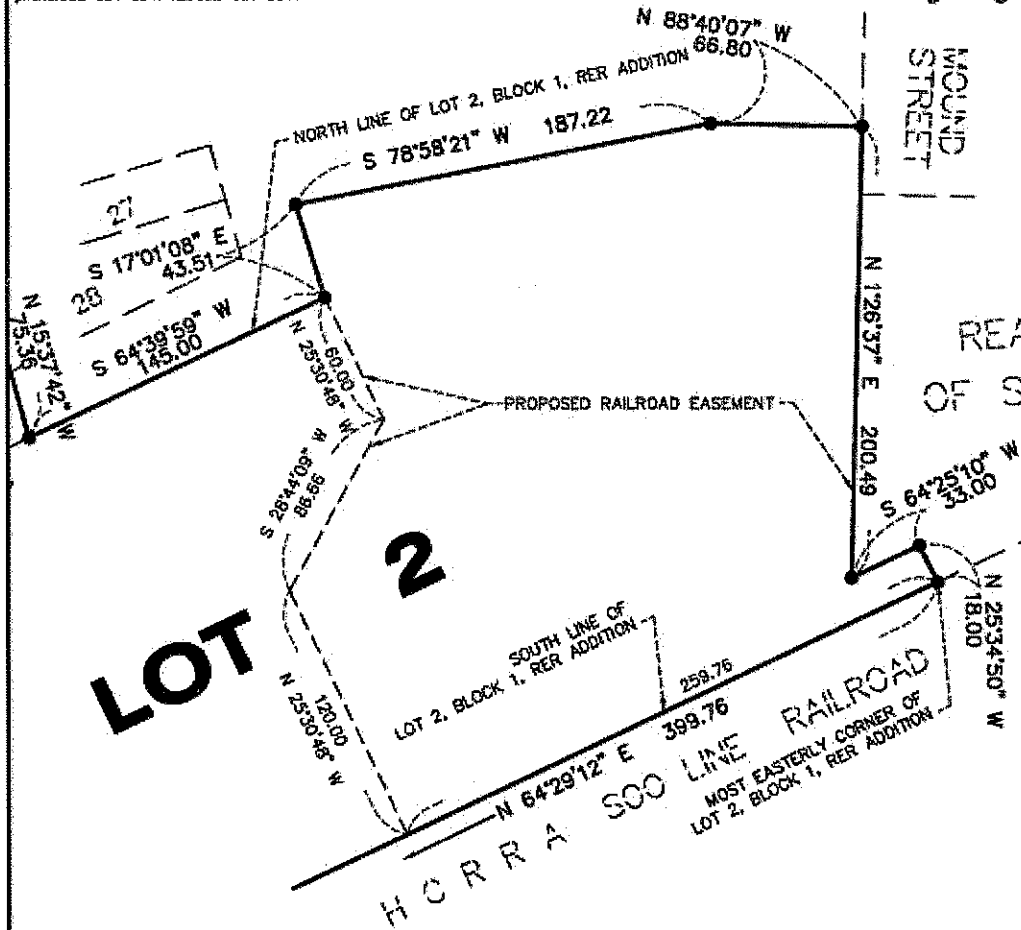
Commencing at the most easterly corner of said Lot 2; thence South 64 degrees 29 minutes 12 seconds West an assumed bearing along the south line of said Lot 2 a distance of 259.76 feet to the point of beginning; thence North 25 degrees 30 minutes 48 seconds West 120.00 feet; thence North 28 degrees 44 minutes 09 seconds East 86.66 feet; thence North 25 degrees 30 minutes 48 seconds West 60.00 feet more or less to the north line of said Lot 2 and there terminating.

HARRY S. JOHNSON
LAND SURVEYORS

5063 Lyndale Ave. So. Bloomington, MN. 55420
 phone: 952-884-5341 fax: 952-884-5344

Railroad Easement of Survey

for
Real Estate Recycling



PROPOSED RAILROAD EASEMENT DESCRIBED AS:

That part of Lot 2, Block 1, RER ADDITION, Hennepin County, Minnesota lying easterly of the following described line:

Commencing at the most easterly corner of said Lot 2; thence South 64 degrees 29 minutes 12 seconds West on assumed bearing along the south line of said Lot 2 a distance of 259.76 feet to the point of beginning; thence North 25 degrees 30 minutes 48 seconds West 120.00 feet; thence North 28 degrees 44 minutes 09 seconds East 86.66 feet; thence North 25 degrees 30 minutes 48 seconds West 60.00 feet more or less to the north line of said Lot 2 and there terminating.

CERTIFICATION

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.



SCALE: 1" = 60'

Date: October 6, 2008

Thomas E. Hoderff, L.S. MN Reg. No. 23677

JOB NO: 200515403.DWG

MEMORANDUM

TO: Meg McMonigal, AICP, Planning and Zoning Supervisor
City of St. Louis Park

FROM: Marie Cote, PE, Principal

DATE: November 7, 2012

SUBJECT: SOUTHWEST TRANSITWAY DEIS – TRAFFIC ANALYSIS REVIEW

As requested, we have completed a review of the SW LRT DEIS Chapter 6: Transportation Effects (October 2012). This includes the review of additional information related to a new alternative named 3A-1 (co-location), which includes freight trains running parallel to LRT in the Kenilworth corridor. Based on our review, we offer the following comments for your consideration:

Transit Effects

- The transit ridership was prepared using standard, accepted methods available at the time the draft was prepared. Station boardings are provided for each station in Appendix H, but no conclusions can be drawn specific to the reasonableness of those estimates. It is our understanding that the transit ridership will be updated as part of the design phase using newly available information for the FEIS, such as the 2010 Transit On Board Survey.

Effects on Roadways

- The initial comment regarding a single growth factor was not addressed in the revised DEIS. The year 2030 traffic forecasts were developed by applying a growth factor to the existing (year 2010) traffic volumes. The regional model was used to determine growth, but a single 1.12 factor continues to be applied along the entire corridor. Generally, it can be expected that this approach would understate developing area growth and overstate fully developed area growth, but specific roadways may be differently affected. A “risk assessment” approach could be used at intersections with failing or near-failing levels of service to determine the extent to which a higher growth assumption would affect the conclusions of the analysis.

- An existing and future intersection operations analysis was completed using the Synchro/SimTraffic software. It is stated that Synchro/SimTraffic does not have the direct capacity to model LRT. The Southwest Transitway DEIS – Traffic Analysis Update in Appendix H also states that each station and the impacts on operations and circulation will be addressed in a detailed analysis as part of the FEIS. It is our understanding that VISSIM will be used to better assess LRT operations in the design phase of the SW LRT.
- The operations analysis completed for year 2017 and 2030 build conditions identified intersections that are expected to operate at an unacceptable level of service. Further analysis of the potential mitigation measures will be addressed in the FEIS.
- The Southwest Transitway DEIS – Traffic Analysis Update in Appendix H includes assumptions related to future LRT and freight trains operating in the Kenilworth corridor. The operations analysis assumes a freight train with 30 cars at 60 feet each, traveling at 10 mph. This results in 150 seconds for a freight train to cross an intersection. According to field observations conducted for the City in 2011, a freight train traveling across Wooddale Avenue and Beltline Boulevard required 10 minutes of vehicular delay during the morning peak hour. The significant difference between the observed delay and assumed delay for a freight train crossing could have a measurable impact on the operations analysis results for 2018 and 2030. In addition, the Southwest Transitway DEIS – Traffic Analysis Update results state that “these queues are not anticipated to impact the signal operations at the high volume intersection of CSAH 25 and Beltline Boulevard”. Further analysis of this issue should be addressed as part of the FEIS.
- The At-Grade Queue Analysis in Appendix H includes the details of the queuing impacts related to various freight train lengths. This technical memorandum dated May 31, 2012 was completed after the Southwest Transitway DEIS – Traffic Analysis Update (March 21, 2012). This analysis further evaluated the 30-car train at 10 mph, in addition to a 120-car train at 10 mph. The results of the 2010 and 2030 analysis identified significant queues impacting adjacent intersections along the Wooddale Avenue and Beltline Boulevard corridors for the 30-car and 120-car scenarios. The general note summarizing the analysis states that “a scenario in which a train arrives during this relatively short timeframe is possible, but would likely be a relatively rare occurrence”. As previously stated, further analysis of this issue should be addressed as part of the FEIS.
- The Operational Impacts at Intersections section describes the analysis conducted to identify LRT impacts on intersection operations to determine “how well intersections function to move traffic and pedestrians”. However, this section is limited to vehicular and freight rail traffic. The Southwest Transitway DEIS – Traffic Analysis Update in Appendix H states that pedestrians were not modeled due to low pedestrian counts. The impacts on pedestrians and bicyclists traveling through the intersections and roadways near the LRT stations should be considered in the FEIS. This should also include impacts on the regional trail at-grade crossing in close proximity to the future LRT alignment.

**November,
2009**

TCWR Freight Rail Realignment Study



Hennepin County Regional Railroad Authority

11/18/09

With assistance from TKDA

BACKGROUND

Prior to the Hiawatha/TH55 upgrades in South Minneapolis, Canadian Pacific Railway's (CPR) Bass Lake Subdivision (east-west trackage through St. Louis Park and Minneapolis) crossed Hiawatha Avenue at grade (see Exhibit 1). During the design process for the Hiawatha/TH55 project, Mn/DOT and FHWA determined that neither an at-grade freight rail crossing nor a grade separation was viable and the decision was made to sever the freight rail line and relocate freight rail service to St. Paul. An at-grade crossing posed problems due to the high traffic levels on Hiawatha/TH55 and a grade separation was problematic due to limited grades and geometry. An analysis was conducted to determine the preferred route for the relocated freight rail service. The conclusion was that the MNS Sub was the preferred route. Shortly after this was concluded it was discovered that the Golden Auto site over which the freight rail connection would be constructed was a superfund site. Until the Golden Auto site was cleaned up and delisted, a temporary route needed to be found or the federal funding for Hiawatha/TH55 project would be lost.

The main carrier on the Bass Lake Sub from St. Louis Park, through the Midtown Trench along 29th Street, and on to St. Paul is the Twin Cities and Western Railroad (TCWR). TCWR has trackage rights on CPR's Bass Lake Sub and also BNSF Railway (BNSF) track once they got to St. Paul to continue on to the Pigs Eye Yard in St. Paul and to Minnesota Commercial Railway's (MNNR) A Yard. To sever the Midtown Trench tracks at Hiawatha Avenue, an alternate route was needed to get TCWR on to St. Paul where they have connections with BNSF, CPR, MNNR, and Union Pacific Railroad (UP).

Hennepin County Regional Railroad Authority (HCRRA) owns the old CNW line known as the Kenilworth Corridor through the Kenwood area in Minneapolis. To facilitate the connection of TCWR to the east, HCRRA rehabbed the Kenilworth Corridor as a temporary route and facilitated an agreement between BNSF, CPR, and TCWR to provide trackage rights into and through St. Paul. In order to allow trains back on this old CNW line, the neighborhoods were told that this alignment was going to be temporary to preserve it for future transit use. The temporary route was rehabbed and was to be used for 1-6 years until a permanent relocation could be developed. This 1-6 year fix has now become more than a 10 year fix and is currently in the need of another rehab to safely and consistently carry rail traffic into the future.

ST. LOUIS PARK RAILROAD REPORT, 1999

Shortly after the decision was made to reroute freight rail traffic on a temporary basis through the Kenilworth Corridor in Minneapolis, a study was conducted to examine the short-term and long-term freight rail options to determine solutions that allow freight to move efficiently and effectively through St. Louis Park while reducing impacts to the greatest extent possible for St. Louis Park. A Neighborhood Task Force was assembled to provide guidance and input during the study.

STUDY PURPOSE

The purpose of the analysis contained in this report is to evaluate all potential options for a permanent location for freight rail operations. To determine a permanent home for freight service consideration must be given to both the short-term and the long-term. Any solution must work for both the short-term as well as the long-term.

For this report, care has been taken to avoid repeating the information in the St. Louis Park Railroad Study prepared by RLK Associates, Ltd. in March 1999. Most of the information contained in this study is based on the technical data from the St. Louis Park Railroad Study. That data was used as a starting point for background information on potential alignments. However, the railroads, Mn/DOT, the City of St. Louis Park, and Hennepin County have all been interviewed again to get updated information that would affect finding a permanent track alignment for TCWR. Using past and present information, Hennepin County is pursuing feasible alignment scenarios for a permanent home for TCWR freight traffic.

To provide project direction, a discussion group was formed and is composed of staff from Hennepin County, Mn/DOT, Twin Cities and Western (TCW) Rail Company, Minneapolis, and St. Louis Park. The discussion group met periodically during the course of the study to provide input and to review technical materials produced by TKDA.

CHANGES SINCE ST. LOUIS PARK RAILROAD STUDY, 1999

While most information in the St. Louis Park Railroad Study is still pertinent, changes have taken place in the metro area that need to be accounted for while finding a permanent home for TCWR. The current Twins Ballpark (Target Field) is nearly complete as is the Northstar Commuter Rail and Hiawatha Light Rail Transit extension. Additional passenger rail and light rail corridors are also being explored that will terminate at the Minneapolis Transportation Interchange, near the new Target Field site. In addition to all the developments surrounding the Twins Ballpark area, railroad priorities and shipping movements have changed since 2000 when the St. Louis Park Freight Rail Task Force Report was completed.

TWINS BALLPARK SITE (Target Field)

The design of the Twins Ballpark (Target Field) required reconfiguring railroad tracks in the area. With the addition of the Twins Ballpark to the west side of downtown Minneapolis, additional rail complications have been introduced. BNSF's Wayzata Sub runs adjacent to the Twins Ballpark site. This is already a busy section of track for BNSF with up to 15 trains per day traveling through the area. This includes intermodal trains with double-stacked shipping containers that are now able to pass under the Main Street bridge in northeast Minneapolis which was just replaced this year. The inclusion of the Twins Ballpark near BNSF's track required extensive realignment to permit the trackage and ballpark to coexist in the same area. The realignment for the Twins Ballpark works as required, but it hinders future track alignment modifications and limits capacity expansion through the area. On its current right of way, BNSF is relegated to one track through this entire corridor to the northwest of the new Twins Ballpark (Target Field). Adding additional tracks through this area to expand freight rail operations would require significant property acquisitions and reconstruction of bridges. The area to the northwest of the Twins Ballpark (Target Field) is a historic district covering some of the properties that would be required to construct additional tracks through the area.

MINNEAPOLIS TRANSPORTATION INTERCHANGE

As part of the Twins Ballpark (Target Field) site, a two-level intermodal passenger rail hub is being completed at the north corner of the Twin Ballpark. This includes Northstar Commuter Rail at the same level as BNSF's freight tracks and Light Rail Transit (LRT) at the street level above.

The Northstar Commuter Rail station has been built with two tracks for train storage and passenger loading and unloading. This trackage is built at the same level as BNSF's track as the Northstar passenger train will be utilizing BNSF tracks. Located between the Twins Ballpark to the southwest and BNSF's mainline and buildings to the northwest, most usable space through this area has already been utilized.

The LRT station and trackage is out of the way of freight rail through the area. However, this is another factor that impedes expansion of freight or passenger rail through the area. The LRT extension to the Twins Ballpark is built at the same level as 5th Street on a bridge over the Wayzata Sub and Northstar Commuter Rail tracks. If additional freight rail tracks are constructed in the area, the 5th Street LRT bridge would need to be lengthened and LRT service would be suspended during construction.

Combined, the Twins Ballpark (Target Field) and the intermodal station connecting Northstar Commuter Rail and Hiawatha/Central LRT restrict if not preclude the ability to expand BNSF's track through the area. For expansion to be possible, bridges over BNSF's track will need to be lengthened, buildings to the west located within a historic district will need to be taken, or possibly both.

PASSENGER AND LIGHT RAIL PROJECTS

Passenger and light rail projects are currently being considered throughout the Twin Cities Metro area. At full build out the Minneapolis Transportation Interchange (intermodal station) could be served by up to five (5) commuter rail lines, up to four (4) LRT lines, intercity passenger rail service, and high speed rail from Chicago. The implementation of the future vision for an integrated system of rail lines and bus routes converging in downtown Minneapolis at the Minneapolis Transportation Interchange has a significant impact on the ability of freight rail to expand operations through this area.

While the passenger and LRT corridors have varying degrees of potential implementation in the near future, the list does highlight the number of passenger rail projects being looked at in the area. That means there is a strong possibility that the area around the Twins Ballpark, and BNSF's Wayzata Sub specifically, will see additional rail traffic increases that need to be accounted for while looking for a permanent route for TCWR's trains. If all of the projects are built as envisioned by Hennepin County, up to 80 commuter and passenger rail trains per day and 500 LRT trains per day will converge at the Minneapolis Transportation Interchange in addition to any freight rail traffic.

RAIL TRAFFIC

Rail traffic varies from day to day and year to year. Although it's impossible to precisely forecast future rail traffic, we can use current rail traffic as a starting point for analysis. The one bit of traffic that has changed significantly is TCWR's southbound traffic to the port of Savage. Due to market changes in grain, this move by TCWR has not run in the past two years. However, that traffic could turn around during any given harvest season. TCWR purchased the bridge over the Mississippi River in Savage to protect that shipping option and is counting on that market for growth in their future traffic projections.

BNSF and CPR rail traffic has gone up and down through the area, but none of the changes suggest a major change in traffic to the point where current routes aren't needed. If anything, the changes (specifically the addition of passenger rail and double-stack intermodal trains on the Wayzata Sub) will necessitate increases in capacity and infrastructure.

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

ALTERNATE ROUTE ANALYSIS

After reviewing the history of freight rail operations and discussing the future of freight rail operations with the private freight rail companies, TKDA developed an inventory of all possible routes for long-term permanent freight rail operations. The options for alternative routes were presented in small group meetings with the private freight rail companies. Through this process the following alternatives were identified:

- Kenilworth Corridor
- Midtown Corridor
- MNS Sub
- Chaska Cut-Off
- Former Railroad Alignment – Hwy 169
- Western MN Connection with BNSF

The routing alternatives were then evaluated to determine which one would provide the best long-term permanent home for freight rail. Considerations included impact to freight rail operations (short-term and long-term), impacts to the transportation system, potential property acquisitions/relocations, and construction costs.

KENILWORTH CORRIDOR – EXISTING TEMPORARY ALIGNMENT

The temporary route for TCW routes them along their own track to the west which turns into CPR owned track before turning into HCRRA track between the Midtown Corridor turnoff and the Cedar Lake Junction at BNSF's Wayzata Sub (see Exhibit 2). TCWR runs on the Bass Lake Spur before veering northeast where the old Midtown Corridor started heading straight east along 29th Street. From here TCWR runs on the Kenilworth Corridor up to Cedar Lake Junction where it turns east onto BNSF's Wayzata Sub and heads into downtown through the Twins Ballpark site and on to St. Paul. As stated previously, this route was meant to be a temporary route for TCWR. The line was rebuilt to temporarily allow trains to connect to St. Paul while the National Lead/Golden Auto site was to be cleaned up to accommodate a connection between Bass Lake Sub to MNS Sub for TCWR to run through St. Louis Park. The HCRRA acquired the Kenilworth Corridor to preserve it for future transit use. HCRRA allowed temporary use of the Kenilworth Corridor for TCWR operations to allow the Hiawatha/TH55 Project to move forward with the understanding that freight rail was only a temporary use and would vacate the corridor.

According to State Statute 383B.81, an Environmental Response Fund was created to sufficiently clean up the National Lead/Golden Auto site in St. Louis Park. This property was to be used to build the

EXHIBIT 2



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connection between Bass Lake Sub to MNS Sub for TCWR to run through St. Louis Park before making its way east to St. Paul. The funds were to be made available to St. Louis Park if they entered into an agreement with Hennepin County to acquire the contaminated site and to provide a rail right-of-way to replace the 29th Street Corridor. Kenilworth was never to be a permanent alignment and was rehabilitated accordingly. The lifespan of this rehabilitated track is coming to an end and a long-term permanent location for freight rail must be provided.

Mn/DOT is also interested in the relocation of the freight rail through this area. They are interested in knowing whether TCWR will continue to run on this corridor before performing their Hwy 100 widening project under Hwy 7 and the Bass Lake Sub. Mn/DOT acknowledges that if SWLRT is constructed, a new LRT bridge will need to go over Hwy 100. However the necessity to build a freight rail bridge over Hwy 100 is determined by whether or not freight rail continues through the Kenilworth Corridor or if it's relocated elsewhere. Building a freight bridge will add significant costs to the Hwy 100 widening project. They would have to build a longer bridge than currently exists to accommodate a wider Hwy 100.

Building a longer bridge also means a taller depth of structure which inevitably will lead to having to lower Hwy 100 further to get the necessary clearances for vehicular traffic below the freight railroad bridge. And pushing the roadway down creates drainage issues that also need to be accounted for. All of these issues and expenditures would be eliminated if TCWR freight traffic is relocated to the MNS Sub.

During the course of this study, St. Louis Park staff requested an evaluation of freight rail and LRT coexistence in the Kenilworth Corridor. The purpose was to inform elected officials and the public of the implications. Coexistence of the freight rail lines would require acquisitions in excess of \$100 million and a potential additional crossing of freight rail and LRT. Based upon this analysis, it was concluded that it is not viable for freight rail and LRT to coexist in the Kenilworth Corridor.

Summary

The Kenilworth Corridor has significant constraints for the long-term permanent location for freight rail due to:

- future rail capacity constraints near the Twins Ballpark (Target Field)
- negative impacts to the Hwy 100 project
- traffic management issues related to at-grade crossings of Wooddale Avenue and Beltline Boulevard in St. Louis Park
- funding needed for rehabilitation

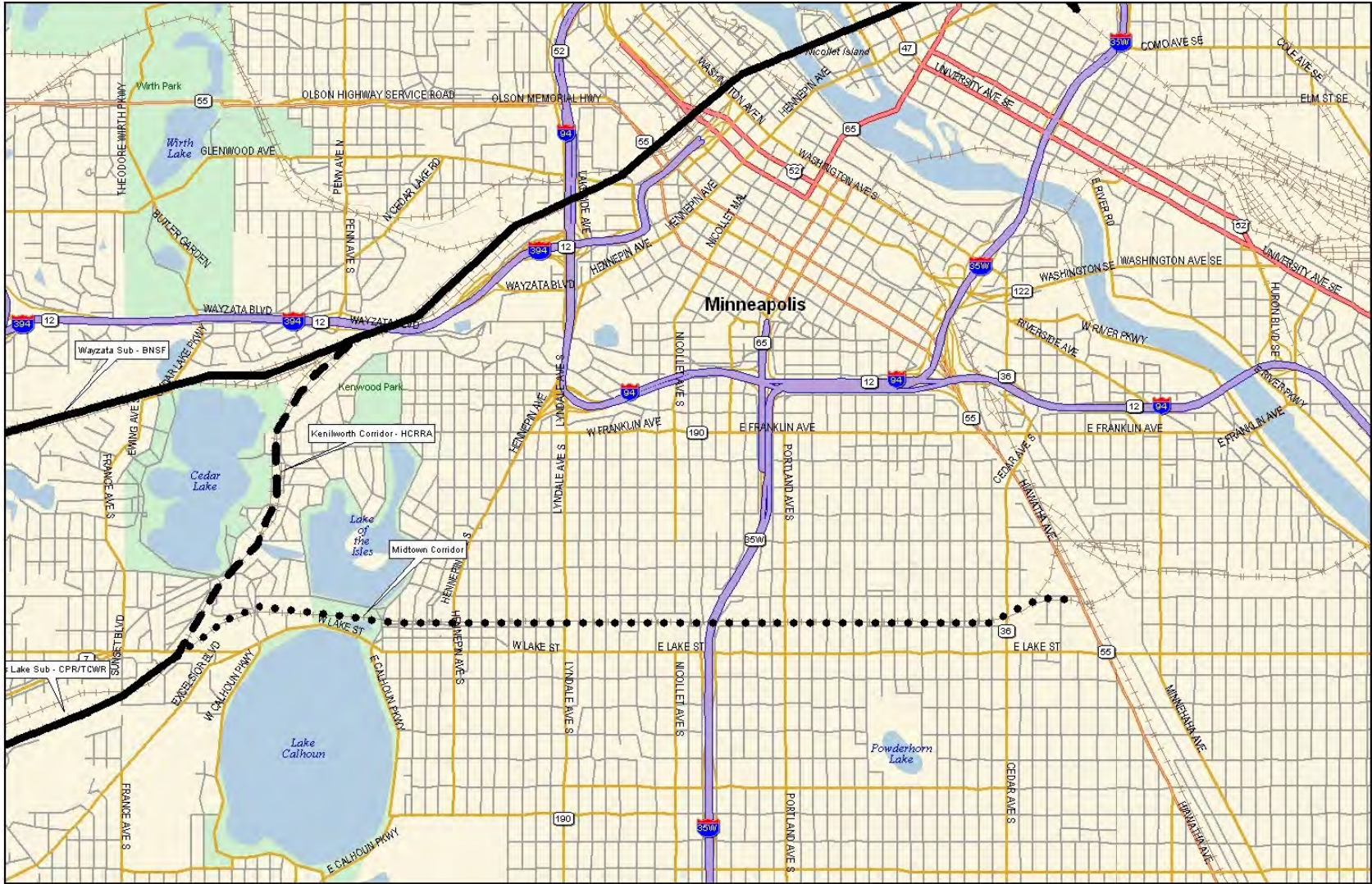
MIDTOWN CORRIDOR

Although TCWR was relocated from the Midtown Corridor due to the Hwy 55/Hiawatha Avenue project, it was reevaluated as a potential alignment. The TCWR would follow its current alignment on the Bass Lake Sub through St. Louis Park and onto what is the Midtown Corridor through the trench (see Exhibit 3). It would then approach Hwy 55/Hiawatha Avenue and would be grade-separated as an overpass of the roadway. It would connect to the CPR tracks on the east side of Hwy 55/Hiawatha Avenue that are currently leased and run on by MNNR. This alignment would reinstate freight rail as it existed prior to the Hwy 55/Hiawatha Avenue project and track severing.

EXHIBIT 3



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Extensive work would be necessary to make the railroad connection from the west side to the east side of Hwy 55/Hiawatha Avenue. The Hiawatha LRT bridge would need to be reconstructed to provide ample clearance for a freight train on a structure underneath it. A new freight rail bridge would need to be built to span Hwy 55/Hiawatha Avenue. Hwy 55/Hiawatha Avenue would need to be lowered to provide clearance underneath the freight rail bridge. The profile change on Hwy 55/Hiawatha Avenue would most certainly affect the Lake Street overpass and approaches to that bridge. The intersection at 26th and 28th Streets would need to be reconfigured and the new Sabo pedestrian bridge north of 28th Street would need to be reconstructed. Roadway and LRT traffic through the area would largely be delayed or stopped for this alternative to be constructed. In addition, this construction would require various permits from federal and state agencies as well as agreements with the private freight rail companies.

The Midtown Corridor was acquired by the HCRRA to preserve it for future transit use. The corridor has been considered for LRT, streetcar, and bus rapid transit (BRT) implementation. The Midtown Corridor is included in the Metropolitan Council's TPP as a future project. Reinstatement of freight rail service would preclude transit use of the corridor.

Summary

The Midtown Corridor has significant constraints for the long-term permanent location for freight rail operations due to:

- the estimated capital costs to reconstruct Hwy 55, the Hiawatha LRT line, and the Sabo pedestrian bridge would exceed \$136 million (2008)
- the complexity of engineering to retain vehicle flows on Hwy 55 as well as Lake Street, LRT operations, bicycle and pedestrian movements

MNS SUB ALIGNMENT THROUGH ST. LOUIS PARK

The MNS Subdivision alignment (see Exhibit 4) was the preferred alignment when Hwy 55/Hiawatha Avenue was upgraded and freight rail service in the Midtown Corridor was severed. In 2001, the St. Louis Park Railroad Advisory Task Force developed a position statement that included language agreeing to accept freight rail relocation along the MNS line at such time as the freight rail was displaced from the Kenilworth Corridor by mass transit.

Coming from the west, TCWR would operate on their own tracks before passing onto the CPR owned tracks of the Bass Lake Sub, then heading north on to CPR's MNS Sub through St. Louis Park and then onto BNSF's Wayzata Sub heading east into downtown Minneapolis toward the Twins Ballpark site. For this alignment, a connection between the Bass Lake Sub and the MNS Sub is needed on the south side of St. Louis Park (see Exhibit 5) and a connection between the MNS Sub and Wayzata Sub is needed on the north side (formerly existed and was known as the Iron Triangle; see Exhibit 6). For TCWR's southbound move onto the MNS Sub to the Port of Savage, a new south connection would be made from the Bass Lake Sub to the MNS Sub.

TCWR would be able to operate on this alignment in a very similar fashion to how they currently run through the Kenilworth Corridor. They would have the same connections with other railroads except for the more efficient southbound move onto CPR's MNS Sub. The major change would be the elimination

EXHIBIT 4



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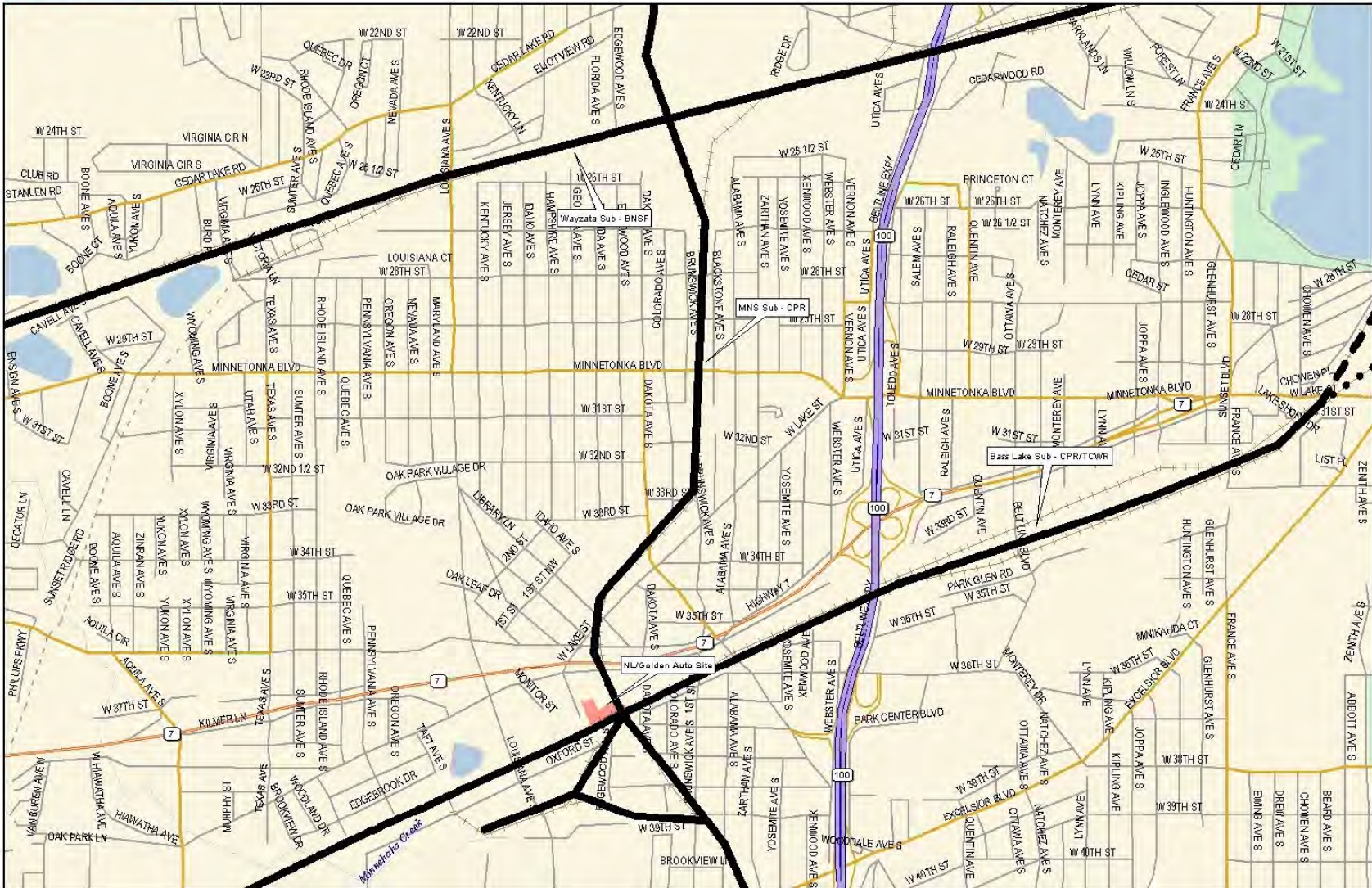
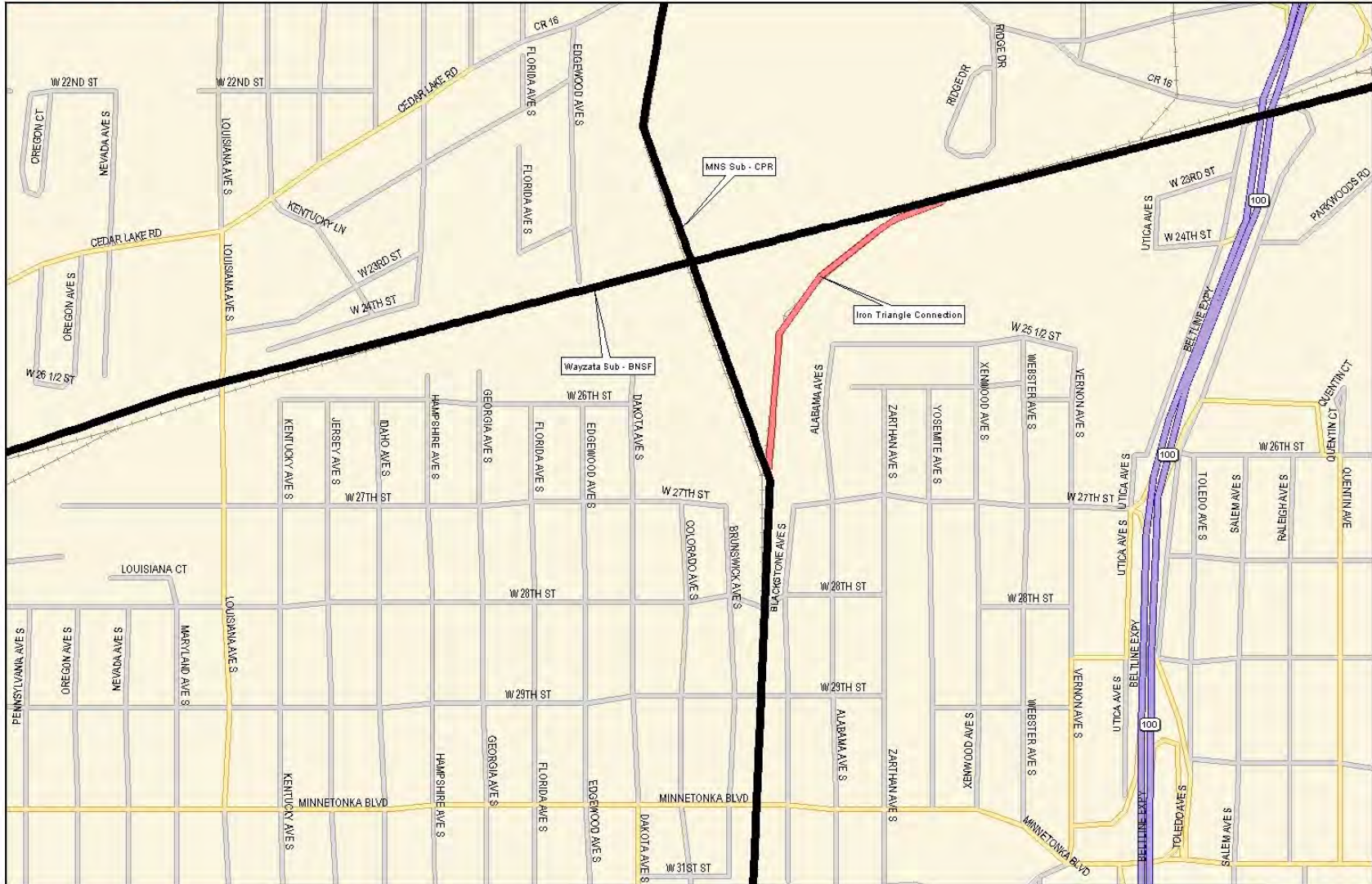


EXHIBIT 6



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of the north connection to the switching wye in the Skunk Hollow area while leaving the south end of the wye in place to serve one customer at the end of the track west of Louisiana Blvd. This would eliminate all blocking operations for the southbound move with the only necessary stoppage of trains being needed for the switch into the one customer west of Louisiana Blvd. This through movement southbound would eliminate the banging cars, screeching wheels, and whistle blowing from the switching operations needed for their current move southbound (which has been slow for a couple of years but could pick up at any time).

CPR currently runs through St. Louis Park on the MNS Sub with two trains per day on jointed track. With this alignment, additional TCWR trains would be running on the MNS Sub. However, due to the condition of the track on the MNS Sub, it would need to be upgraded to welded rail to accommodate TCWR's heavier trains. The welded rail would eliminate the wheel clatter when wheels pass over the rail joints. It would provide a smooth ride and thus eliminate much of the wheel noise associated with the current jointed rail.

Through discussions with TCW staff it was determined that to minimize construction costs, maintenance requirements, and operational requirements for this alignment, a maximum grade of 0.8%, a maximum curvature for the northbound Bass Lake Sub to MNS Sub connection of 8.0 degrees, and a maximum curvature of 9.5 degrees for the southbound connection were chosen. These grades and curves will allow TCWR to run its existing trains using its existing power to accomplish its movements. This alignment is approximately 0.4 miles longer than the route through the Kenilworth Corridor. These grades, curves, and added length will present additional maintenance requirements and great operating costs compared to straight track, but it can be operated on similar to the way it is today.

The MNS Sub will connect with the Wayzata Sub at a point approximately 2.5 miles west of Cedar Lake Junction. Cedar Lake Junction is where the Bass Lake Sub (and the Kenilworth Corridor) connects with BNSF's Wayzata Sub. In the short term TCWR will run as it currently does and continue on east past the Twins Ballpark site and on to St. Paul. However, as mentioned earlier, if additional passenger rail projects continue to compete for track capacity in the area of the Twins Ballpark, TCWR has the option of running north on the MNS Sub to CPR's Humboldt Yard to get into Minneapolis and St. Paul. This route presents flexibility that can be taken advantage of in the future.

In addition to the work involved with the construction of the new alignment, due to the removal of the storage track in the Skunk Hollow area, a new siding would need to be built for TCWR west of the Twin Cities area. TCWR has some locations in mind and would choose a location if this alignment was chosen. The cost of this storage track is included in the cost estimate.

Summary

The MNS Sub has fewer constraints than the other alternatives and is therefore a feasible alignment for the long-term permanent location for freight rail operations:

- provision for short-term operations and flexibility for freight rail expansion in the long-term if rerouting freight trains through Humboldt Yard is necessary
- opportunity to mitigate an existing freight rail corridor to minimize noise and vibration impacts to adjacent uses
- previous findings that the MNS line provides the preferred alternative for freight rail
- greater operating costs and increased maintenance for TCWR due to grade and curve
- funding needed for relocation and mitigation

CHASKA CUT-OFF

The Chaska Cut-Off was a route that existed in the past when the line was under ownership of the Milwaukee Road. The alternate route that was looked at started just east of Cologne and followed Hwy 212 for 4 miles before veering southeast and then turning northeast back into town and paralleling where the current Hwy 212 exists in town. It then turned back southeast, crossed the existing Hwy 212 and cut through the neighborhood southeast of downtown Chaska. After passing the Carver County Courthouse and Mini Park it continues southeast before crossing the Minnesota River and paralleling the bluff to the east until it met UP's tracks in Shakopee.

The new Chaska Cut-Off alternative would cross over Hwy 212 and parallel the highway until it was northeast of downtown. Once out of town, it would swing back to the southeast where it would cross the river and then tie into UP's tracks on the east side of the Minnesota River (see Exhibit 7)

There are a number of issues that need to be accounted for in this alternative. Firstly, there is a need for a railroad bridge over the Minnesota River and therefore a new one would need to be constructed. Secondly, between Hwy 212 and the Minnesota River, a number of small bridges and or embankment would need to be constructed through a wetland area. Mn/DOT is trying to eliminate at-grade crossings from its Trunk Highway system, therefore the crossing of Hwy 212 would need to be a grade separation which would impact the downtown Chaska area.

Summary

The Chaska Cut-Off has significant constraints for the long-term permanent location for freight rail due to:

- major operational deficiencies for TCWR
- lack of ability to interchange with BNSF, MNNR, CPR, UP, and have access to the Port of Savage and the Port of Camden in Minneapolis.
- complicated alignment and connections to existing railroads

FORMER RAILROAD ALIGNMENT ALONG HWY 169 IN ST. LOUIS PARK AND HOPKINS

There exists an old railroad bed that is faintly visible on aerial photographs of St. Louis Park and Hopkins along TH 169 (see Exhibit 8). This was an old BNSF track that has been developed into housing and a pedestrian trail. This alignment would require the removal of 11 residences and one apartment building on the former right of way and would require reconfiguring the grade separation at TH 169 and Excelsior Blvd. Additionally it would create additional traffic issues on Excelsior Blvd due to a new at-grade crossing. The TH 5/Minnetonka Blvd bridge over the old right of way has been replaced and no longer has the clearance underneath to accommodate a train. The existing pedestrian trail would need to be relocated if new track is installed.

Summary

The Former Railroad Alignment Along Hwy 169 has significant constraints for the long-term permanent location for freight rail due to:

- the number and type of property acquisitions/displacements required
- potential impacts to the transportation system for both roads and trails
construction costs of \$120 million (2008)

EXHIBIT 7



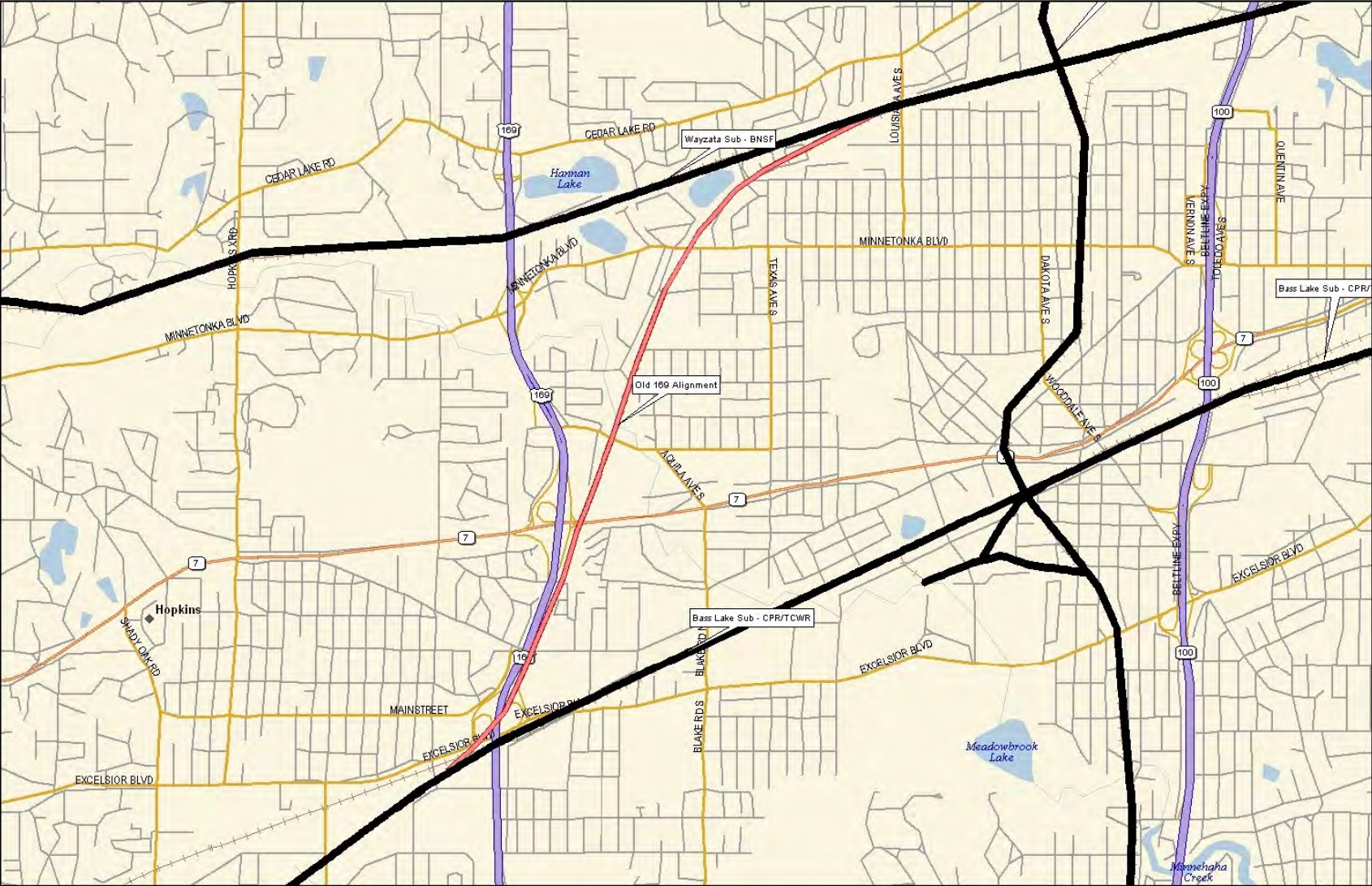
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EXHIBIT 8



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WESTERN MN CONNECTION WITH BNSF

TCWR connects with BNSF in Appleton, MN on the west end of its system (see Exhibit 9). It is feasible that TCWR could run all of its rail traffic out the west end of its system and back to the cities via BNSF. However, that severely limits TCWR's competitive advantage of being able to connect with BNSF and CPR essentially holding them to BNSF rates. TCWR was purchased from CPR with the intention of being able to serve the river terminals at Camden and Savage and interchange with CPR, MNNR and UP.

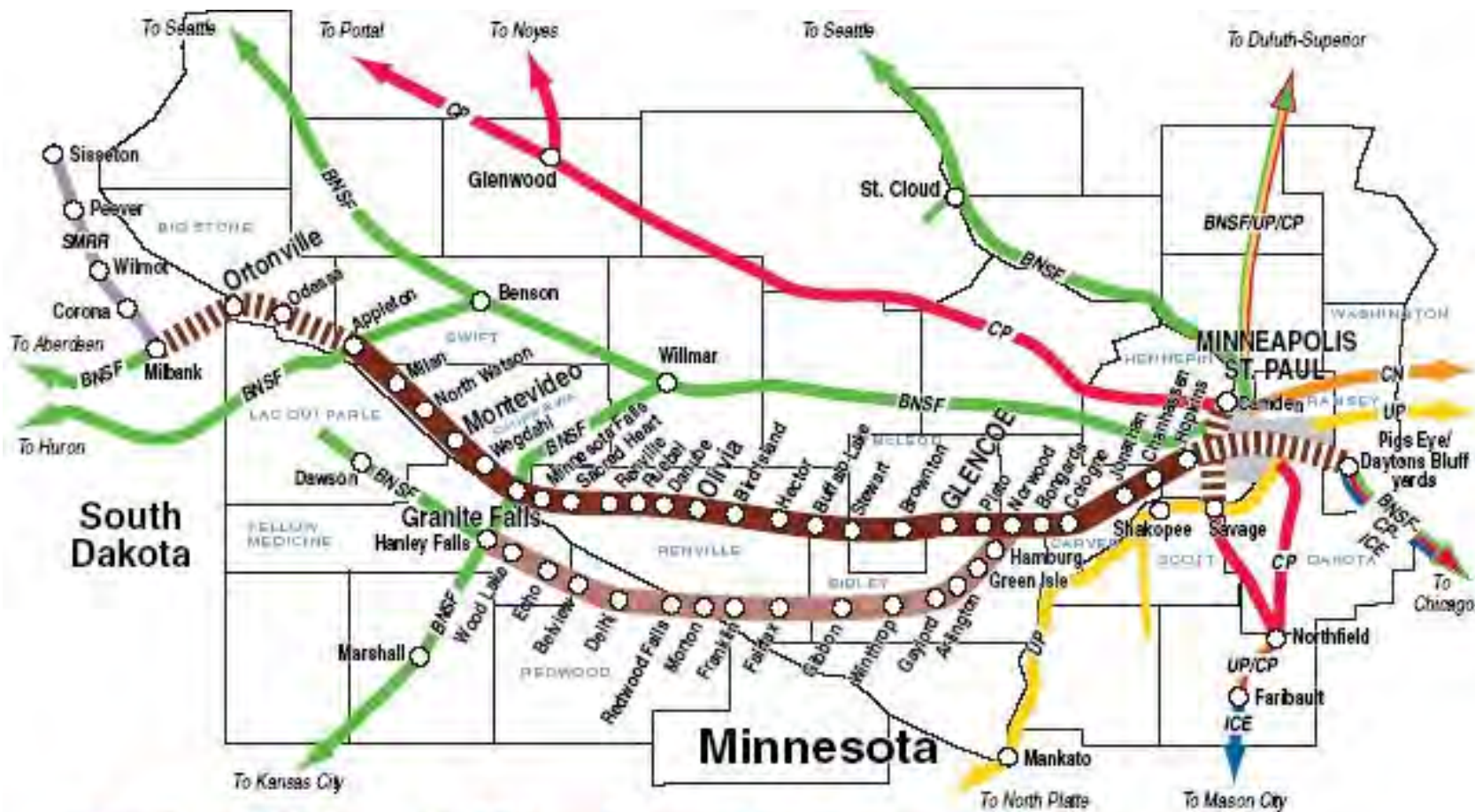
Running all of their traffic to the west also complicates traffic that they currently run on the Minnesota Prairie Line (MPLI) just south of TCWR's mainline in central Minnesota. They would need to run all of their traffic east to Norwood before running the locomotive power around them and pulling them out to the west before heading back east again. This essentially doubles the miles they are hauled on their system and adds additional time getting to the Twin Cities markets. Their short turnaround times of rail cars to the Twin Cities market is a big competitive advantage that would no longer exist for them.

At the moment, the track west of Granite Falls isn't in good enough condition to be able to handle the heavy coal train and ethanol traffic that would need to come in and go out to the west. That stretch of track would have to be upgraded to accommodate the heavier loads it would be hauling.

Summary

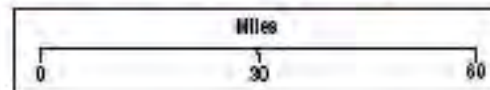
The Western MN Connection with BNSF creates operating inefficiencies for TCWR.

EXHIBIT 9



Twin Cities & Western Railroad Company

- Twin Cities & Western
- Minnesota Prairie Line
- Trackage rights



7-12-04

SUMMARY OF POTENTIAL ALIGNMENTS

KENILWORTH CORRIDOR

Benefits

- Current alignment used by freight rail today

Considerations

- Alignment was intended to be temporary, past its planned lifespan
- Potential future transit use of the corridor
- Requires construction of a freight rail bridge over Hwy 100 in St. Louis Park, increasing costs and creating environmental issues for that project
- Compounds future congestion issues in the Target Field area
- Limits freight rail expansion through the Minneapolis Transportation Interchange area

MIDTOWN CORRIDOR

Benefits

- Former freight rail alignment used prior to Hwy 55/Hiawatha Avenue reconstruction

Considerations

- Significant construction impacts including reconstruction of the new Hiawatha LRT bridge, construction of a new freight rail bridge, lowering of Hwy 55/Hiawatha Avenue and reconstruction of the new Sabo pedestrian bridge north of 28th Street
- Construction is highly complex and would require numerous permits from federal and state agencies as well as agreements from the private freight rail companies

MNS SUB ALIGNMENT through St. Louis Park

Benefits

- Was the planned permanent alignment for freight rail when the Midtown Corridor connection was severed
- Would allow TCWR the same connections they have today
- Track upgrades would eliminate wheel noise
- Would eliminate the need for blocking operations for the southbound move
- Allows for future flexibility to make northern connections and bypass the Minneapolis Transportation Interchange should that area become too congested
- St. Louis Park received Environmental Response funds to clean up the National Lead/Golden Auto site in order to reserve property for the freight connection
- Removes at-grade freight rail crossing at Wooddale Avenue, Beltline Boulevard, and Cedar Lake Parkway

Considerations

- Commercial/Industrial property in St. Louis Park would be needed to build connection
- Requires the closure of 29th Street railroad crossing
- Would require a new siding to be built for TCWR west of the Twin Cities
- Retains future congestion issues in the Target Field area while on BNSF's Wayzata Sub
- Limits freight rail expansion through the Minneapolis Transportation Interchange area

CHASKA CUT-OFF

Benefits

- Takes rail traffic out of Minneapolis Transportation Interchange area

Considerations

- Requires construction of a railroad bridge over the Minnesota River and a number of small bridges or embankment through a wetland area.
- Does not allow access to the Port of Camden or the ability to interchange with lines other than UP
- TCWR is unwilling to accept the major operating deficiencies that this route would create.
- Requires property acquisitions/displacements in Chaska.
- Requires a new rail bridge over the river

FORMER RAILROAD ALIGNMENT along Hwy 169

Benefits

- Relatively flat grade through area

Considerations

- Requires the removal of new housing developments and a pedestrian trail that have replaced the track.
- Requires reconfiguring the grade separation at Hwy 169 and Excelsior Blvd., creating a new at-grade crossing at Excelsior Blvd.
- Requires replacing the Hwy 5/Minnetonka Blvd. bridge to allow clearance underneath to accommodate trains.

WESTERN MN CONNECTION with BNSF

Benefits

- Takes rail traffic out of Minneapolis Transportation Interchange area

Considerations

- Limits TCWR's competitive advantage of being able to connect with BNSF and CPR
- Complicates traffic that TCWR currently runs on the Minnesota Prairie Line, doubling the miles that are hauled on the system and adding additional time to get to Twin Cities Markets
- Requires upgraded track west of Granite Falls

COST ESTIMATES

The costs estimates associated with the alternatives can be seen in Exhibit 10. These costs are planning level estimates only. The Kenilworth Corridor and MNS Sub routes used in the St. Louis Park Railroad Study served as the basis for the cost estimates. Cost estimates for the Midtown Corridor, Chaska Cut-Off, Old Railroad Alignment along Hwy 169 and the Western Connection were developed by TKDA as part of this study.

The rehab costs associated with Kenilworth Corridor include upgrading it to a condition in which it can be considered a permanent home for TCWR and CPR, including new track and structures from Louisiana Avenue in St. Louis Park to Cedar Lake Junction. The TH 100 freight railroad bridge is also included in the costs of the Kenilworth Corridor option. The estimated cost was provided by Mn/DOT and is said to include the bridge and the additional costs for the TH 100 project that are associated with constructing the freight railroad bridge. These are Mn/DOT's costs, but are included due to being an additional alignment cost. If the MNS Sub alignment is chosen, Mn/DOT has committed to use funds intended for the freight rail bridge for rail relocation and mitigation in St. Louis Park.

The MNS Corridor's estimate was meant to provide an estimate of what was needed to perform only the construction as it was discussed with TCWR. Costs associated with noise or other mitigation were not included in the estimates, aside from the 30% contingency.

EXHIBIT 10

| Alignment | | Cost* |
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| 1 | Kenilworth Corridor - Existing Alignment | \$20,000,000 - \$120,000,000^ |
| 2 | Midtown Corridor | \$136,000,000 |
| 3 | MNS Sub Alignment through St. Louis Park | \$48,000,000 |
| 4 | Chaska Cut-Off | \$105,000,000 |
| 5 | Old Railroad Alignment along Hwy 169 | \$120,000,000 |
| 6 | Western MN Connection with BNSF | \$60,000,000 |

*costs include 30% contingency to account for unknown factors and mitigation of issues
 ^\$120,000,000 includes property takings associated with a shared Kenilworth Corridor according to analysis performed by HDR and SWLRT Group.

NEXT STEPS

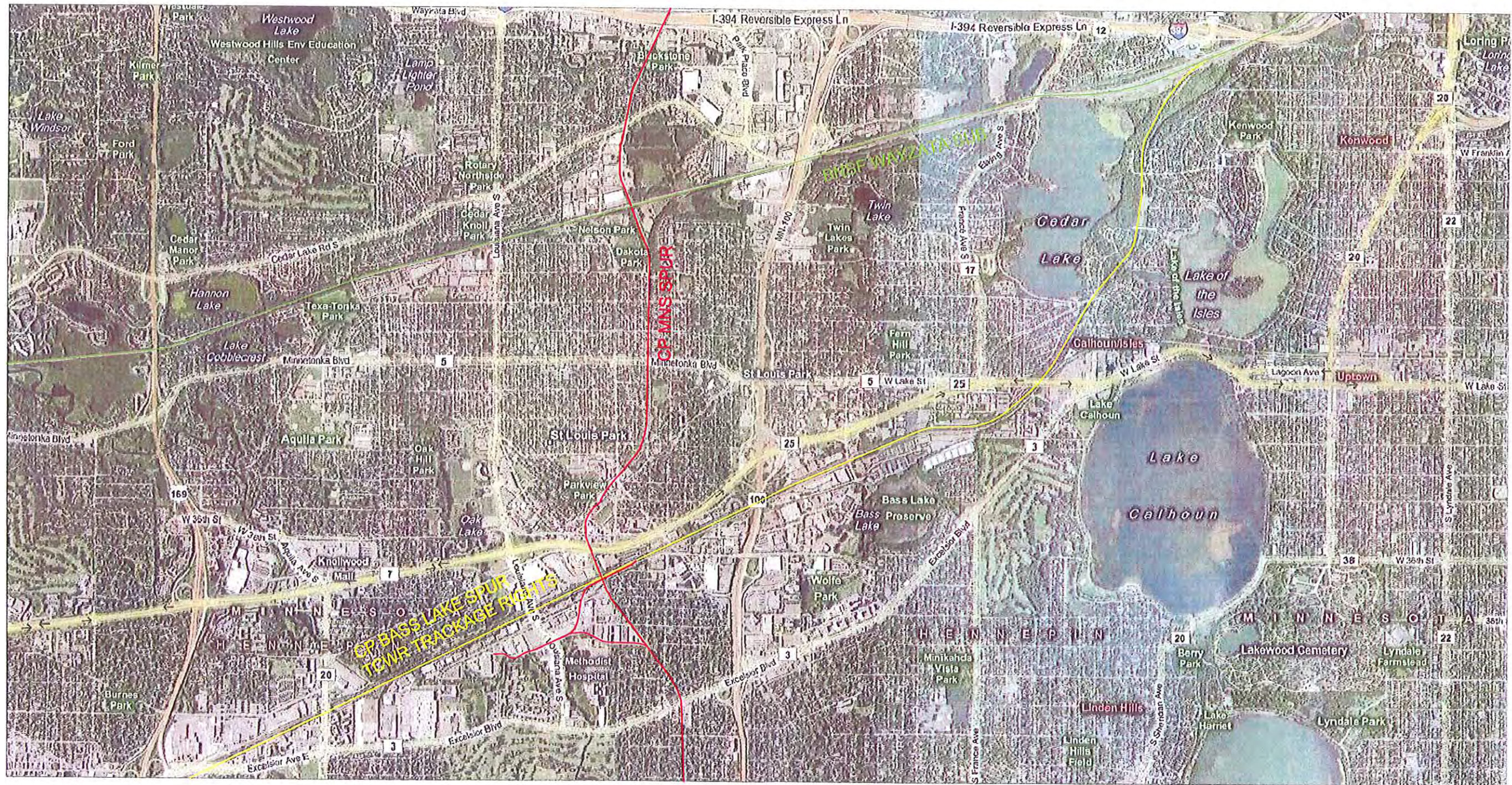
The discussion group will forward this report to Mn/DOT, with a recommendation for a preferred freight rail alignment, for inclusion in the Statewide Freight Rail Study Plan. Additional engineering work and public outreach will need to be done on the preferred alignment to determine impacts in need of mitigation and to identify mitigation options. Hennepin County will work with the discussion group to identify funding options for further study of the preferred alignment and for future construction and mitigation costs.

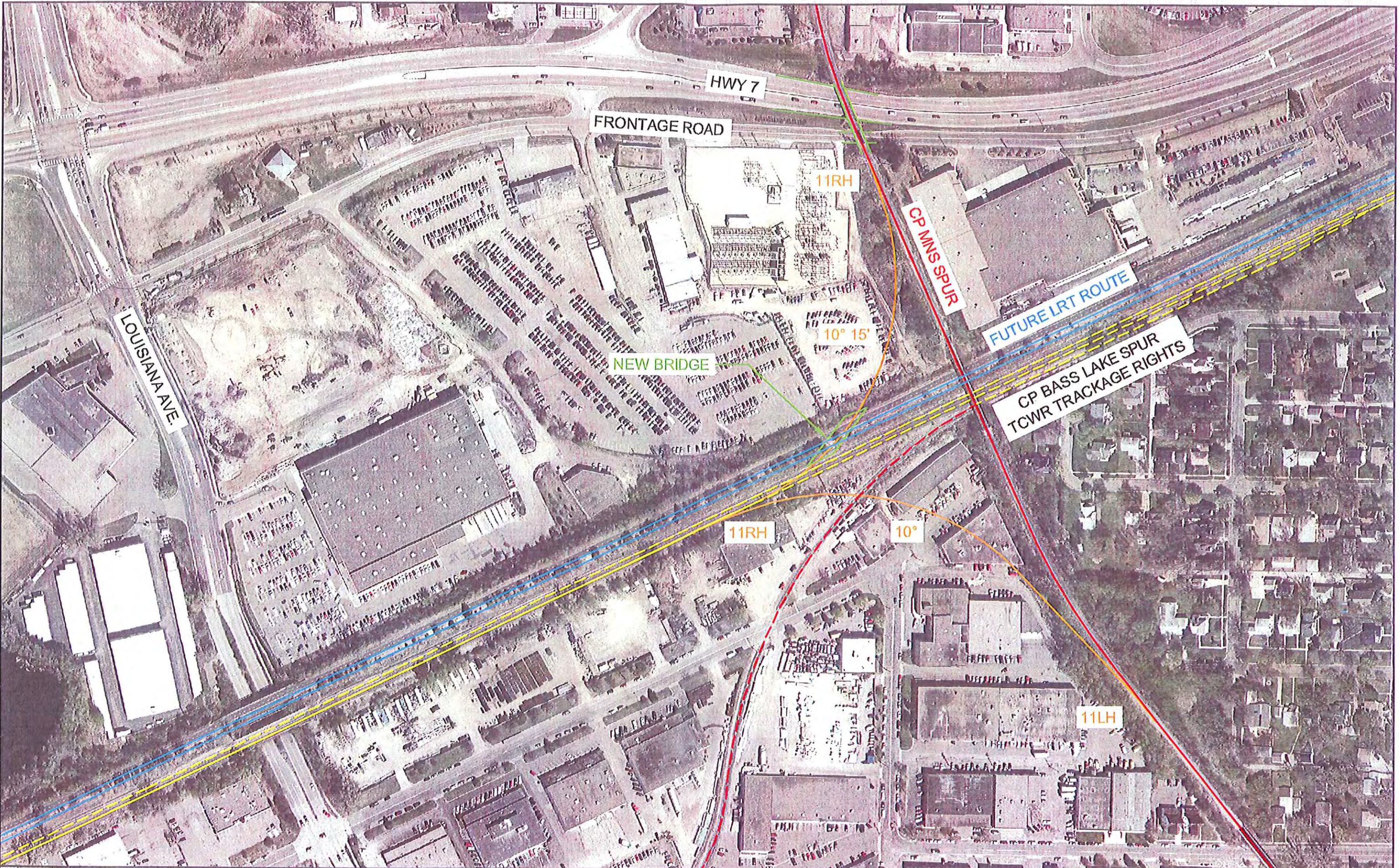
Going forward, in early 2010, the preferred alignment will be chosen and an environmental analysis and preliminary engineering will be performed. Once public involvement and impact mitigation is complete, final design can commence with construction to begin shortly thereafter.

RECOMMENDATION

The Hennepin County Staff would like to recommend to the Hennepin County Regional Railroad Authority to conduct the environmental and preliminary engineering analysis for the preferred option along the MNS Sub through St. Louis Park.

7/27/2009






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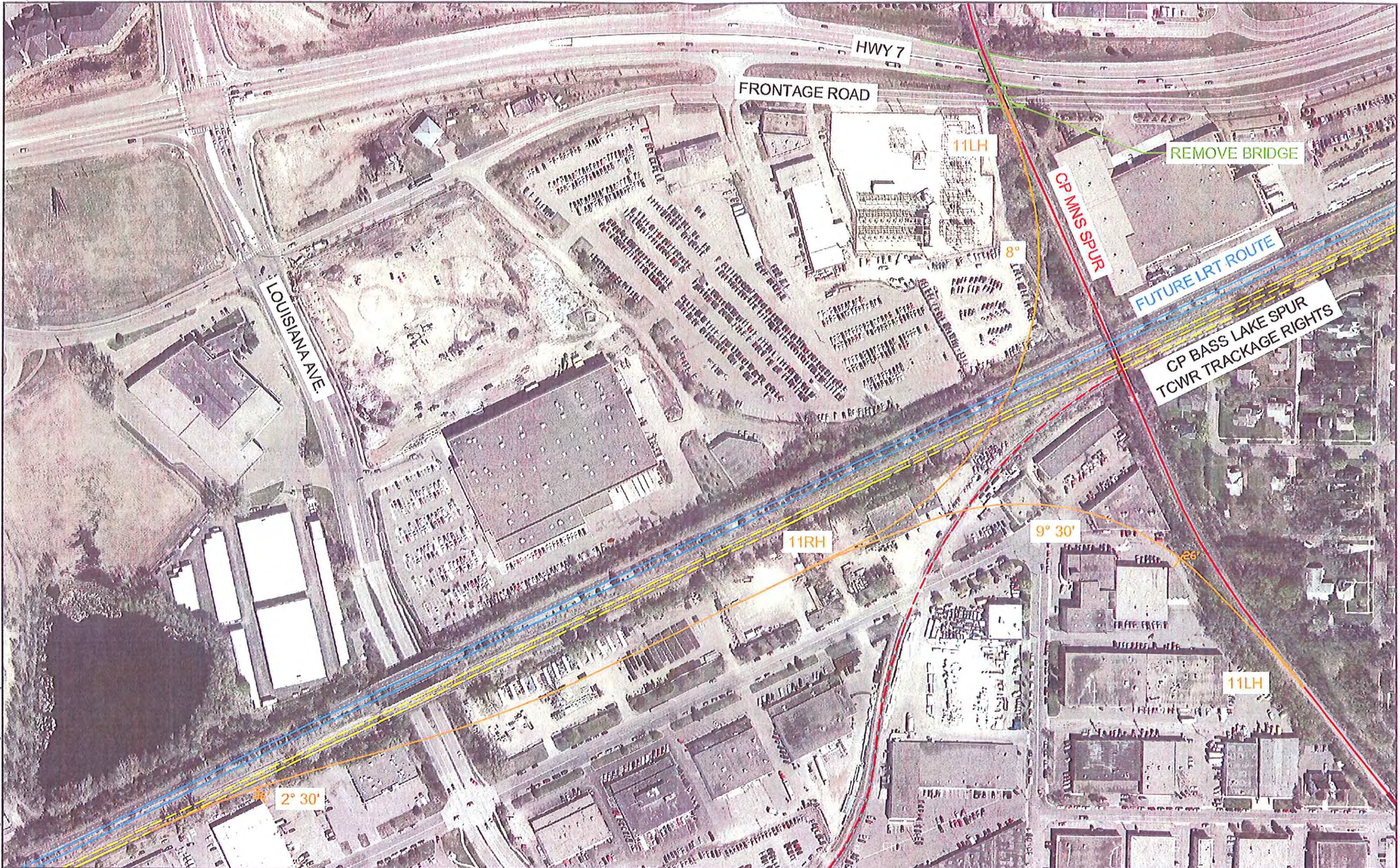
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HENNEPIN COUNTY FREIGHT RAIL STUDY
ST. LOUIS PARK, MN

CONCEPTUAL LAYOUT
TCWR - CP CONNECTION

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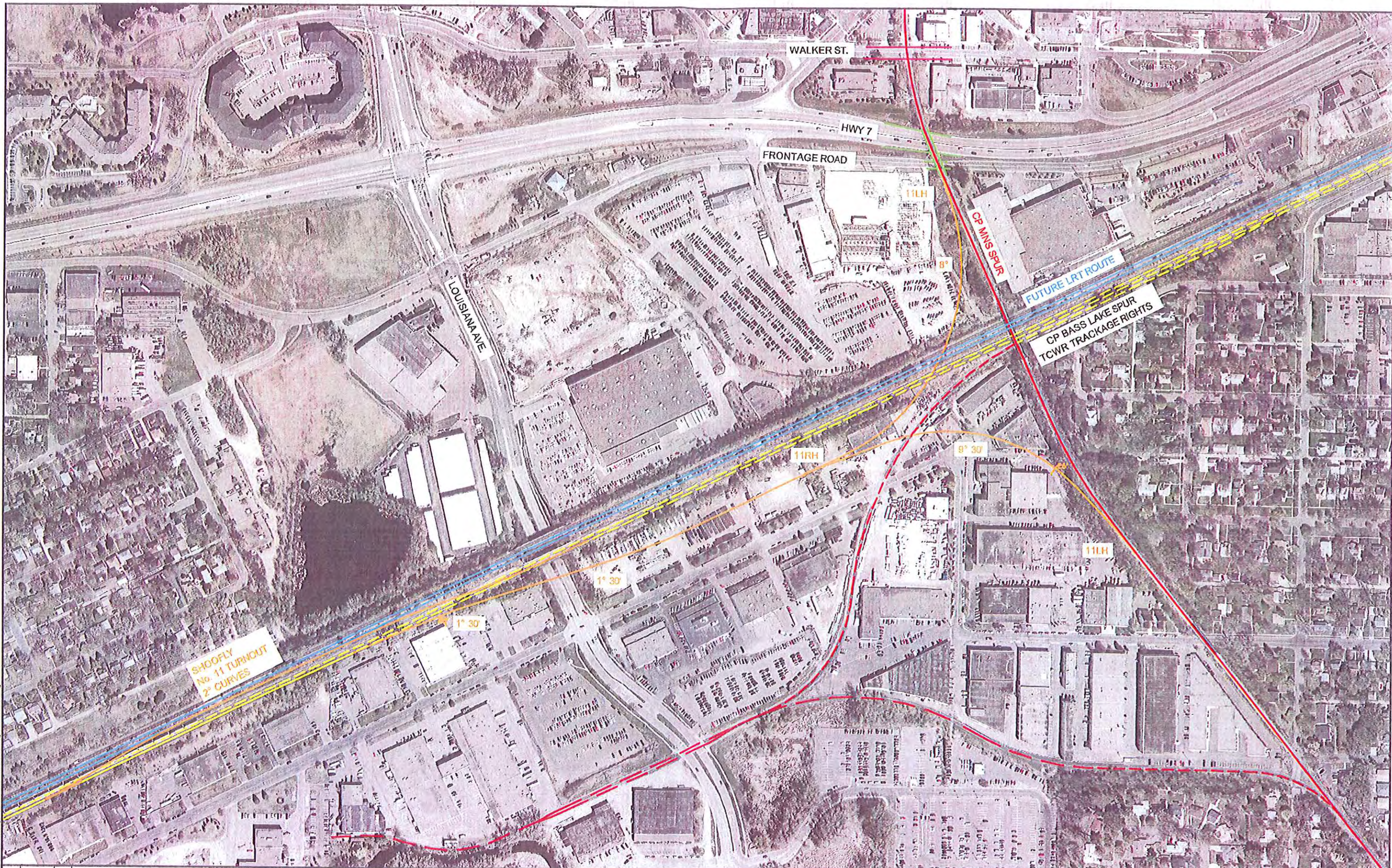
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ST. LOUIS PARK, MN

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TCWR - CP CONNECTION

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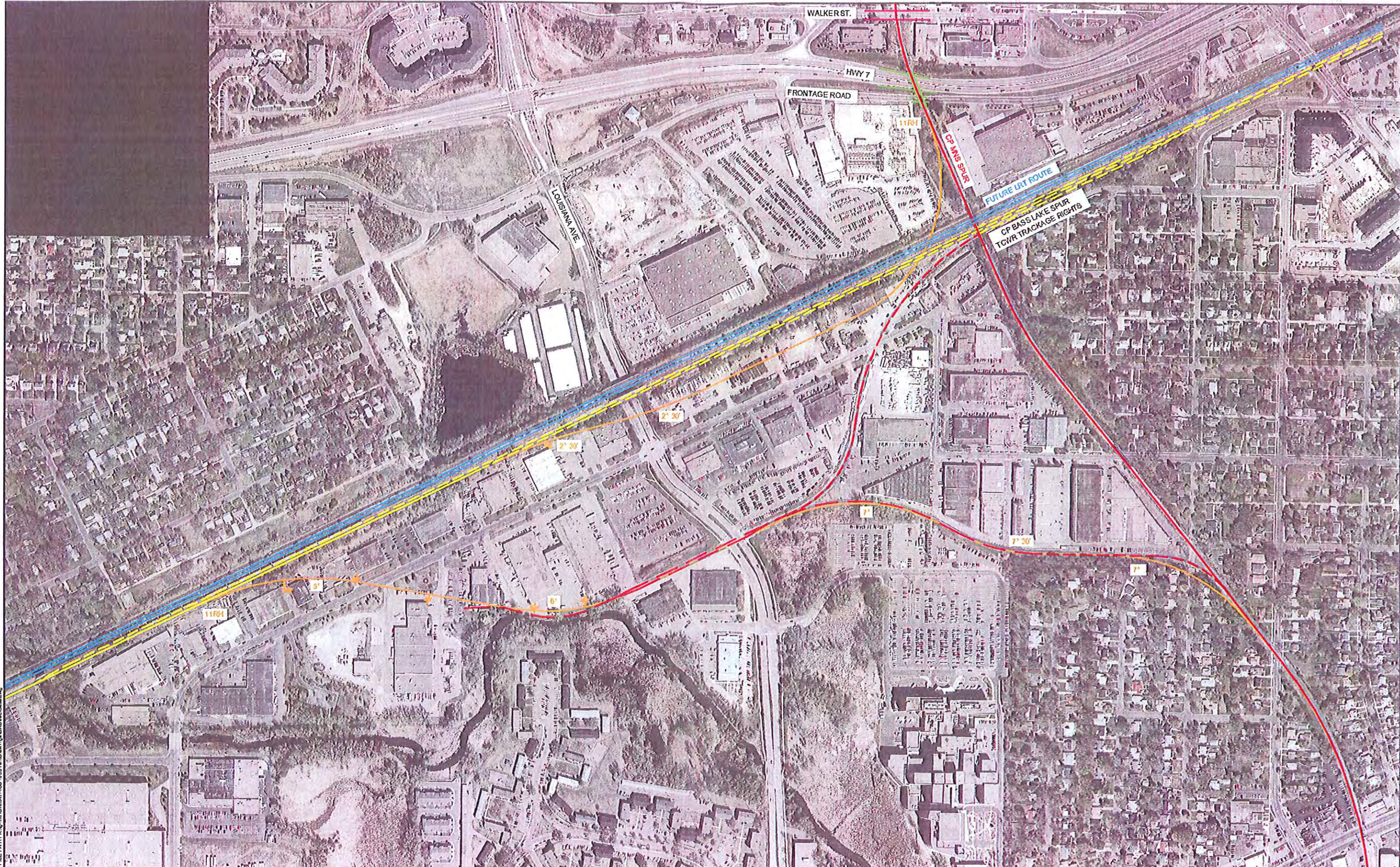
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HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY
HENNEPIN COUNTY FREIGHT RAIL STUDY
ST. LOUIS PARK, MN

CONCEPTUAL LAYOUT
TCWR - CP CONNECTION

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**HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY
 HENNEPIN COUNTY FREIGHT RAIL STUDY
 ST. LOUIS PARK, MN**

**CONCEPTUAL LAYOUT
 TCWR - CP CONNECTION**

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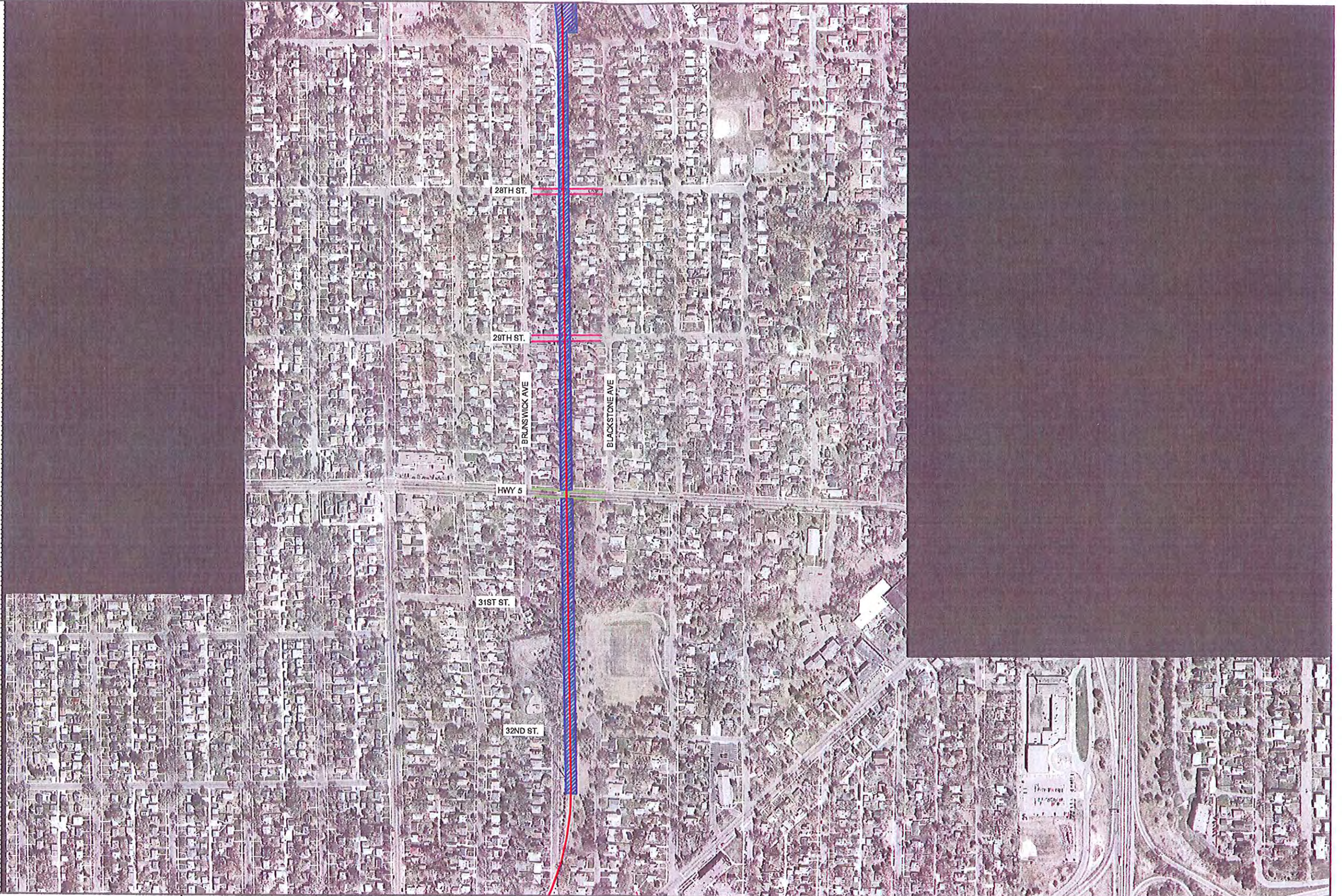
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 HENNEPIN COUNTY FREIGHT RAIL STUDY
 ST. LOUIS PARK, MN**

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 MTKA BLVD BRIDGE**

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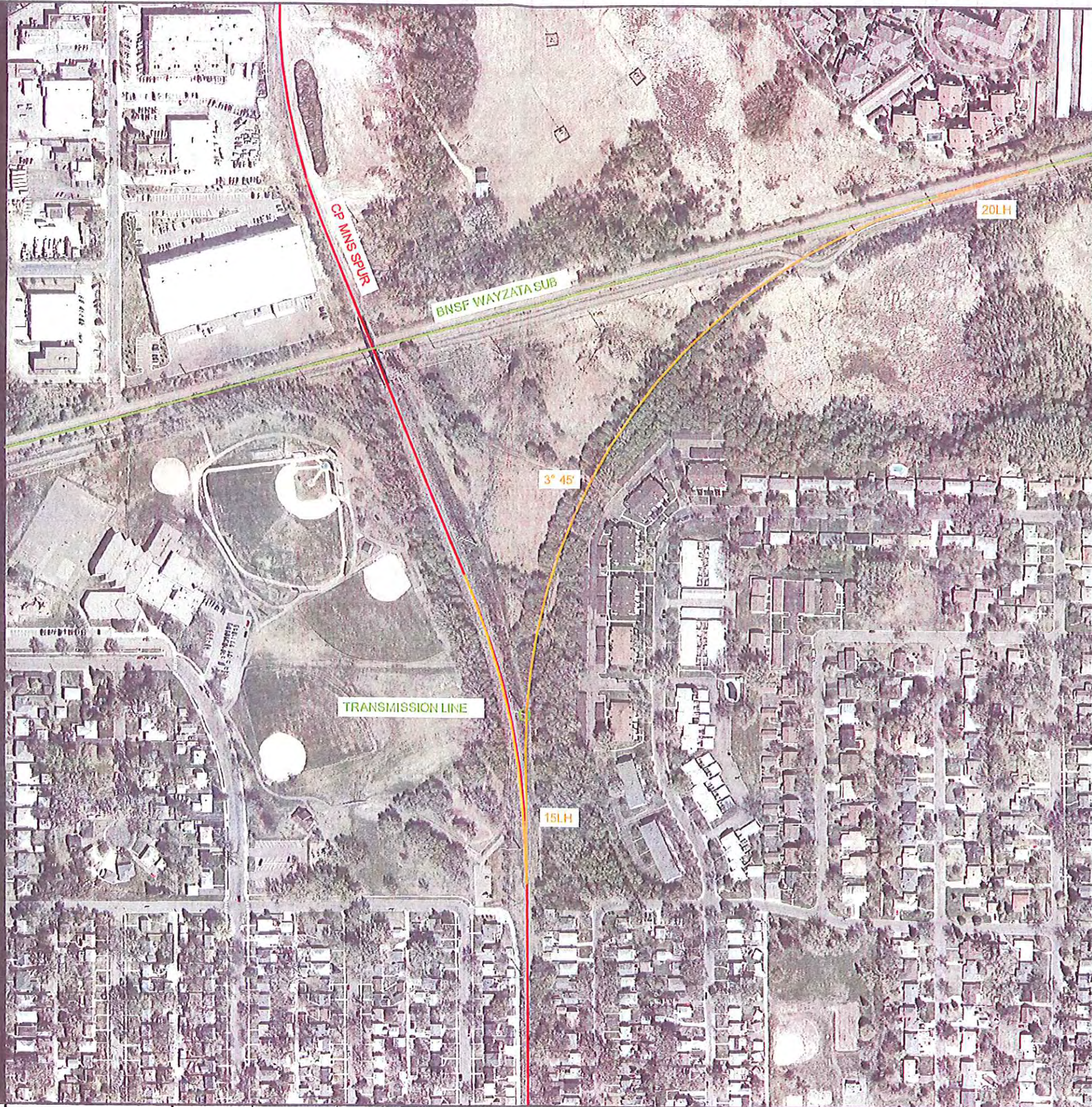
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**HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY
 HENNEPIN COUNTY FREIGHT RAIL STUDY
 ST. LOUIS PARK, MN**

**CONCEPTUAL LAYOUT
 MTKA BLVD BRIDGE**

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 DRAWING NO.
ENV 3-1

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| NO. | DATE | BY | DESCRIPTION OF REVISIONS |
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| VERIFY SCALES | BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS DRAWING ADJUST SCALES ACCORDINGLY | |

**HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY
 HENNEPIN COUNTY FREIGHT RAIL STUDY
 ST. LOUIS PARK, MN**

**CONCEPTUAL LAYOUT
 BNSF - CP CONNECTION**


COMM NO.
 14351.000
 DRAWING NO.

OPT 5

*Kenilworth Corridor:
Analysis of Freight Rail / LRT / Commuter
Bicycle Trail Coexistence*

Prepared for:
Hennepin County
Regional Rail Authority



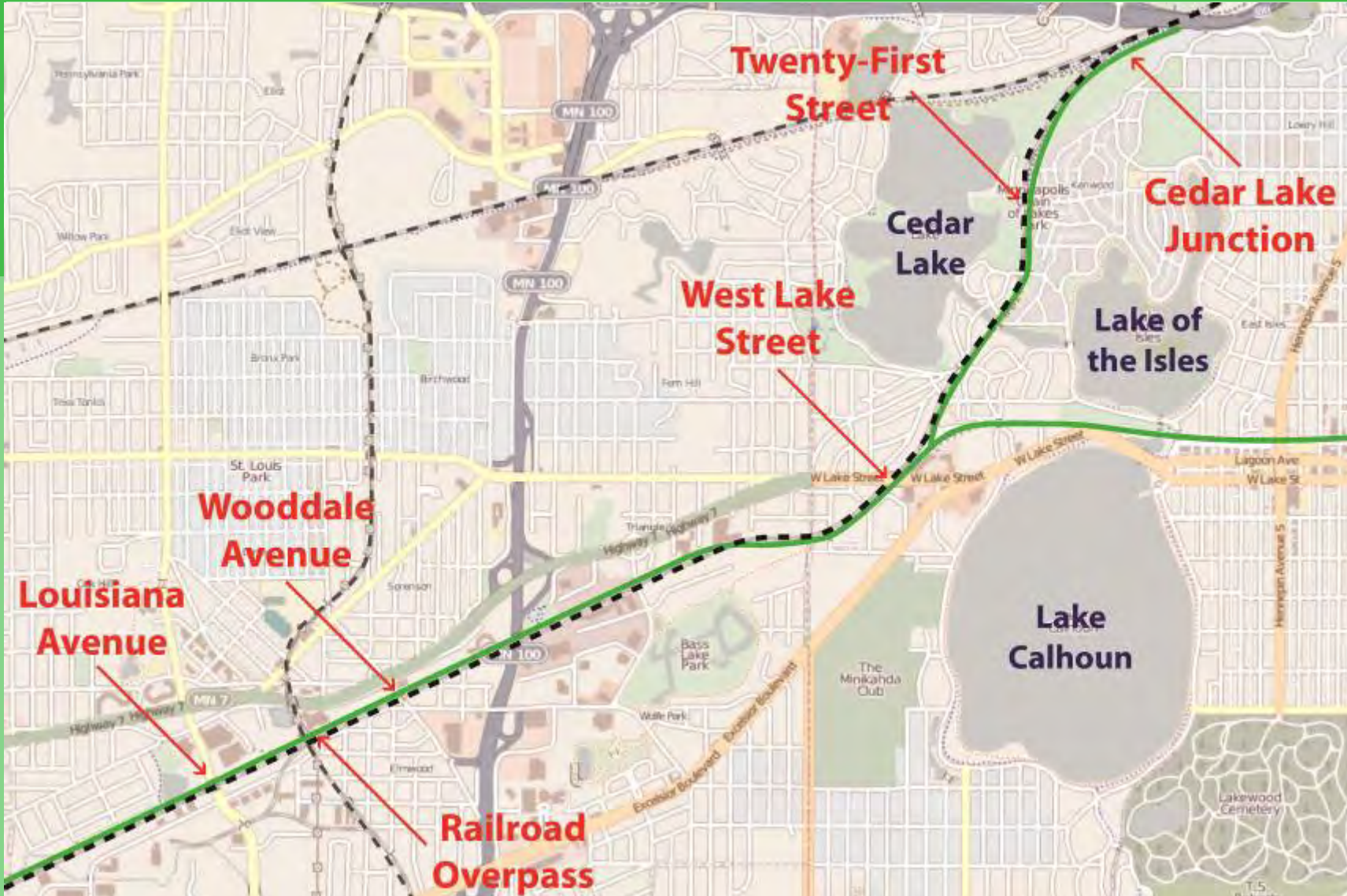
Prepared By:
R.L. BANKS & ASSOCIATES, INC. 

Study Purpose

- This study was undertaken in direct response to requests by the St. Louis Park City Council and School Board.
- Is there a design that would allow freight rail to stay in the Kenilworth Corridor?



Study Area



Seven Scenarios

1. All three alignments at-grade
2. Bicycle Trail relocated
3. Bicycle Trail elevated
4. LRT elevated
5. LRT in tunnel
6. LRT/Freight Rail share track
7. LRT single track

Presentation Outline

- Guidelines for evaluating scenarios.
- Existing conditions
- Design Criteria
- Evaluation of Scenarios
 - Scenario 1 – All alignments at-grade
 - Scenario 2 – Bicycle Trail relocated
 - Scenario 3 – Bicycle Trail elevated
 - Scenario 4 – LRT elevated
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 - Scenario 7 – LRT single track
- Summary

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Evaluation Measures

- Sound Engineering –
 - Are the engineering solutions reasonable?
- Freight rail operations –
 - Will TC&W continue to have a safe, efficient, economical connection to Saint Paul?
- LRT operations –
 - Can the LRT line function as it is intended?
- Other Transportation system impacts –
 - What are the potential impacts to roads and commuter bicycle trails?

Evaluation Measures (cont.)

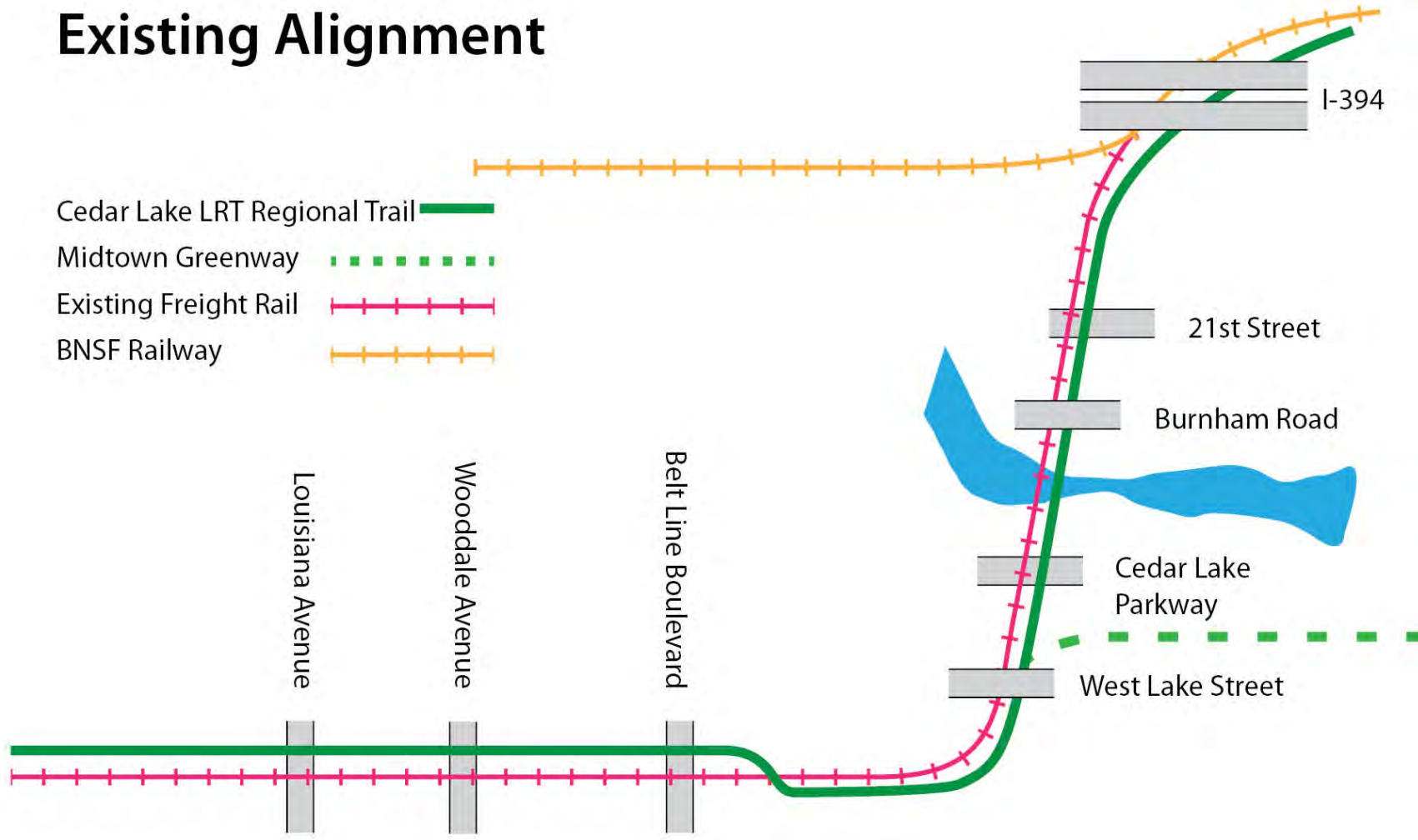
- Acquisitions/Displacements –
 - How many housing units need to be acquired?
- Potential Environmental Risk –
 - Parkland (4f)
 - Historic Properties (6f)
 - Water Quality
 - Aesthetics
- Implementation Factors
- Estimated Cost

Presentation Outline

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Existing Alignments in Corridor

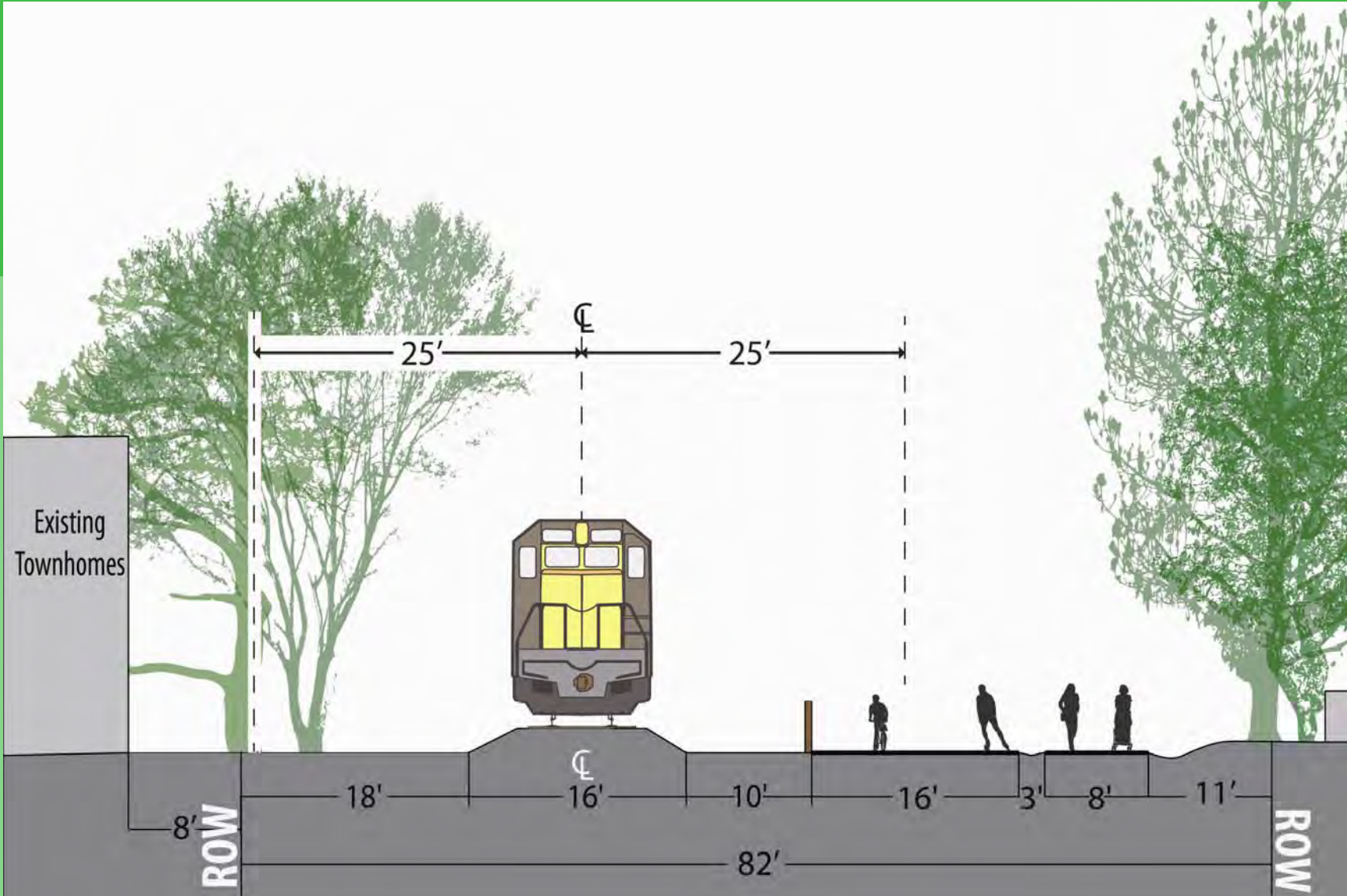
Existing Alignment



Kenilworth Corridor



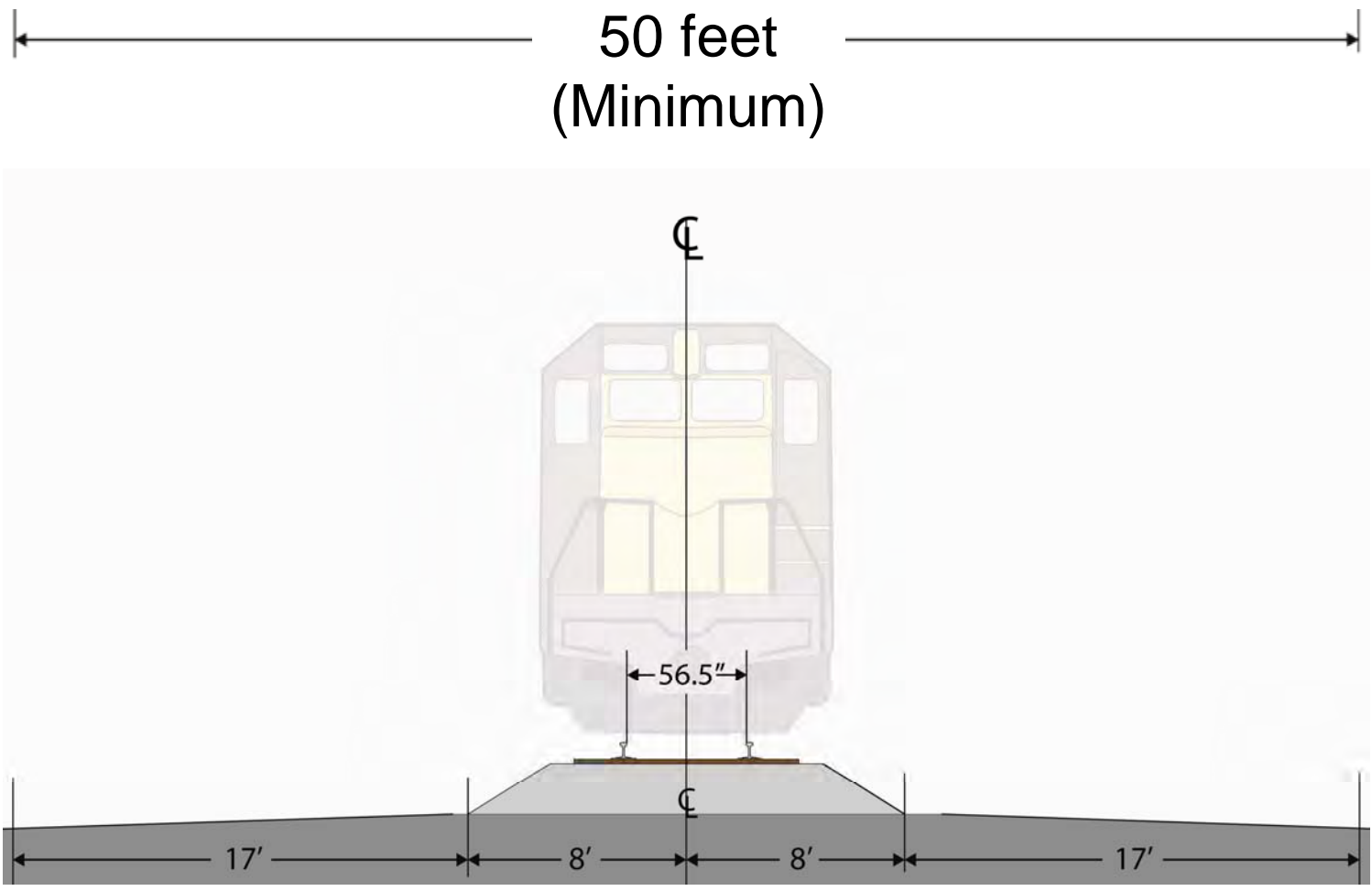
Existing Alignments in Corridor



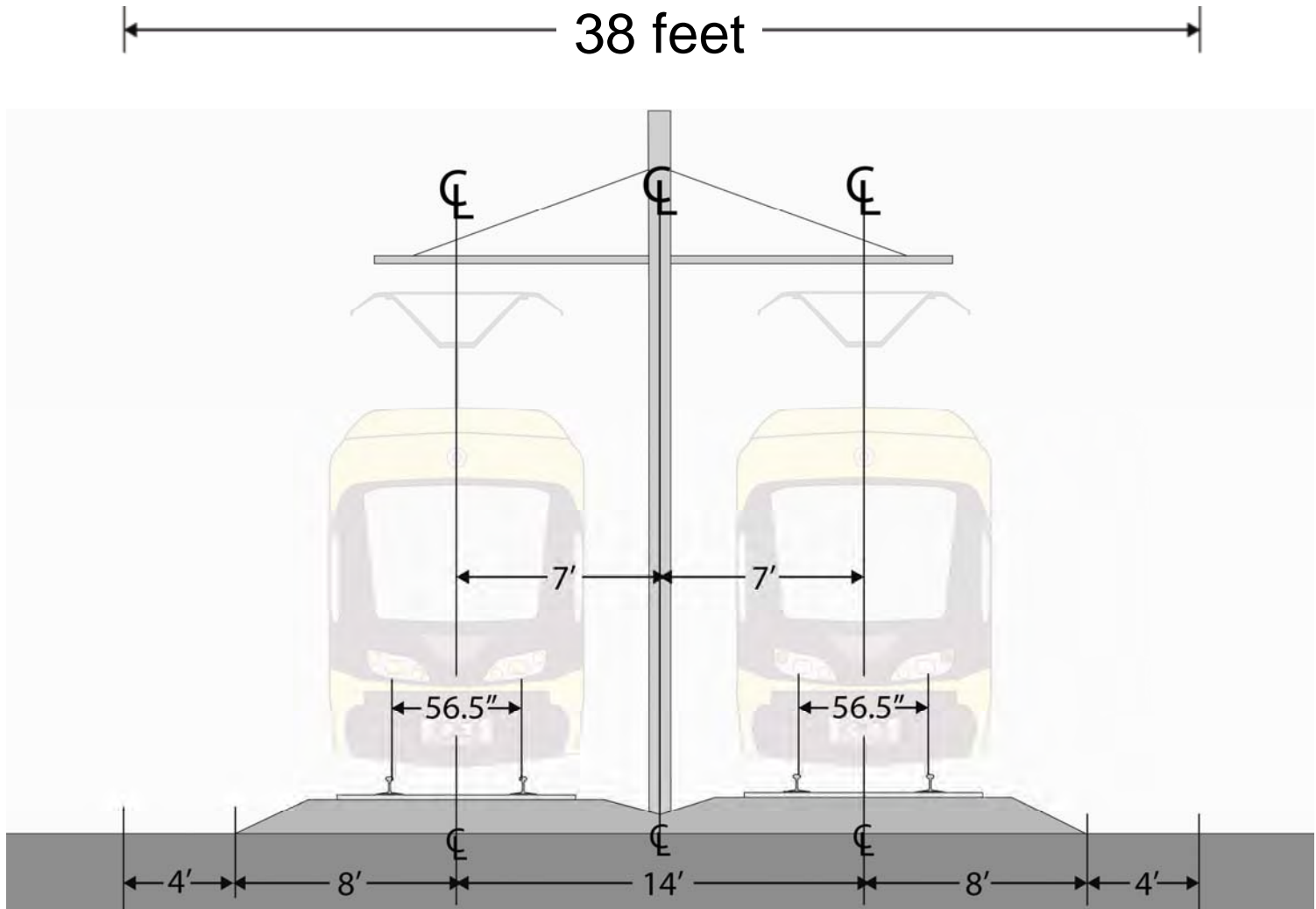
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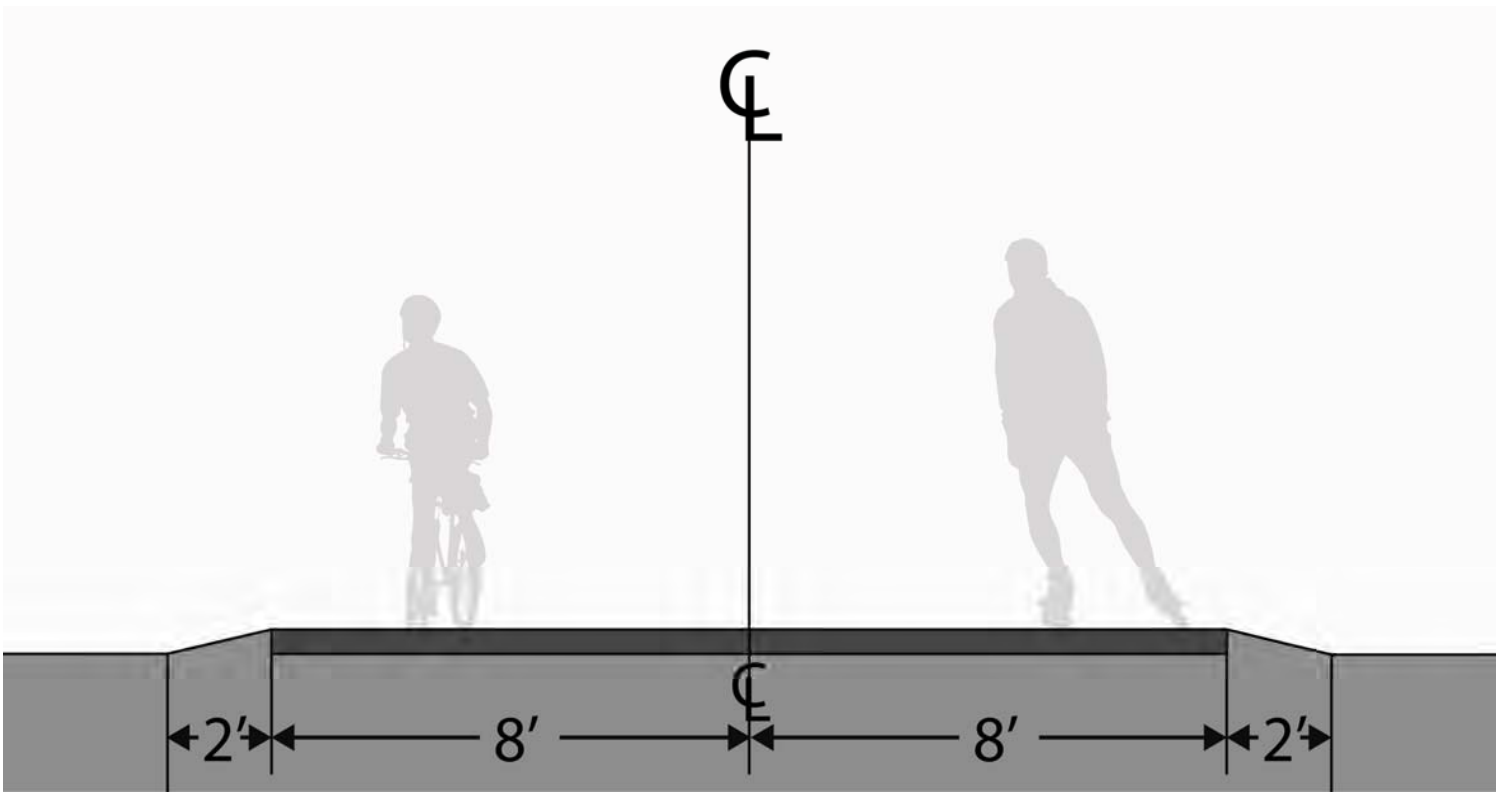
Freight Rail Cross Section



LRT Cross Section

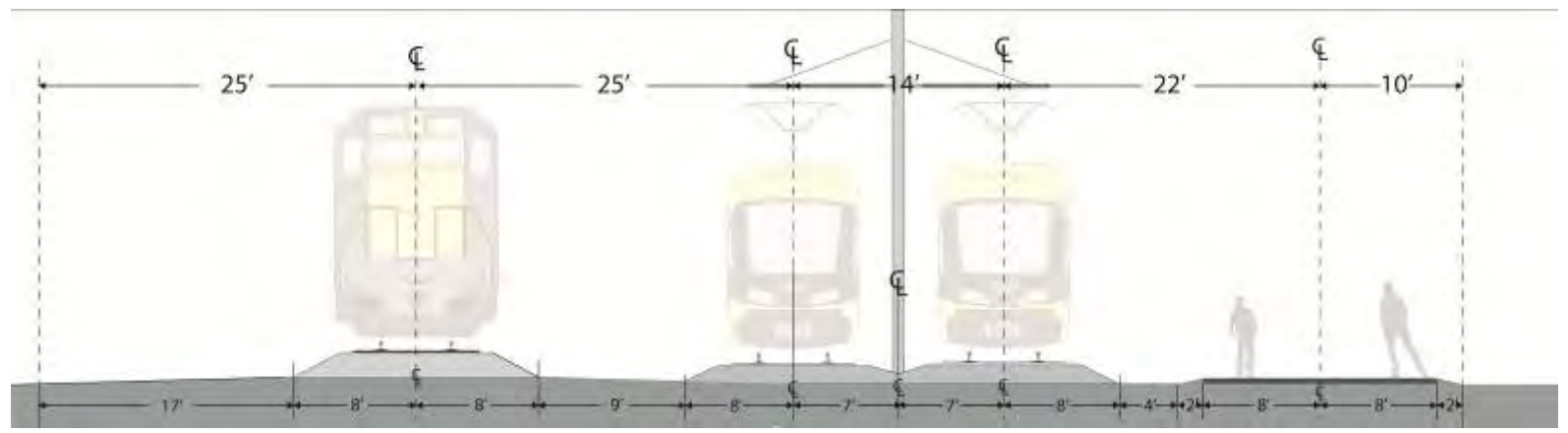


Bicycle Trail Cross-section



Total Width Required

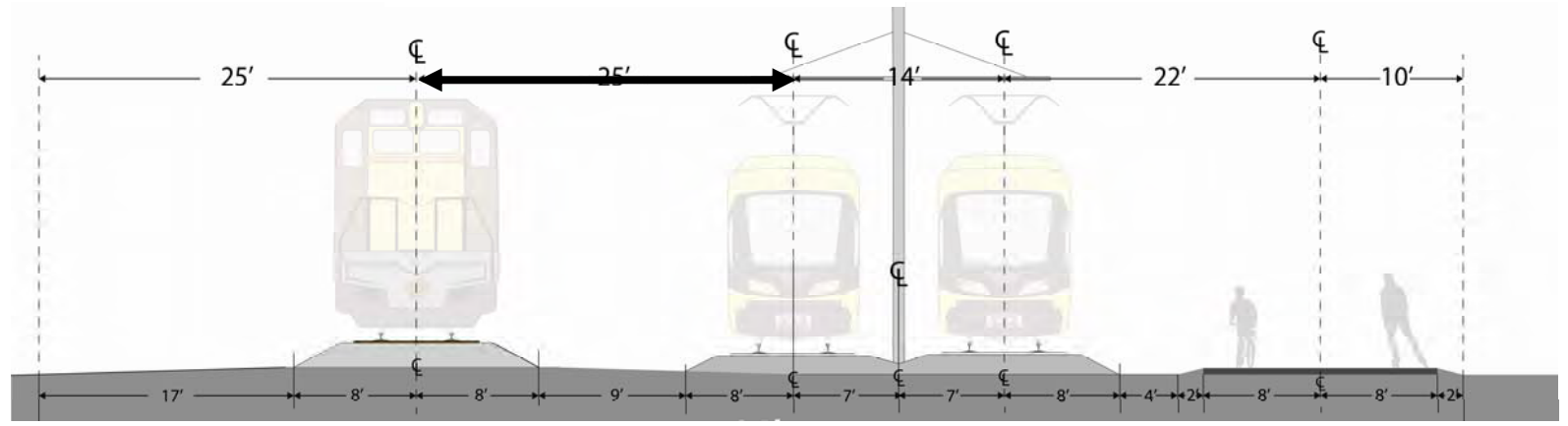
← 94 feet →



Total Width Required

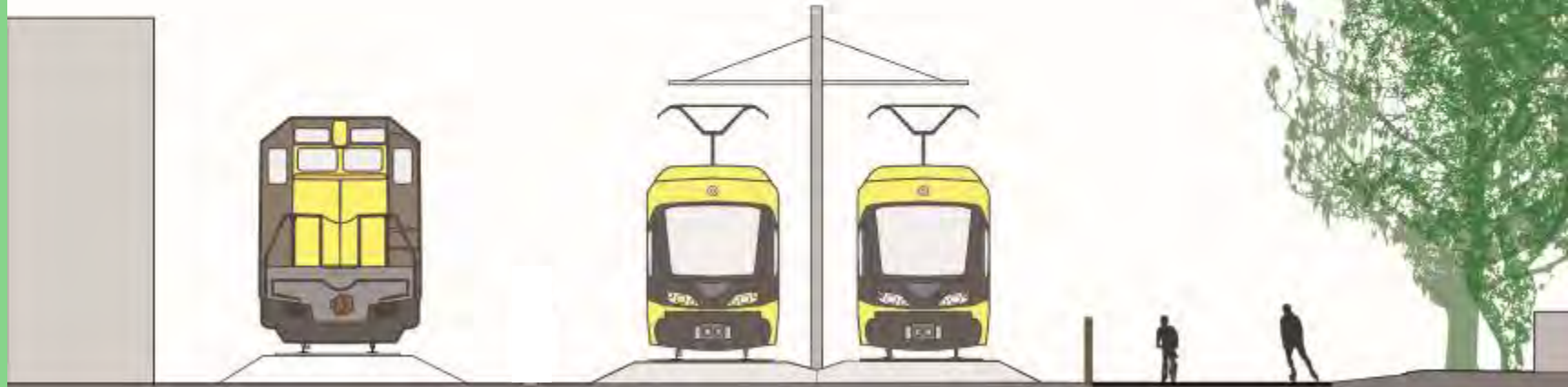


25 feet, minimum



Scenario # 1 – All Three At-grade

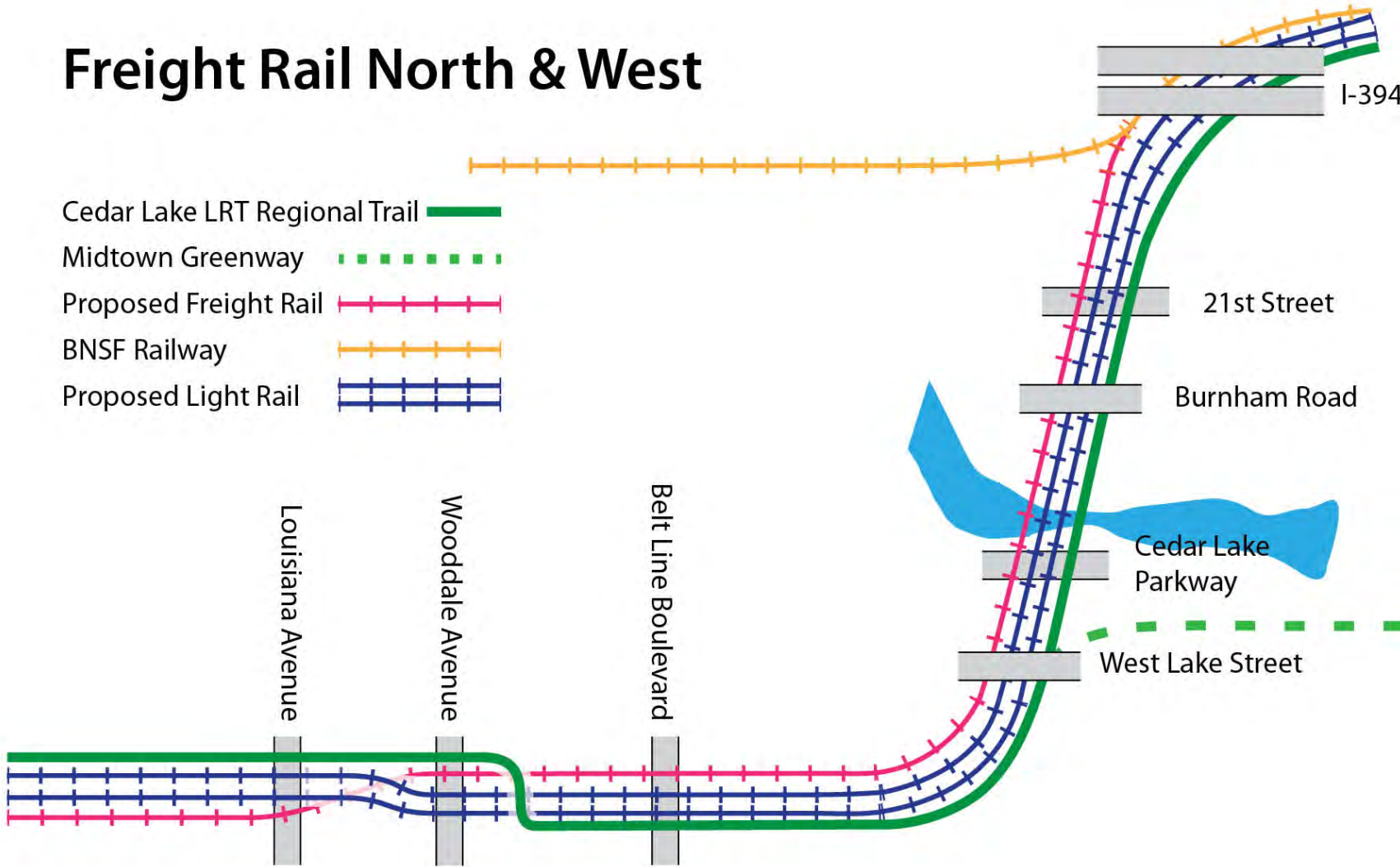
- **All three alignments at-grade**
 - Bicycle Trail – Remains.
 - Light Rail Transit – Constructed at-grade.
 - Freight Railroad – Constructed at-grade.



Looking North

Scenario # 1 – All Three At-grade

Freight Rail North & West



Kenilworth Corridor



Potential Property Impacts



Potential Environmental Risk

- Identify any parks, recreation areas, wildlife and waterfowl refuges, or historic sites, districts or archeological sites in the project area.
- Is there a feasible and prudent avoidance alternative?
- Consult with officials and include all possible planning to minimize harm to 4(f) resource.

Potential Environmental Risk

- Properties owned by the Minneapolis Park Board that may fall under 4(f) protection.
 - Cedar Lake Park
 - Cedar-Isles Channel
 - Cedar Lake Parkway
 - Park Siding Park

Potential Parkland 4(f) Impacts



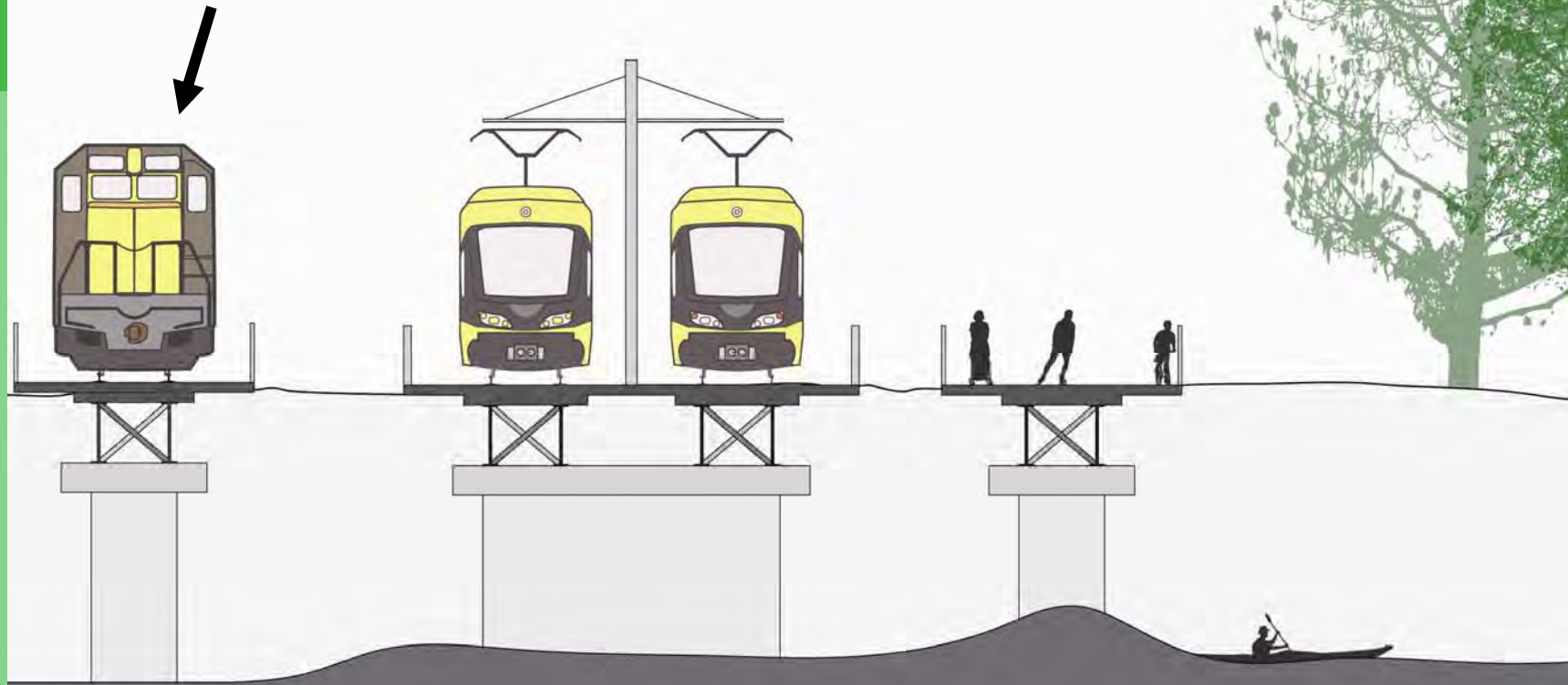
Cedar-Isles Channel

- The existing railroad and trail cross Cedar-Isles Channel on two pre-existing timber trestle railroad bridges.
- The channel flows from Cedar Lake to Lake of the Isles.



Cedar-Isles Crossing

Scenario #1 requires an additional bridge over Cedar-Isles Channel

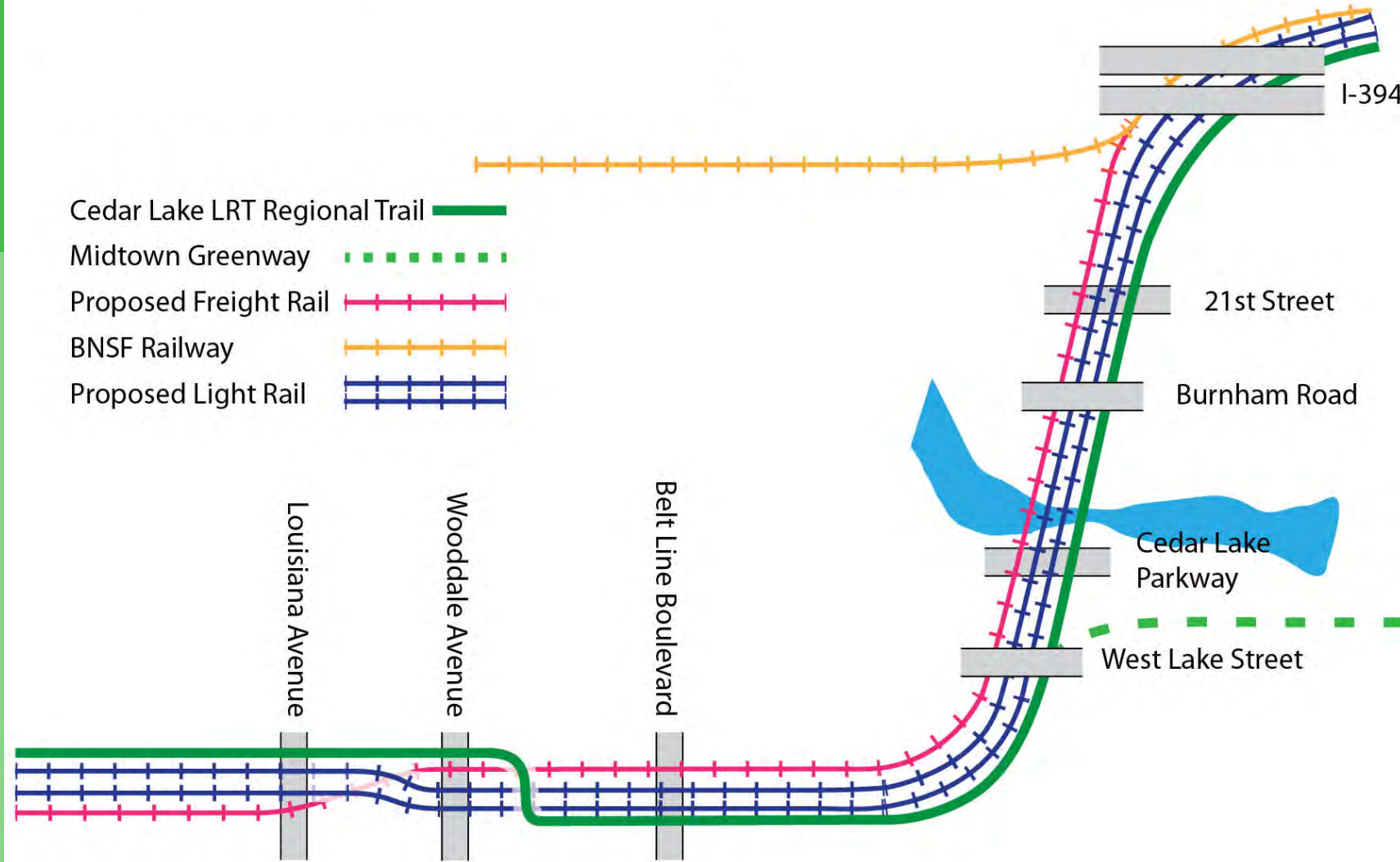


Looking North

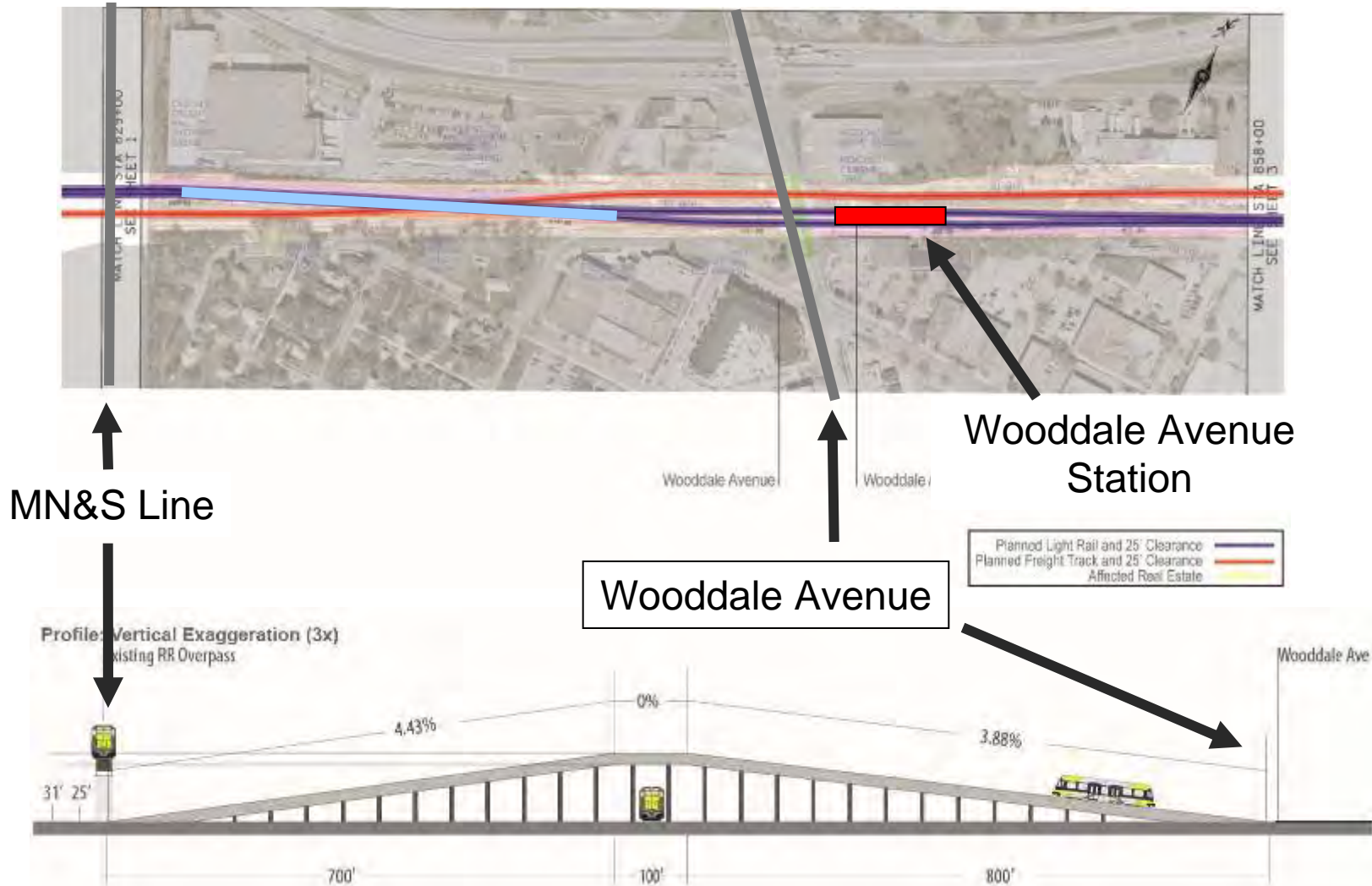
Cedar Lake Parkway



Scenario # 1 – All Three At-grade



West End LRT Bridge



Scenario # 1 – Summary

All Three Alignments At-grade

- Sound Engineering
 - Engineering solution is reasonable.
- Freight rail operations –
 - Freight rail operations unchanged.
- LRT –
 - LRT operations are maintained but with increased operating costs.

Scenario # 1 – Summary

All Three Alignments At-grade

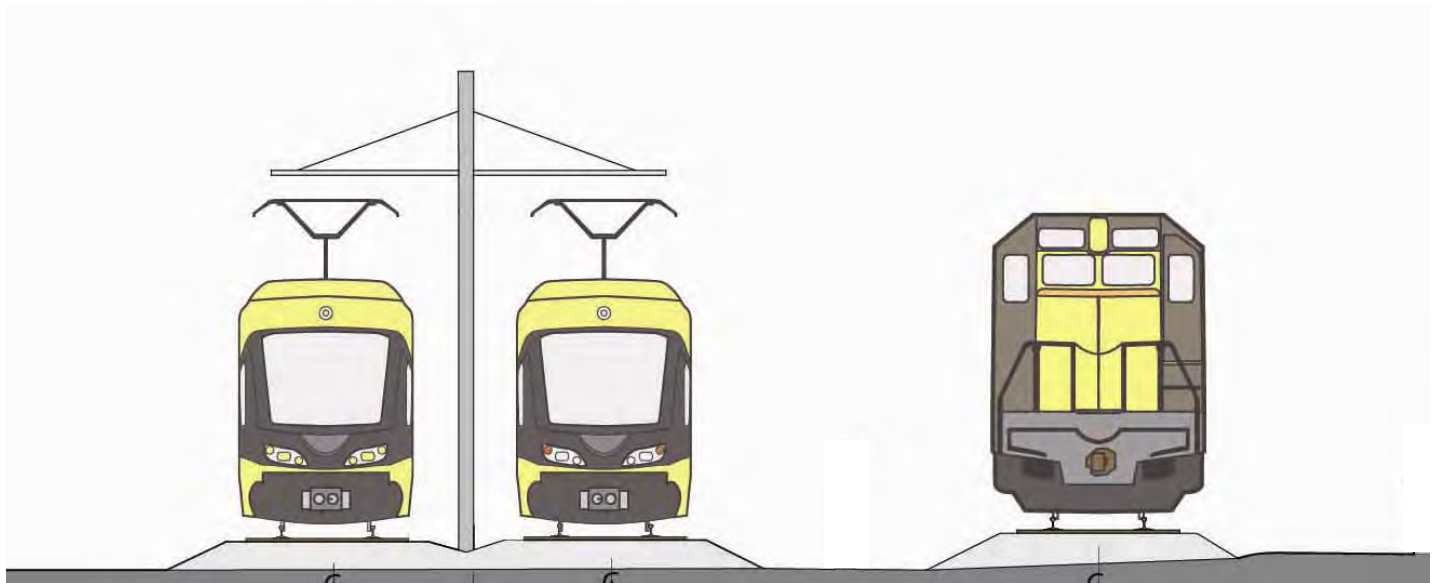
- Transportation system impacts –
 - Functionality of Commuter Bicycle trail maintained.
- Property acquisition –
 - 33-57 housing units acquired.
 - Disruption of townhouse development.
- Environmental Issues –
 - Likely parkland (4f) impacts to:
 - Park Board property
 - Potential parkland (4f) impacts to:
 - Cedar-Isles channel
 - Cedar Lake Parkway

Presentation Outline

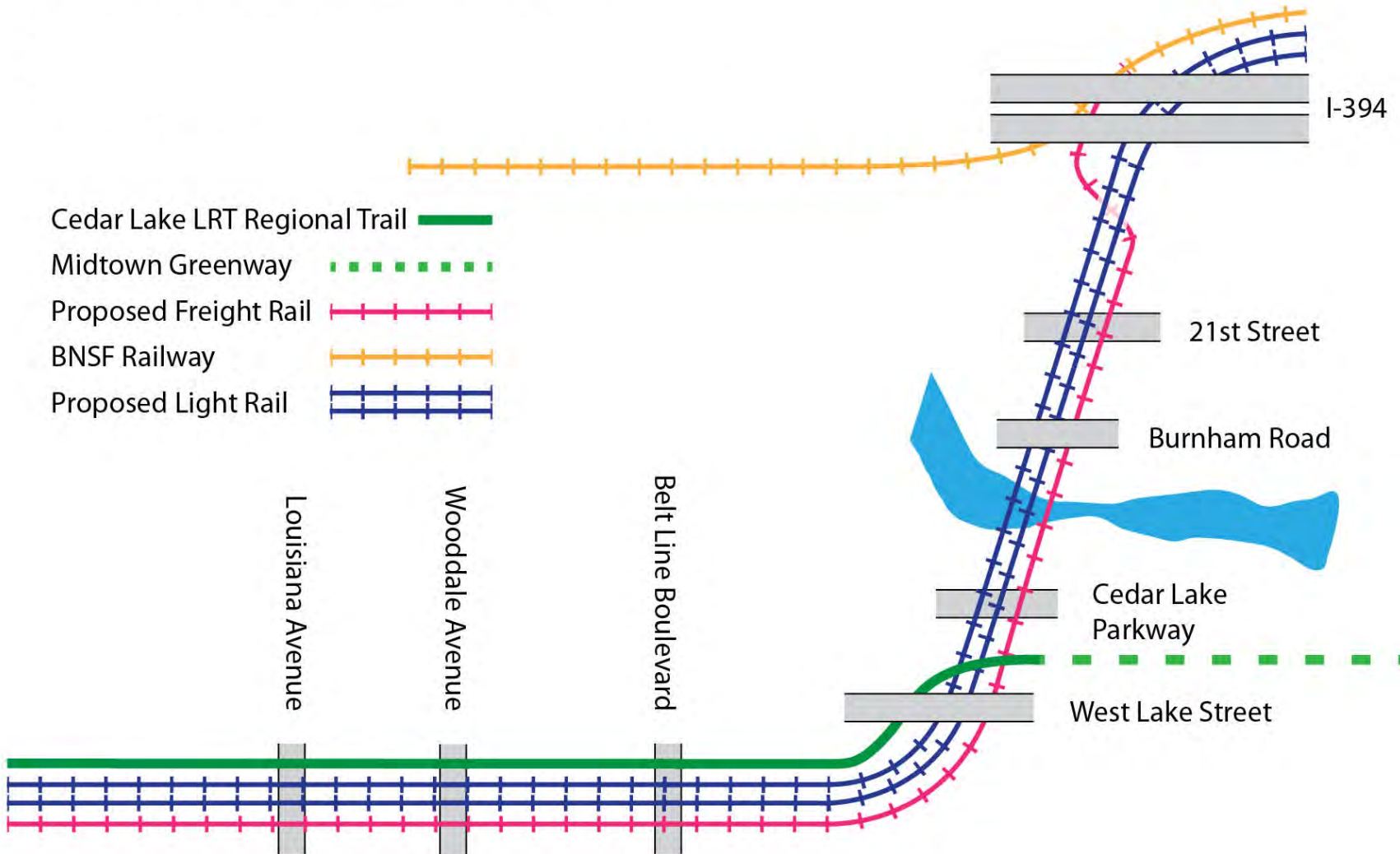
- Guidelines for evaluating scenarios.
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- **Evaluation of Scenarios**
 - Scenario 1 – All alignments at-grade
 - **Scenario 2 – Bicycle Trail relocated**
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- Summary

Scenario #2 – Trail Relocated

- **Trail moved to another location**
 - Bicycle Trail – Relocated out of corridor
 - Light Rail Transit – Constructed at-grade
 - Freight Railroad – Constructed at-grade



Scenario # 2 – Trail Relocated



East Side of Corridor

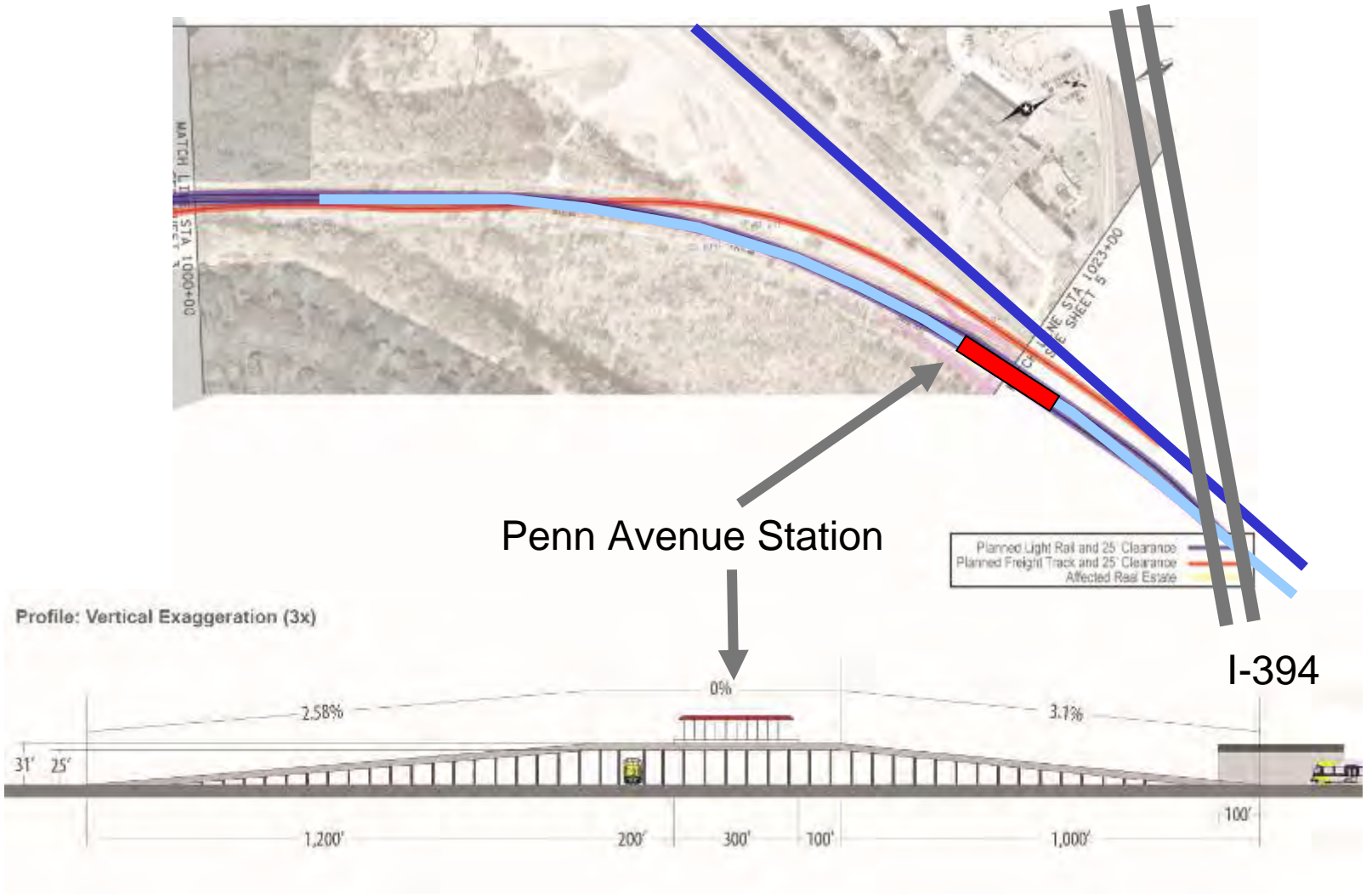




• 117 Total Housing Units

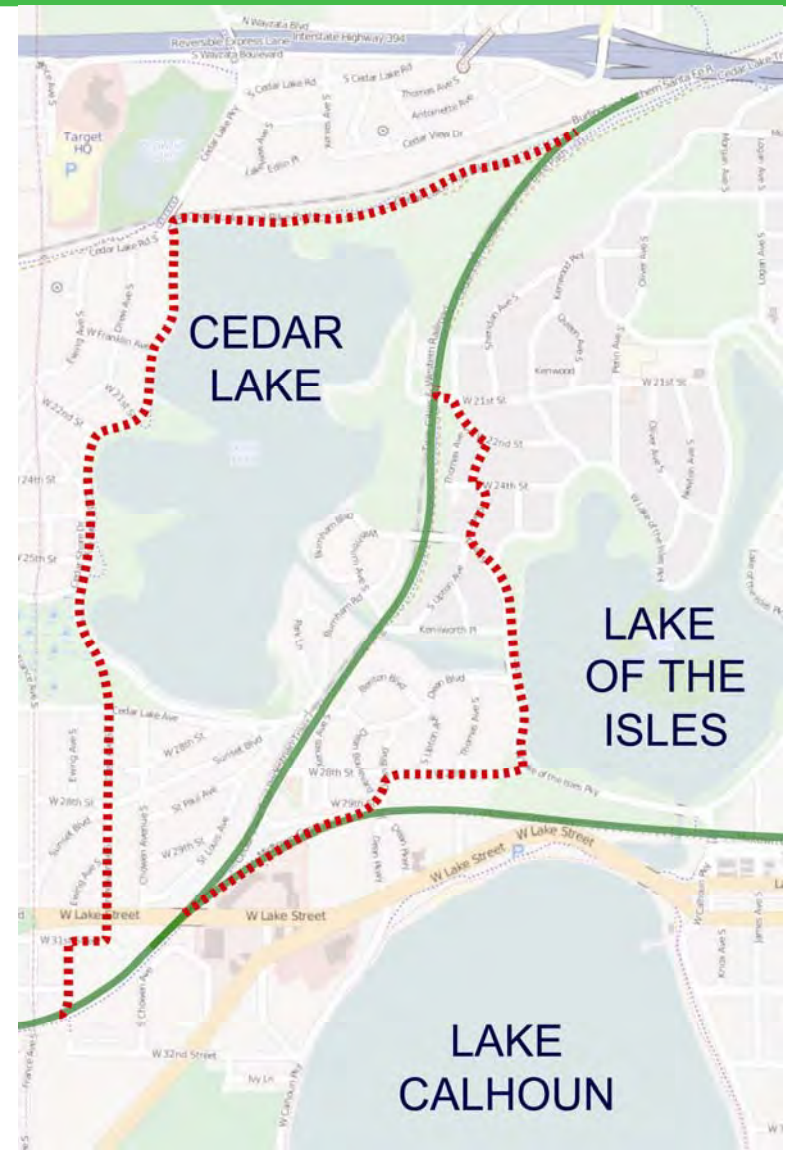
Potential Property Impacts

East End LRT Bridge



Scenario # 2 – Trail Relocated

- Existing trail functions as a transportation trail.
- Exclusive alignment allows direct, easy and fast access to downtown Minneapolis.
- An alternative that provides similar accessibility is not readily apparent.



Scenario # 2 – Summary Trail Relocated

- Sound Engineering
 - Engineering solution is reasonable.
- Freight rail operations –
 - Freight rail operations unchanged.
- LRT –
 - LRT operations are maintained but with increased operating costs.

Scenario # 2 – Summary Trail Relocated

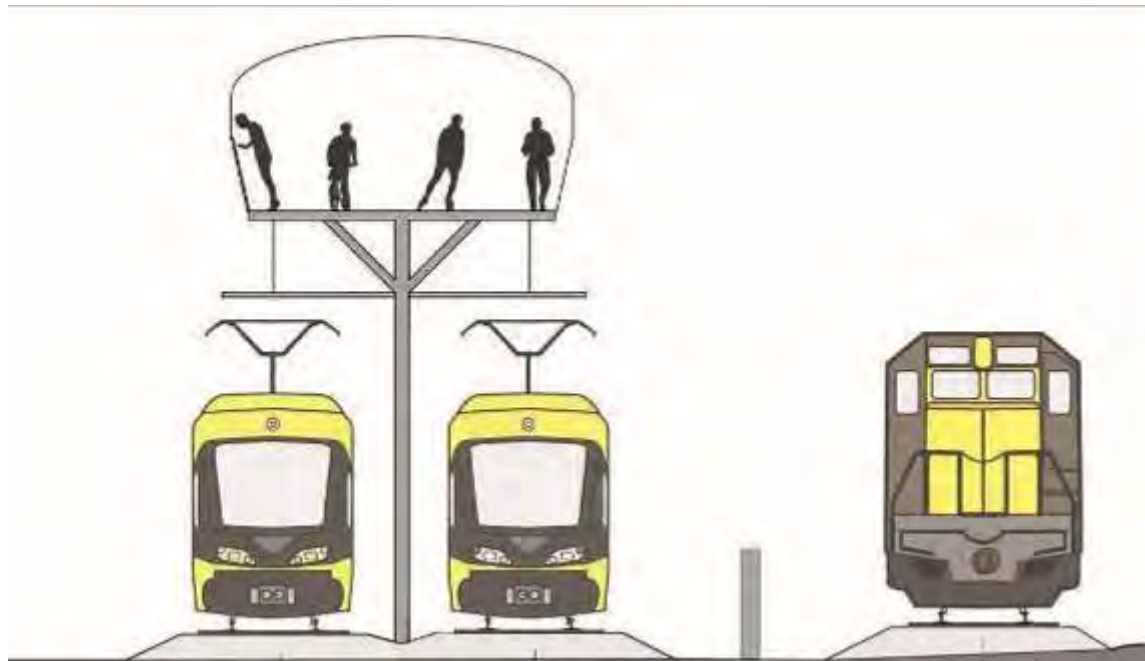
- Transportation system impacts –
 - Commuter bicycle trail is removed from corridor.
- Property acquisition –
 - 117 Housing Units acquired
- Environmental Issues –
 - Potential parkland (4f) impacts to:
 - Park Board property
 - Cedar-Isles channel
 - Cedar Lake Parkway

Presentation Outline

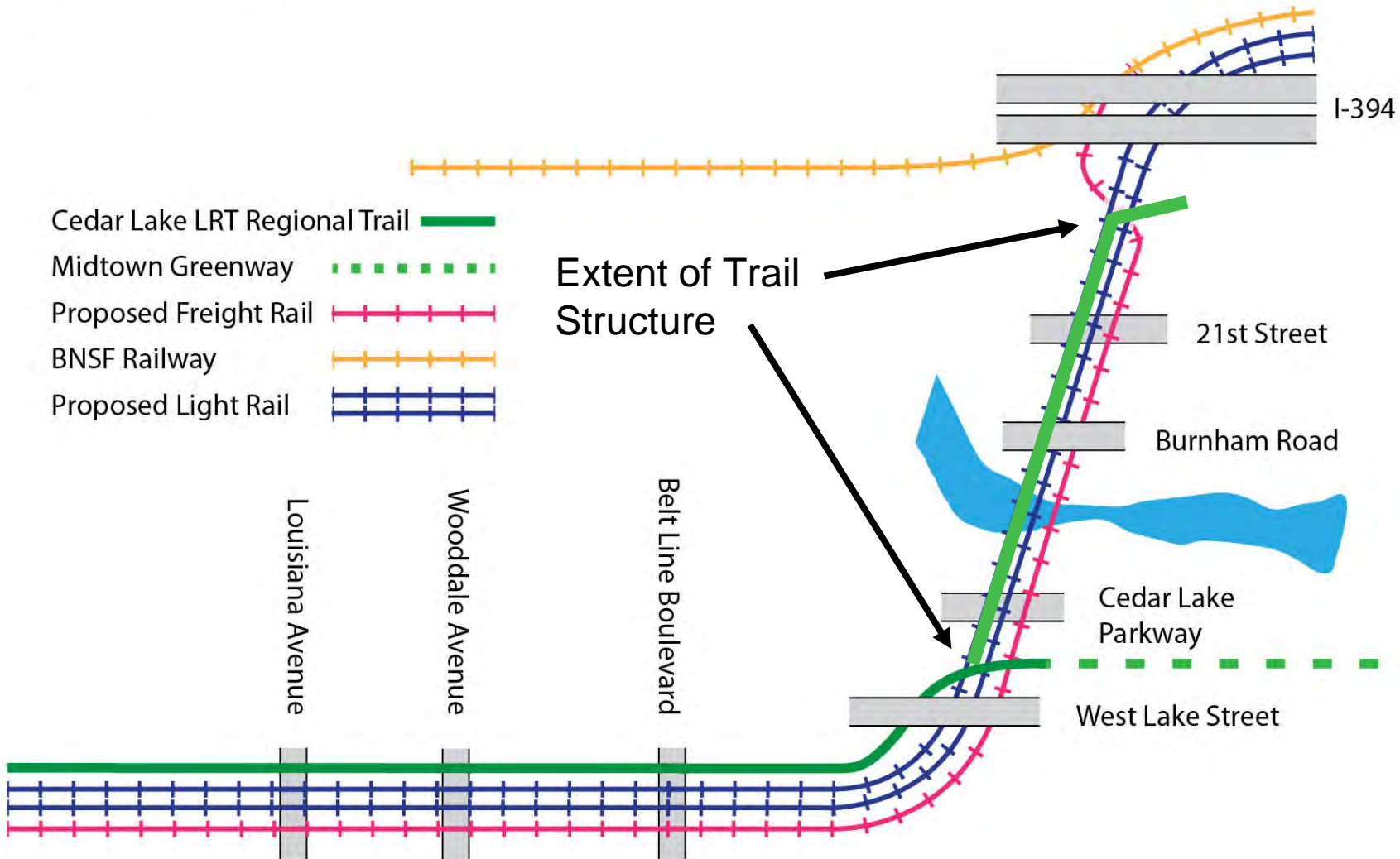
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Scenario #3 – Trail Over LRT

- **Trail on structure**
 - Bicycle Trail – Placed on structure through the corridor
 - Light Rail Transit – Constructed at-grade
 - Freight Railroad – Constructed at-grade



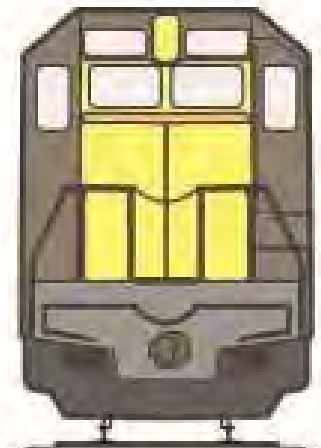
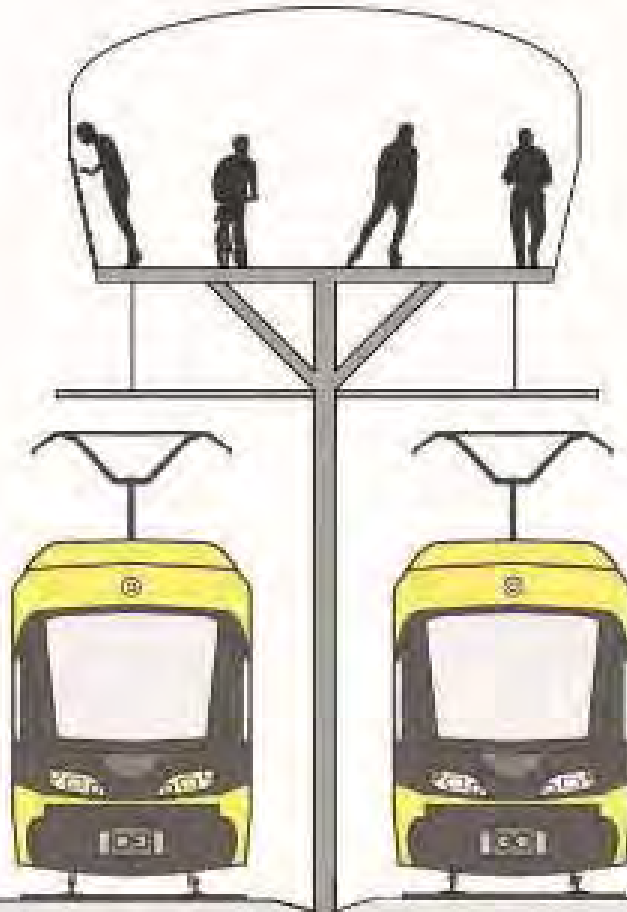
Scenario #3 – Trail Over LRT



Scenario #3 – Trail Over LRT

Bicycle bridge could be integrated with LRT OCS poles.

Bicycle bridge would require barriers on sides and above to protect users from overhead catenary and protect freight trains from vandalism.



Hudson Bergen LRT

Bridge over Hudson Bergen LRT has a barrier separating pedestrians from LRT overhead catenary wires.



Kansas City Passenger Station



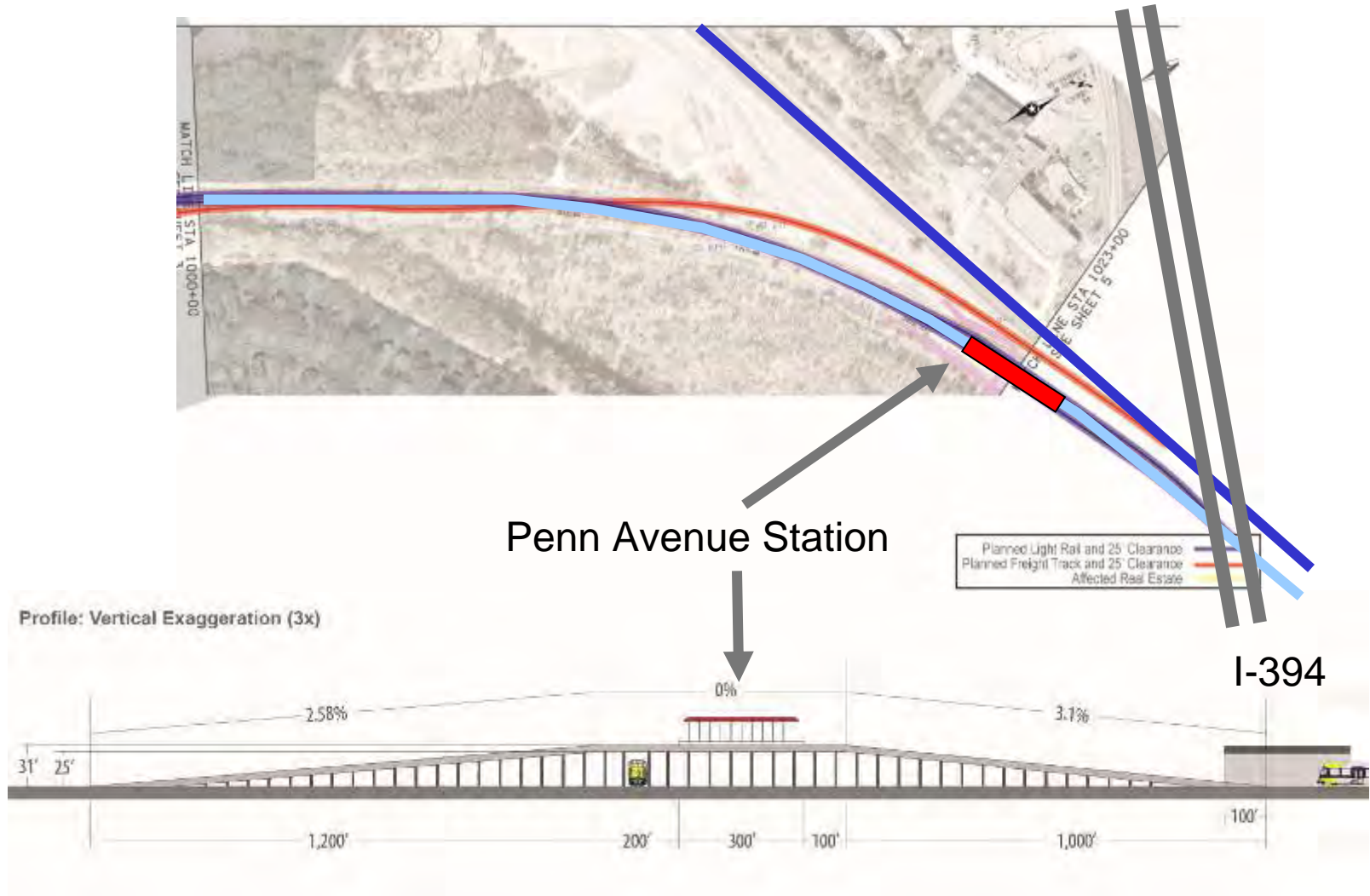
Bridge over freight tracks at Kansas City rail passenger station has a barrier to protect trains from vandalism.

Scenario #3 – Trail Over LRT



Looking East

Scenario #3 still requires an additional LRT bridge near the Penn Avenue station.



Scenario # 3 – Summary Trail Over LRT

- Sound Engineering
 - Engineering solution is not reasonable.
 - Creates unique or unusual problems.
- Freight rail operations –
 - Freight rail operations unchanged.
- LRT –
 - LRT operations are maintained but with increased operating costs.

Scenario # 3 – Summary Trail Over LRT

- Transportation system impacts –
 - **Functionality of Commuter Bicycle trail impaired.**

- Property acquisition –
 - **117 Housing Units acquired**

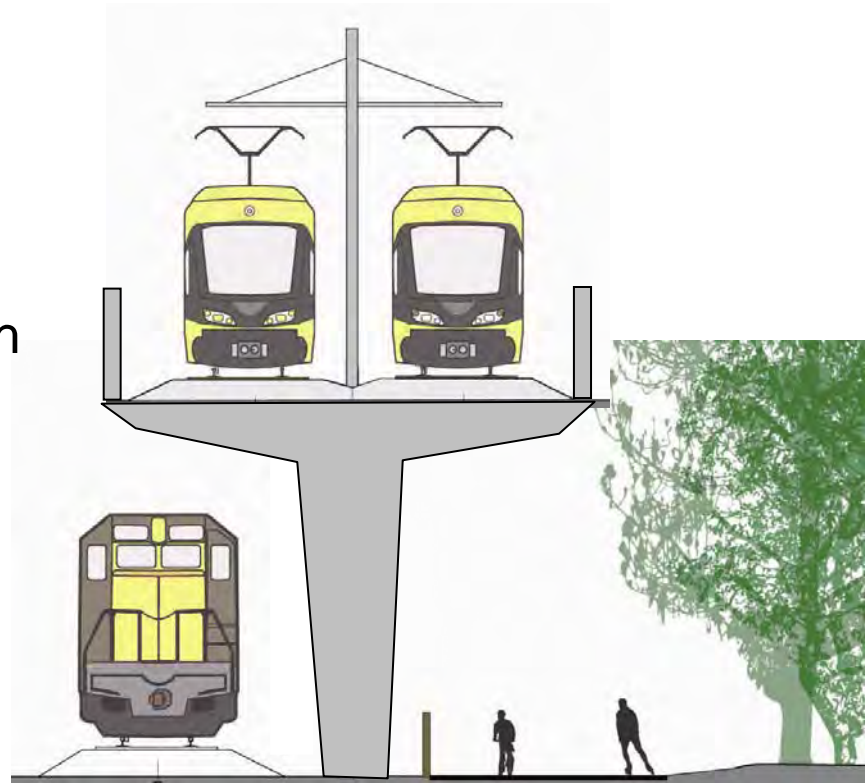
- Environmental Issues –
 - Potential parkland (4f) impacts to:
 - **Park Board property**
 - **Cedar-Isles channel**
 - **Cedar Lake Parkway**

Presentation Outline

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 - Scenario 7 – LRT single track
- Summary

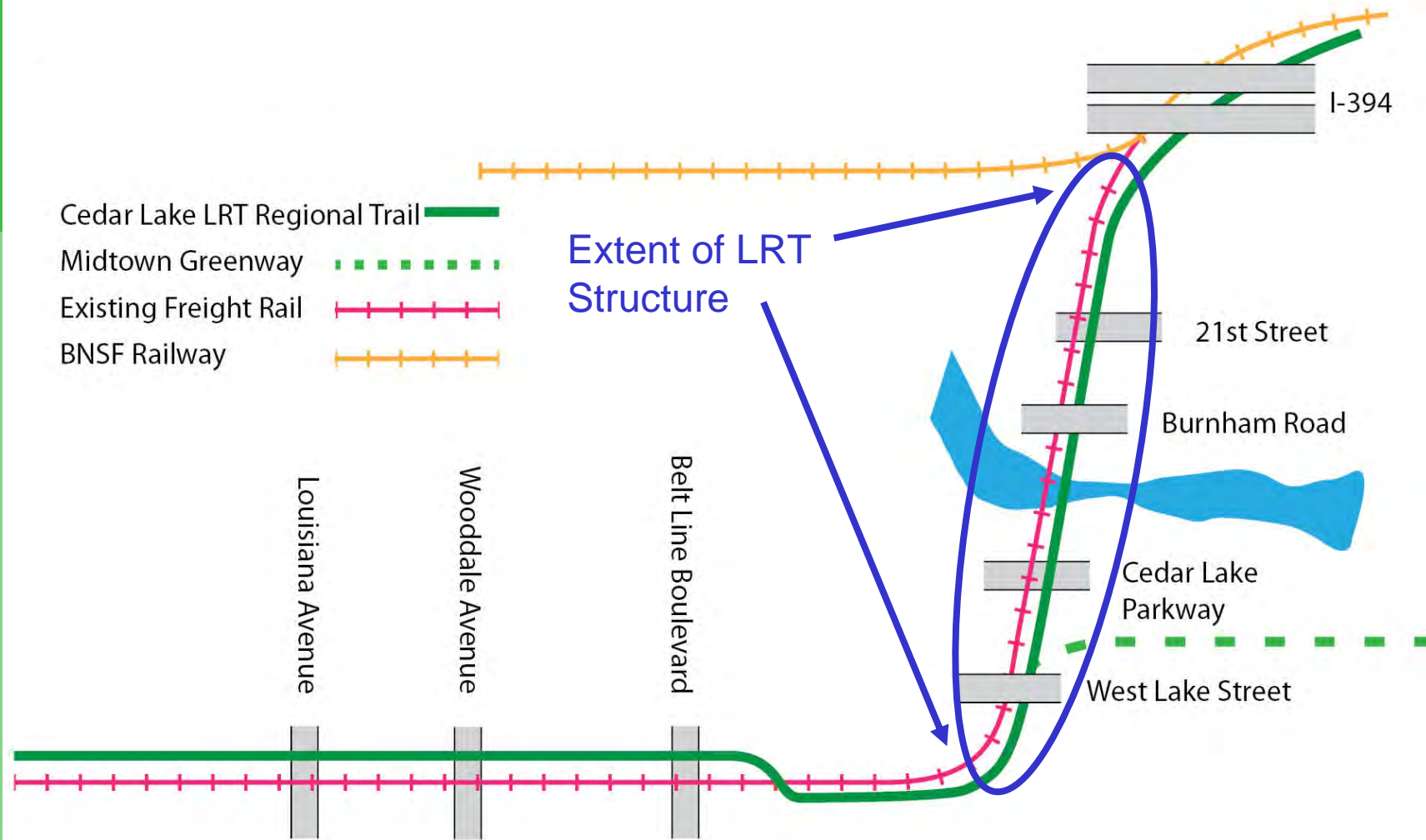
Scenario # 4 – LRT on Structure

- **LRT on structure**
 - Freight Railroad – Remains
 - Bicycle Trail – Remains
 - Light Rail Transit – Constructed through corridor on aerial structure.



Looking North

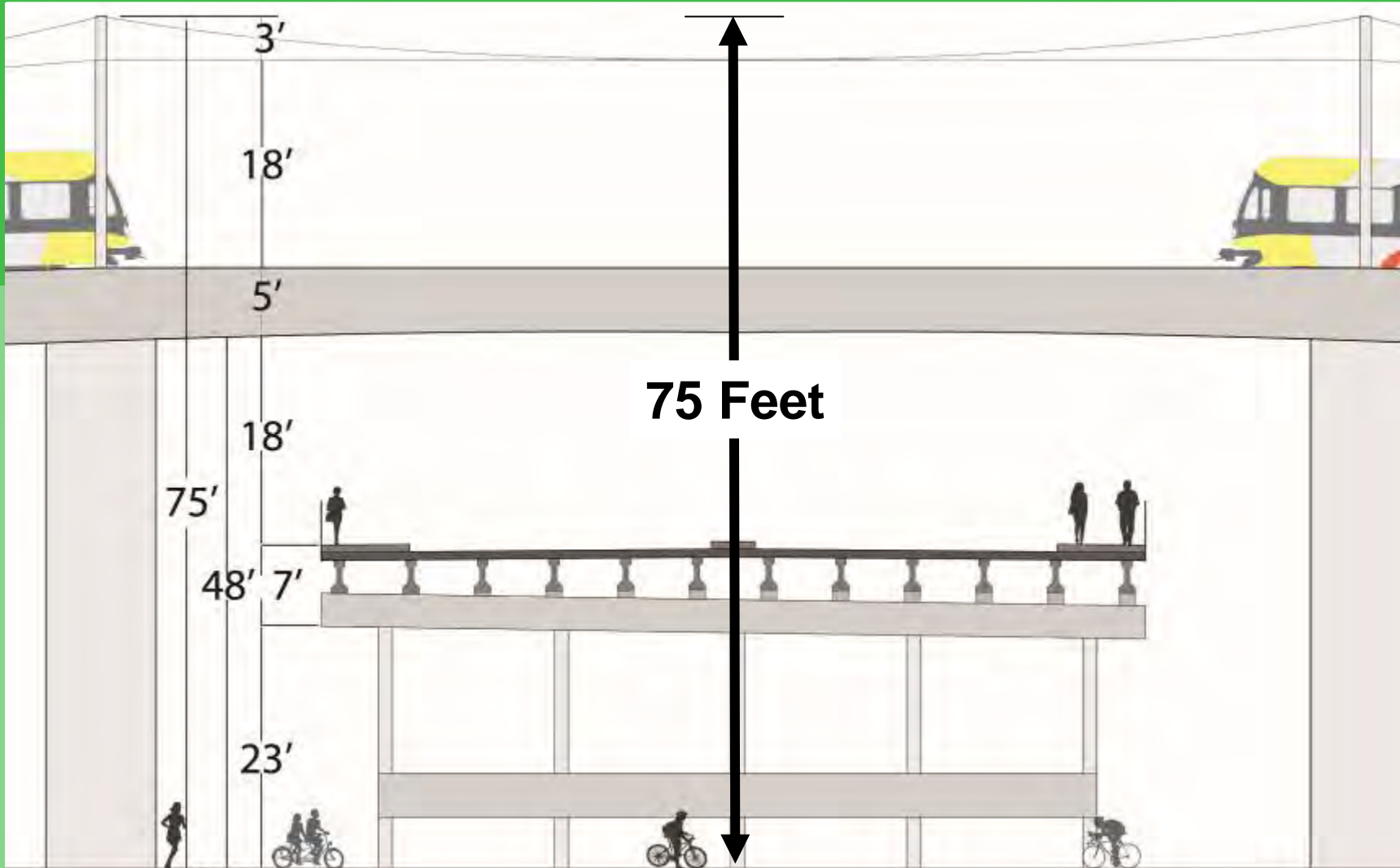
Scenario # 4 – LRT on Structure



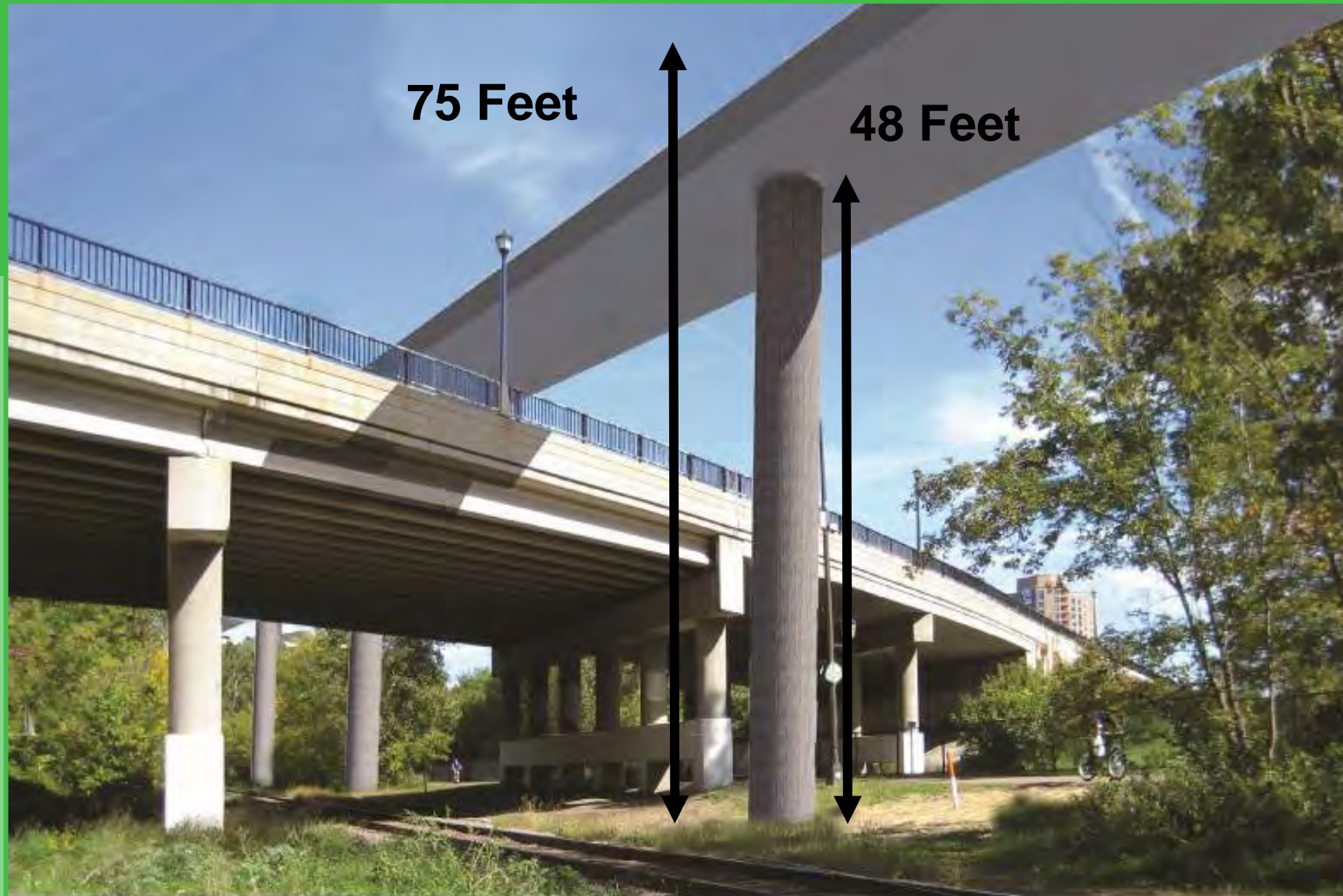
Scenario # 4 – LRT on Structure

- There is insufficient room north of the West Lake Street Bridge for LRT to rise from ground level to full height before reaching the narrow part of the corridor.
- An aerial structure for LRT would need to be at full height before crossing the West Lake Street Bridge.

Scenario # 4 – LRT on Structure



Scenario # 4 – LRT on Structure



Scenario # 4 – Summary

LRT on Structure

- Sound Engineering
 - Engineering solution is not reasonable.
 - Creates additional construction, maintenance or operational costs of an extraordinary magnitude.
- Freight rail operations –
 - Freight rail operations unchanged.
- LRT –
 - LRT operations are maintained but with increased operating costs.

Scenario # 4 – Summary LRT on Structure

- Transportation system impacts –
 - Functionality of Commuter Bicycle trail maintained.

- Property acquisition –
 - No housing units acquired.

- Environmental Issues –
 - Potential parkland (4f) impacts to:
 - Park Board property
 - Cedar-Isles channel
 - Cedar Lake Parkway

Presentation Outline

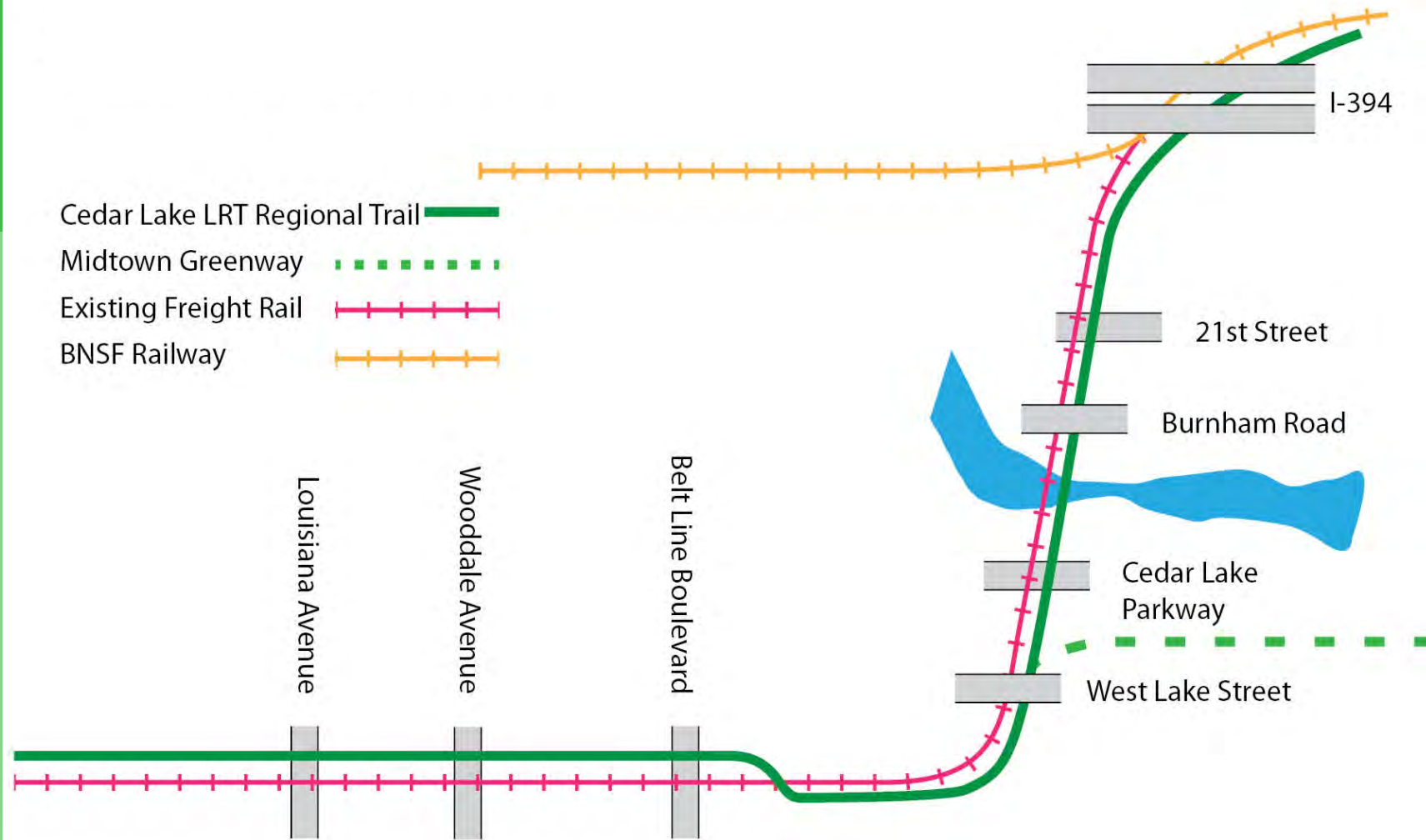
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Scenario # 5 – LRT in Tunnel

- **LRT in tunnel**
 - Bicycle Trail – Remains
 - Light Rail Transit – Constructed through corridor with portions in tunnel
 - Freight Railroad – Constructed at-grade

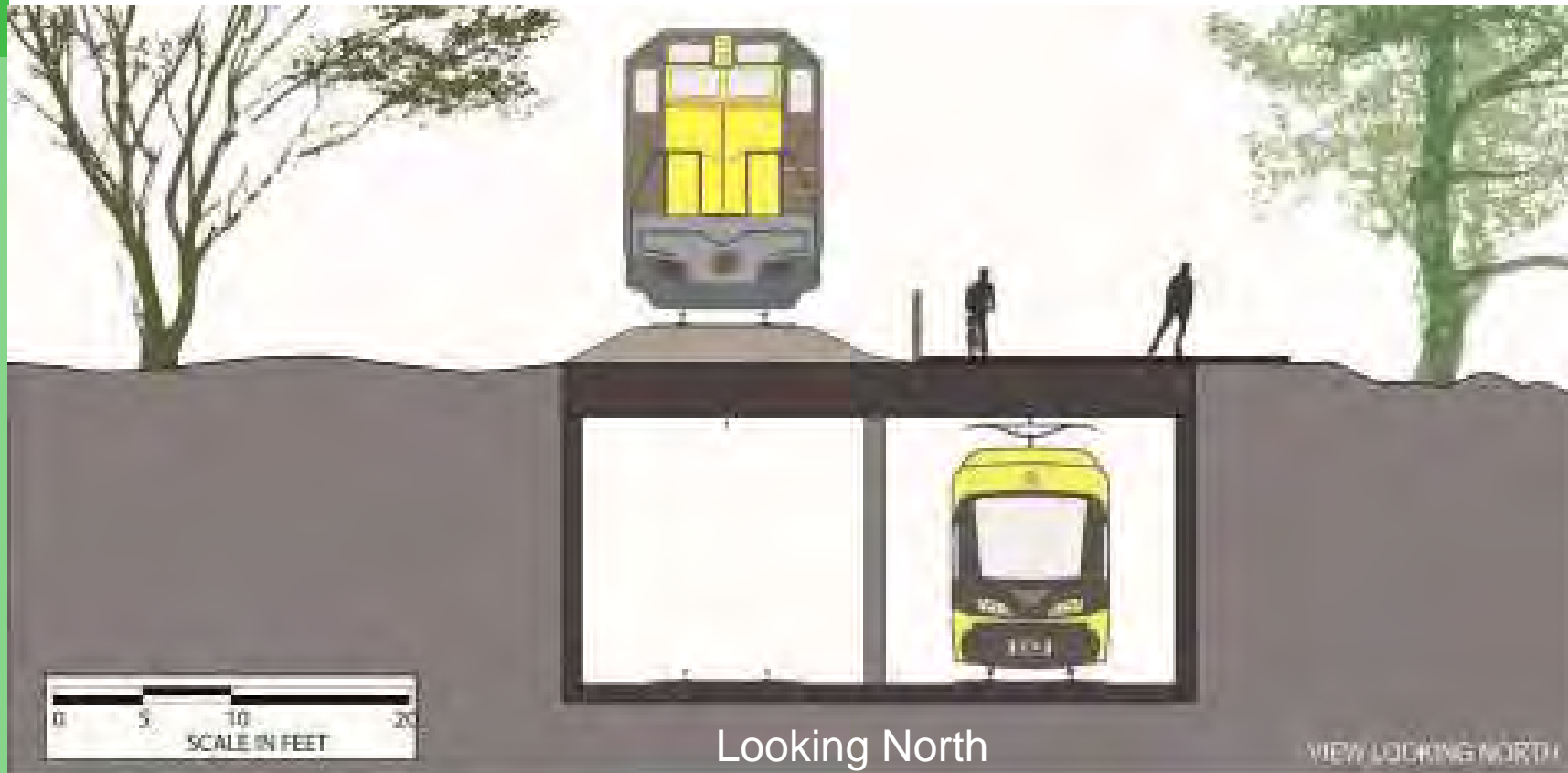


Scenario # 5 – LRT in Tunnel



Scenario # 5 – LRT in Tunnel

- Cut and Cover alternative impractical because of the weight of freight trains.



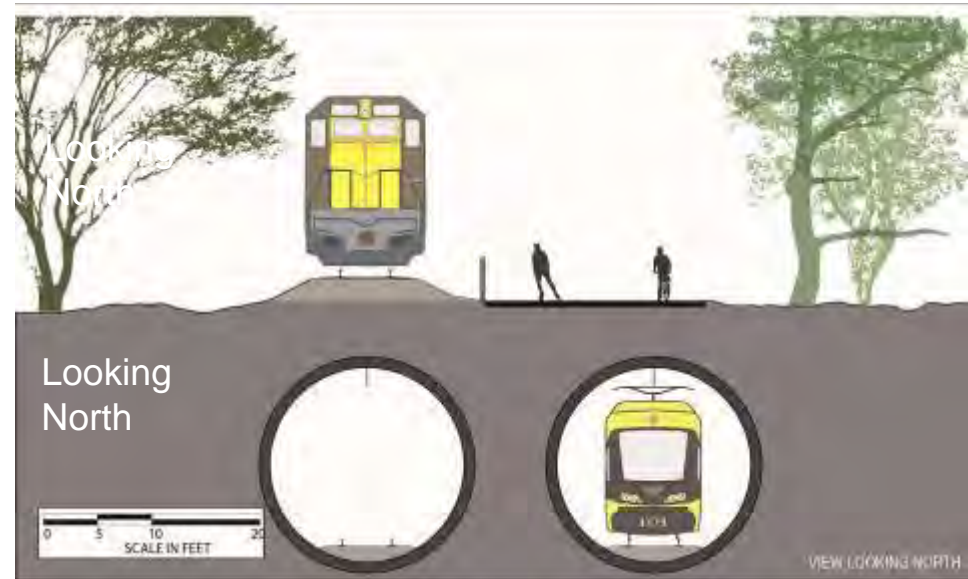
Scenario # 5 – LRT in Tunnel

- Cut and Cover alternative also impractical because of Cedar-Isles channel.



Scenario # 5 – LRT in Tunnel

- A deep tunnel has an unpredictable effect on groundwater.
- Invites continuing maintenance, safety and security problems.
- Vastly more expensive than other available alternatives.



Scenario # 5 – Summary

LRT in Tunnel

- Sound Engineering
 - Engineering solution is not reasonable.
 - Creates additional construction, maintenance or operational costs of an extraordinary magnitude.
- Freight rail operations –
 - Freight rail operations unchanged.
- LRT –
 - LRT operations are maintained but with increased operating costs.

Scenario # 5 – Summary

LRT in Tunnel

- Transportation system impacts –
 - Functionality of Commuter Bicycle trail maintained.
- Property acquisition –
 - No housing units acquired.
- Environmental Issues –
 - Potential parkland (4f) impacts to:
 - Park Board property
 - Cedar-Isles channel
 - Cedar Lake Parkway
 - Potential negative impacts on groundwater flow and water quality.

Presentation Outline

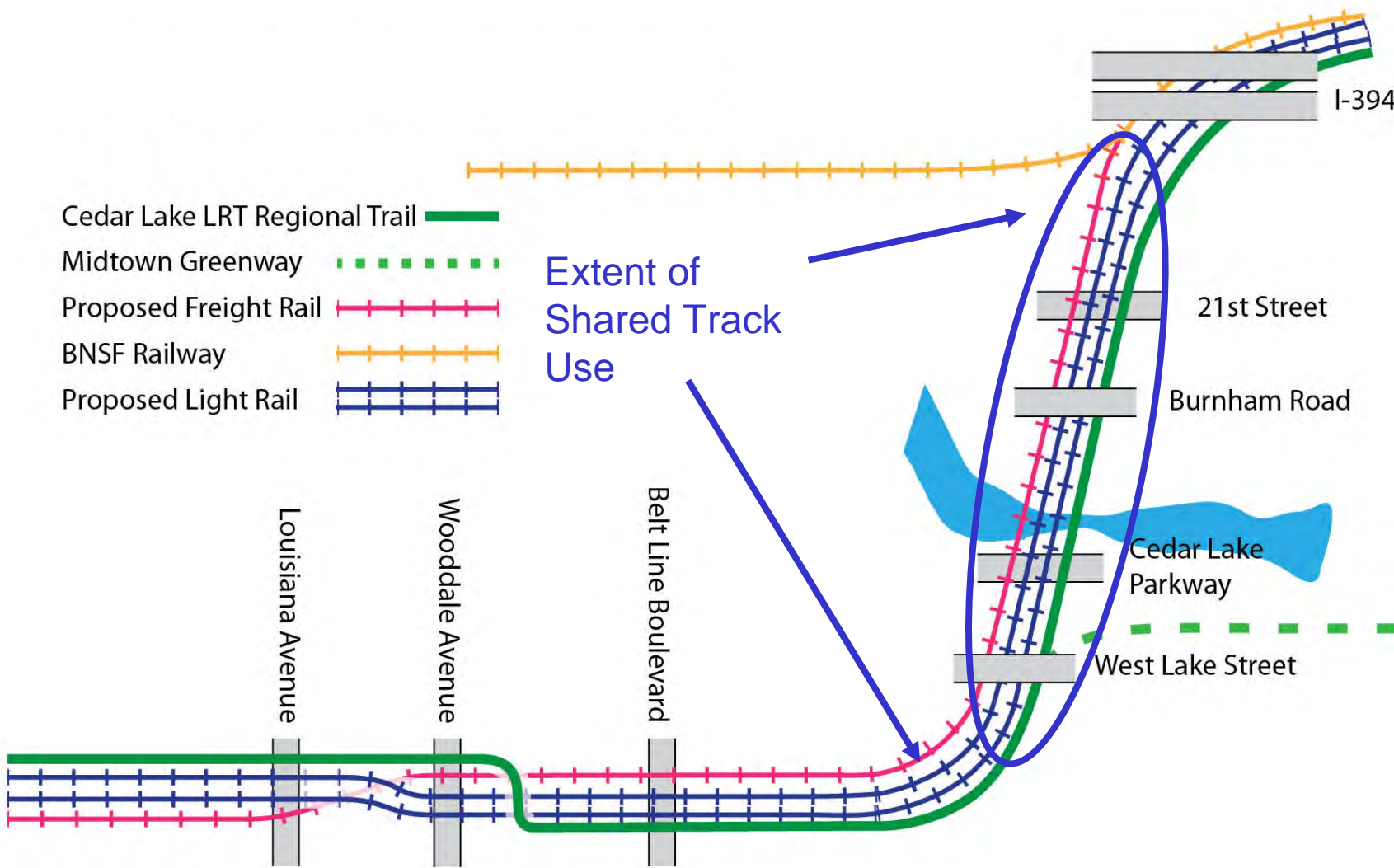
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 - **Scenario 6 – LRT/Freight Rail share track**
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- Summary

Scenario # 6 – Shared Track Use

- **Freight Rail and LRT share track**
 - Bicycle Trail – Remains
 - Light Rail Transit – Constructed at-grade
 - Freight Railroad – Shares track with the LRT alignment through the corridor

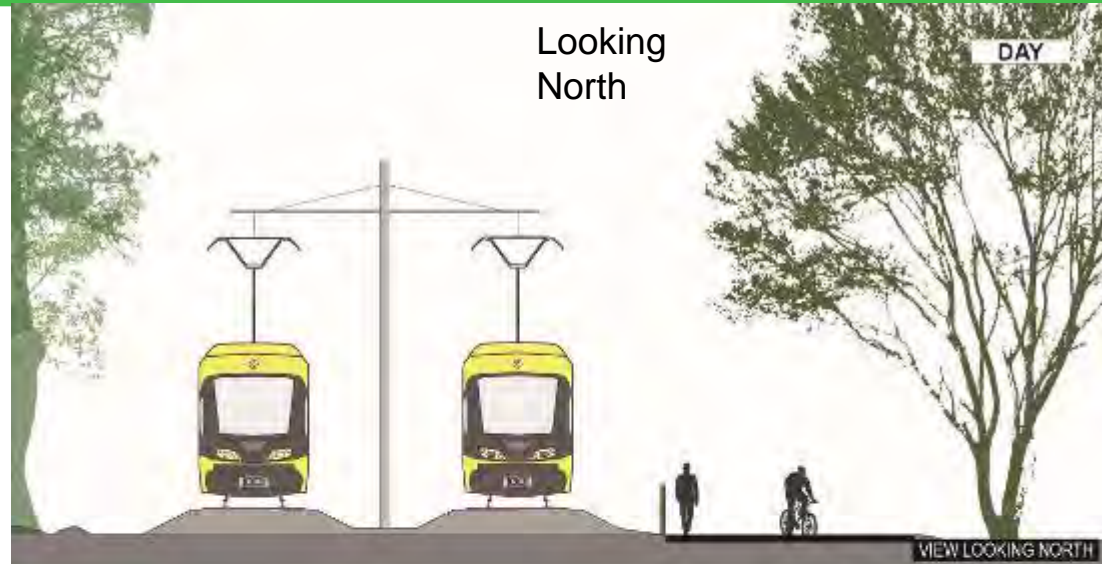


Scenario # 6 – Shared Track Use



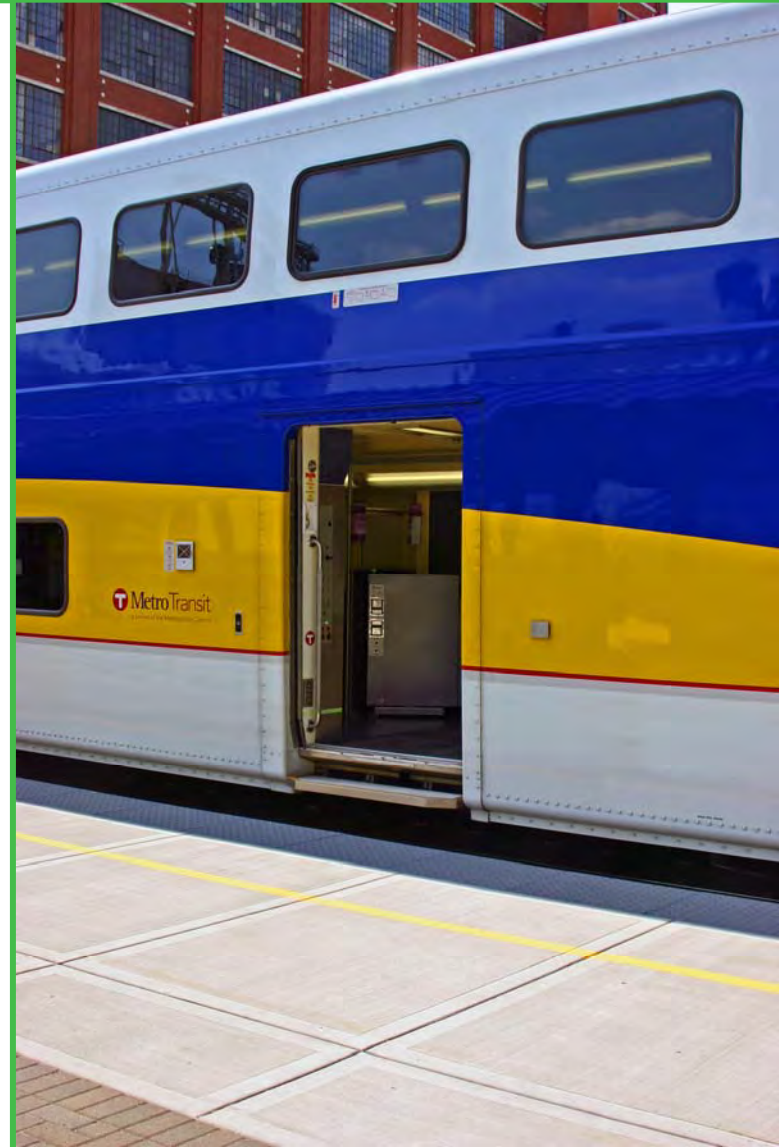
Scenario # 6 – Shared Track Use

- FRA requires temporal separation of freight and LRT operations.
- LRT operates from 3:30 am to 12:30 am.
- The time period available to TC&W would be too restrictive.



Scenario # 6 – Shared Track Use

- Adjustment of station platform height would be necessary to allow sufficient clearance for freight train equipment.
 - Elimination of level loading at these stations.
 - Redesign of new LRT vehicles and retrofitting of existing LRT vehicles to provide bridge plates.



Scenario #6 – Summary Shared Track Use

- Sound Engineering
 - Engineering solution is not reasonable.
 - Represents a severe economic impact to freight railroad.
- Freight rail operations –
 - Freight rail operations impaired.
- LRT –
 - LRT operations are maintained but with increased operating costs.
 - Potential for modification of new LRVs and retrofitting existing LRVs

Scenario #6 – Summary

Shared Track Use

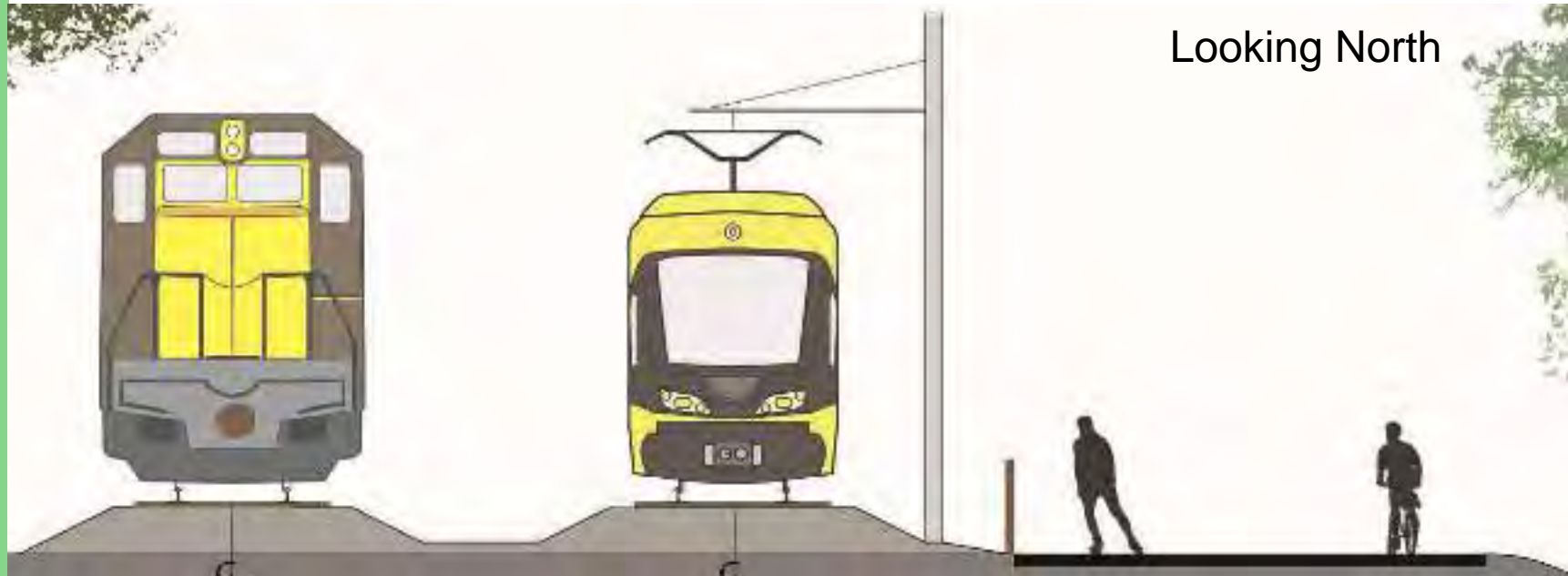
- Transportation system impacts –
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 - Cedar-Isles channel
 - Cedar Lake Parkway

Presentation Outline

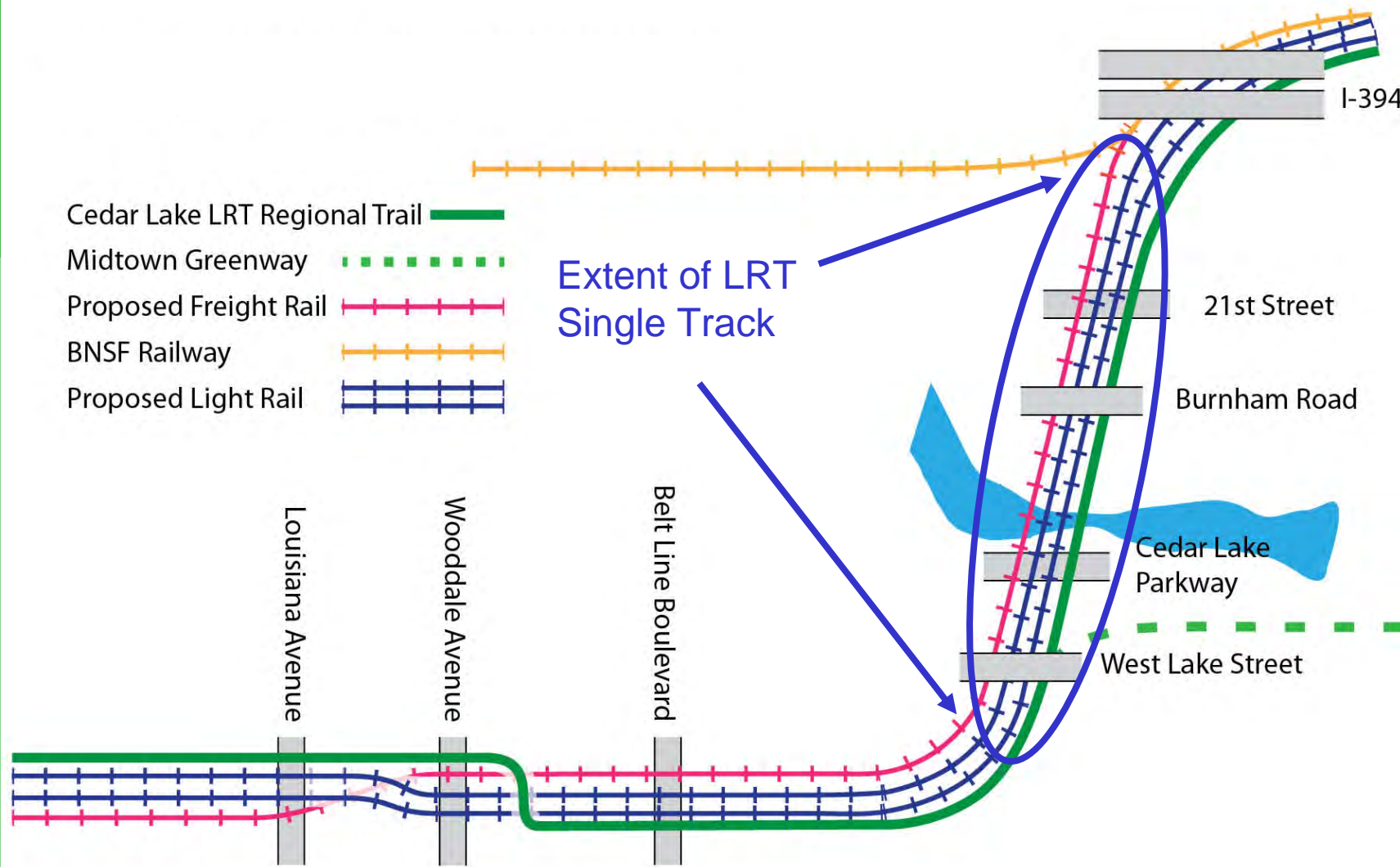
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 - **Scenario 7 – LRT single track**
- Summary

Scenario # 7 – LRT Single Track

- **LRT single track**
 - Bicycle Trail – Remains
 - Light Rail Transit – Constructed at-grade but with only one track
 - Freight Railroad – Constructed at-grade



Scenario # 7 – LRT Single Track



Scenario #7 – LRT Single Track

- Single Track would subject the LRT line to operating restrictions that would prevent the line from achieving its forecast ridership.
- This is inconsistent with the stated Purpose and Need of the project.



Scenario # 7 – Summary LRT Single Track

- Sound Engineering
 - Engineering solution is not reasonable.
 - Compromises the LRT project Purpose and Need
- Freight rail operations –
 - Freight rail operations unchanged.
- LRT –
 - LRT operations impaired.

Scenario # 7 – Summary

LRT Single Track

- Transportation system impacts –
 - Functionality of Commuter Bicycle trail maintained.

- Property acquisition –
 - No housing units acquired.

- Environmental Issues –
 - Potential parkland (4f) impacts to:
 - Park Board property
 - Cedar-Isles channel
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- **Summary**

Summary

| | <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> | <i>5</i> | <i>6</i> | <i>7</i> |
|---------------------------------|---------------------------|--------------------|--------------------|------------------|------------------|---------------------|-------------------------|
| | <i>All Three At-Grade</i> | <i>Trail Moved</i> | <i>Trail Above</i> | <i>LRT Above</i> | <i>LRT Below</i> | <i>Shared track</i> | <i>LRT Single Track</i> |
| <i>Sound Engineering</i> | Yes | Yes | No | No | No | No | No |
| <i>Freight Rail Impacts</i> | Low | Low | Low | Low | Low | No | Low |
| <i>LRT Impacts</i> | Medium | Medium | Medium | Medium | Medium | Medium | High |
| <i>Trail Impacts</i> | Low | High | High | Low | Low | Low | Low |
| <i>Acquisition/Displacement</i> | 33-57 | 117 | 117 | 0 | 0 | 0 | 0 |
| <i>Environmental Risk</i> | High | High | High | High | High | Medium | Medium |
| <i>Cost (Millions)</i> | 51-59 | 109-120 | 71-88 | 112-139 | 203-230 | 35-43 | 31-38 |

Implementation Factors Railroads

- TC&W
 - Must agree to track design.
 - Must have safe, efficient, economical connection to Saint Paul.

- CP Railway
 - Must agree to track design.
 - Must agree to design of LRT stations built next to freight tracks.

Implementation Factors

Safety

- Federal Railroad Administration
 - Must approve conditions of shared track use
- State Safety Oversight Board
 - Must approve conditions of operating freight trains next to LRT

Implementation Factors

Southwest LRT Governance

- Federal Transit Administration
- Metropolitan Council
- County Transit Improvements Board
- Hennepin County Regional Rail Authority
- Transit Accessibility and Advisory Committee

Implementation Factors Commuter Bicycle Trail

- Minneapolis Parks and Recreation Board
- City of Minneapolis
- USDOT
- Cedar Lake Park Association
- Hennepin County Bicycle Advisory Committee
- Other biking associations

Implementation Factors

Other Agencies

- Minneapolis Park Board
- State Historic Preservation Office
- US Army Corps of Engineers
- FHWA/MnDOT
- Minnesota DNR
- Minnesota Pollution Control Agency
- Environmental Protection Agency

Implementation Risks Neighboring Jurisdictions

- City of Minneapolis
 - Acquisition of housing units.
 - Commuter bicycle trail system.

*Kenilworth Corridor:
Analysis of Freight Rail / LRT Coexistence*

Thank You

TCWR Route Alternatives Study

St. Louis Park Presentation

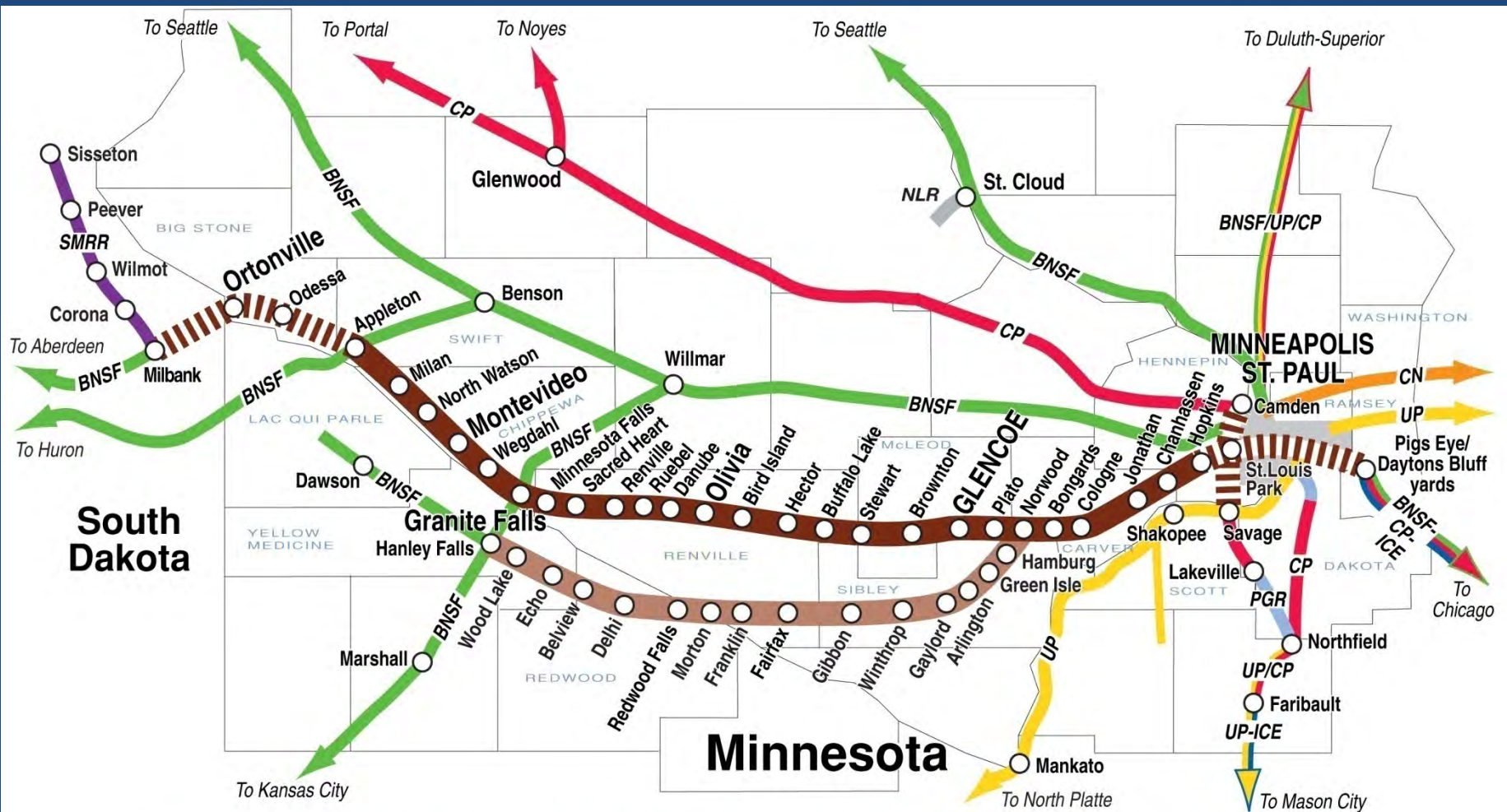
November 29, 2010



Mark Amfahr
Amfahr Consulting

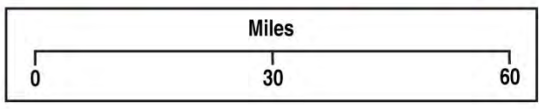
Study Purpose

- To provide additional information on the Chaska Cut-off, Midtown and Hwy 169 alternatives in response to St. Louis Park City Council Resolutions 10-070 and 10-071.
- To ensure that evaluation measures and cost factors are applied consistently across the alternatives being studied.



Twin Cities & Western Railroad Company

- Twin Cities & Western
- Minnesota Prairie Line
- Trackage rights



Evaluation Measures

Sound Engineering

- Grades, curves & clearances to allow for efficient railroad operation.

Freight Rail Operations

- Safe, efficient, & economic connection to St. Paul.

Transportation System Impacts

- Potential impact to roads, trails, and transit.

Acquisitions/Displacements

- Number, type and estimated cost.

Estimated Costs (2010\$)

- Construction costs including contingency factors.

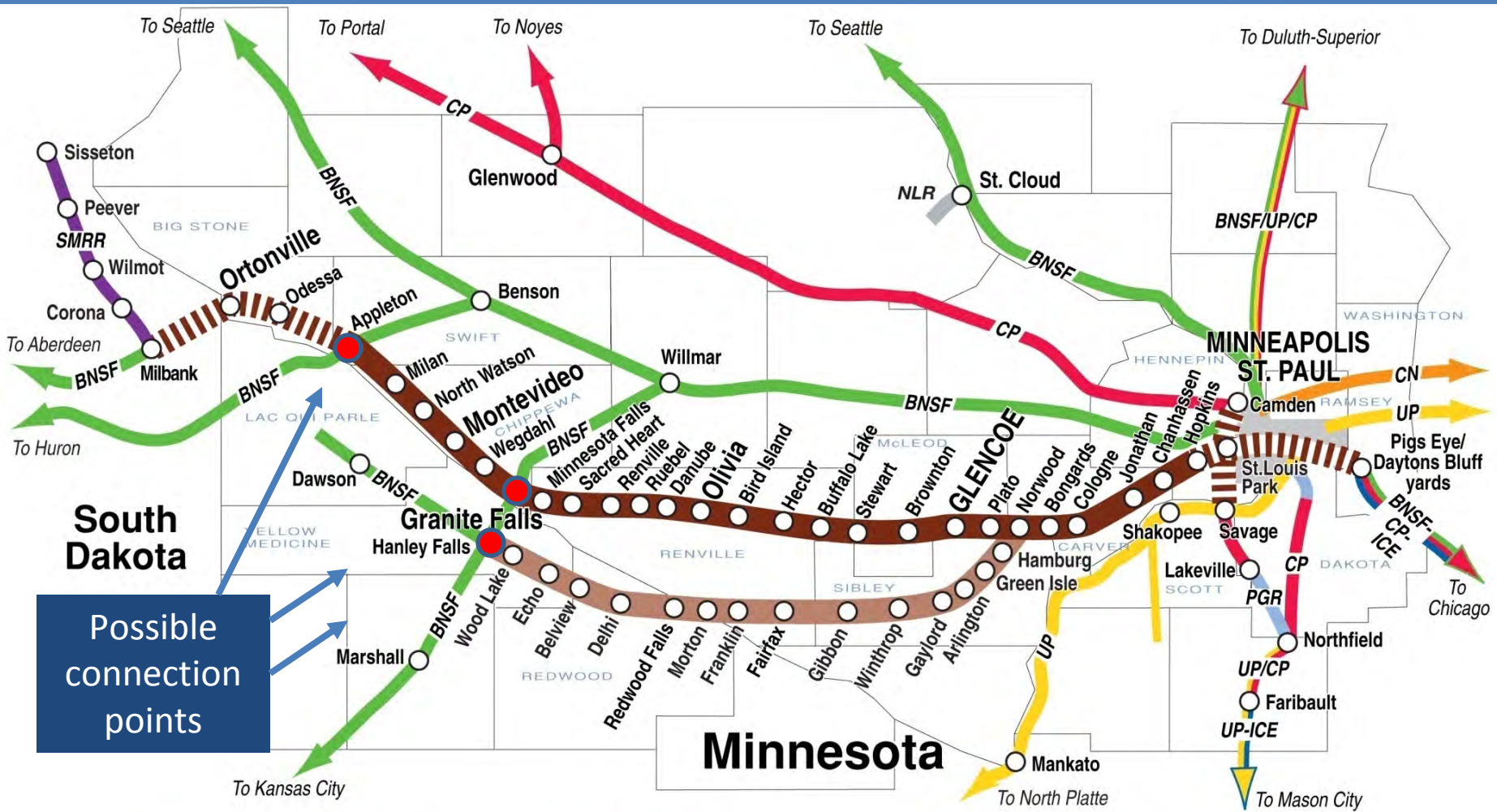
Potential Environmental Risks

- Potential for adverse impacts upon critical environmental resources.

Implementation Factors

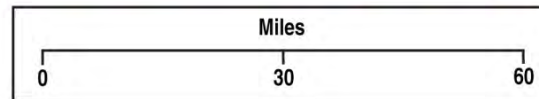
- Elements affecting implementation (agreements, permits, etc).
- Route must be acceptable to TCWR.

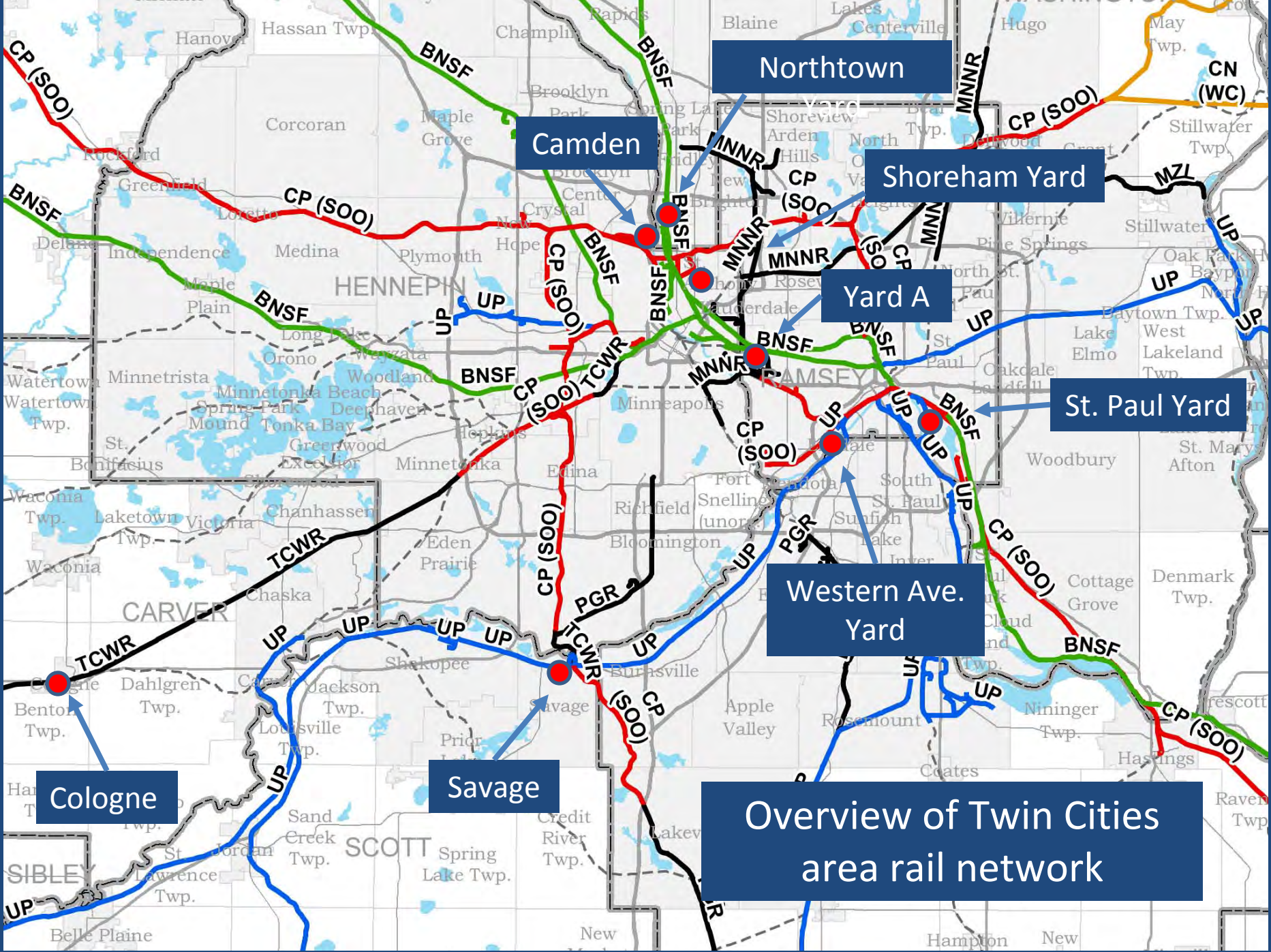
"Western Connection" options



Twin Cities & Western Railroad Company

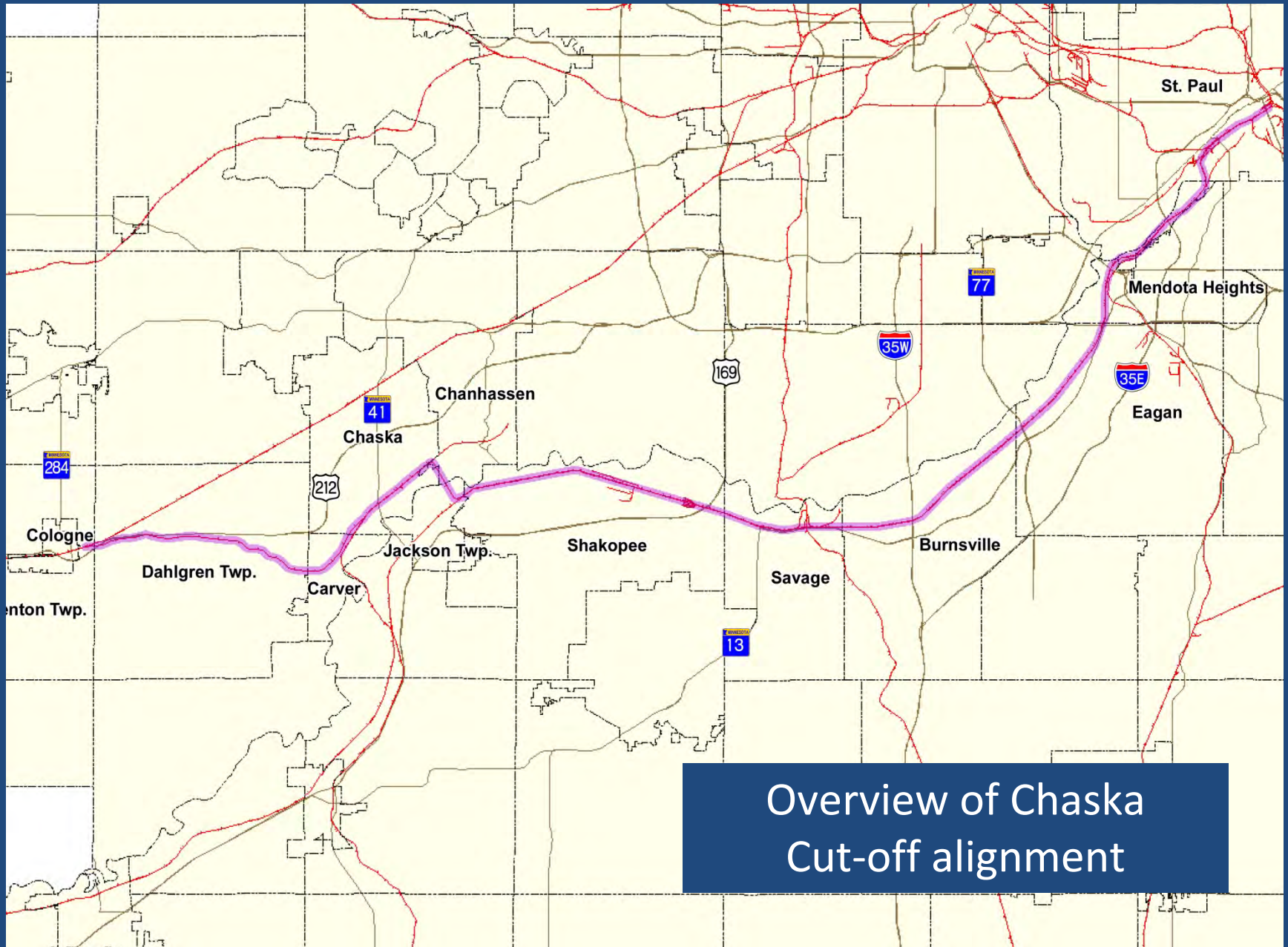
- Twin Cities & Western
- Minnesota Prairie Line
- Trackage rights



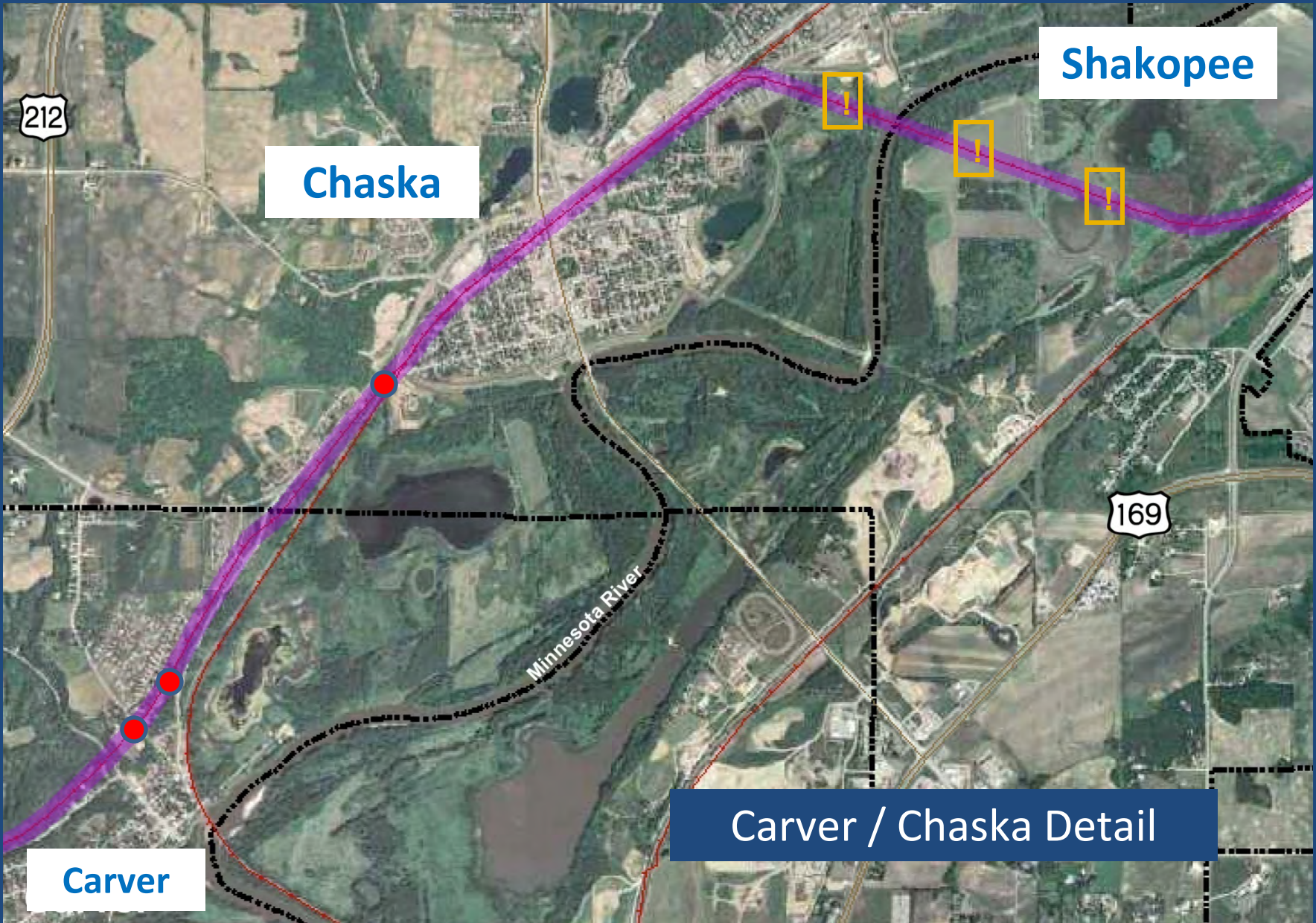


Overview of Twin Cities area rail network

Chaska Cut-off Alternative



Chaska Cut-off Alternative



Shakopee

Chaska

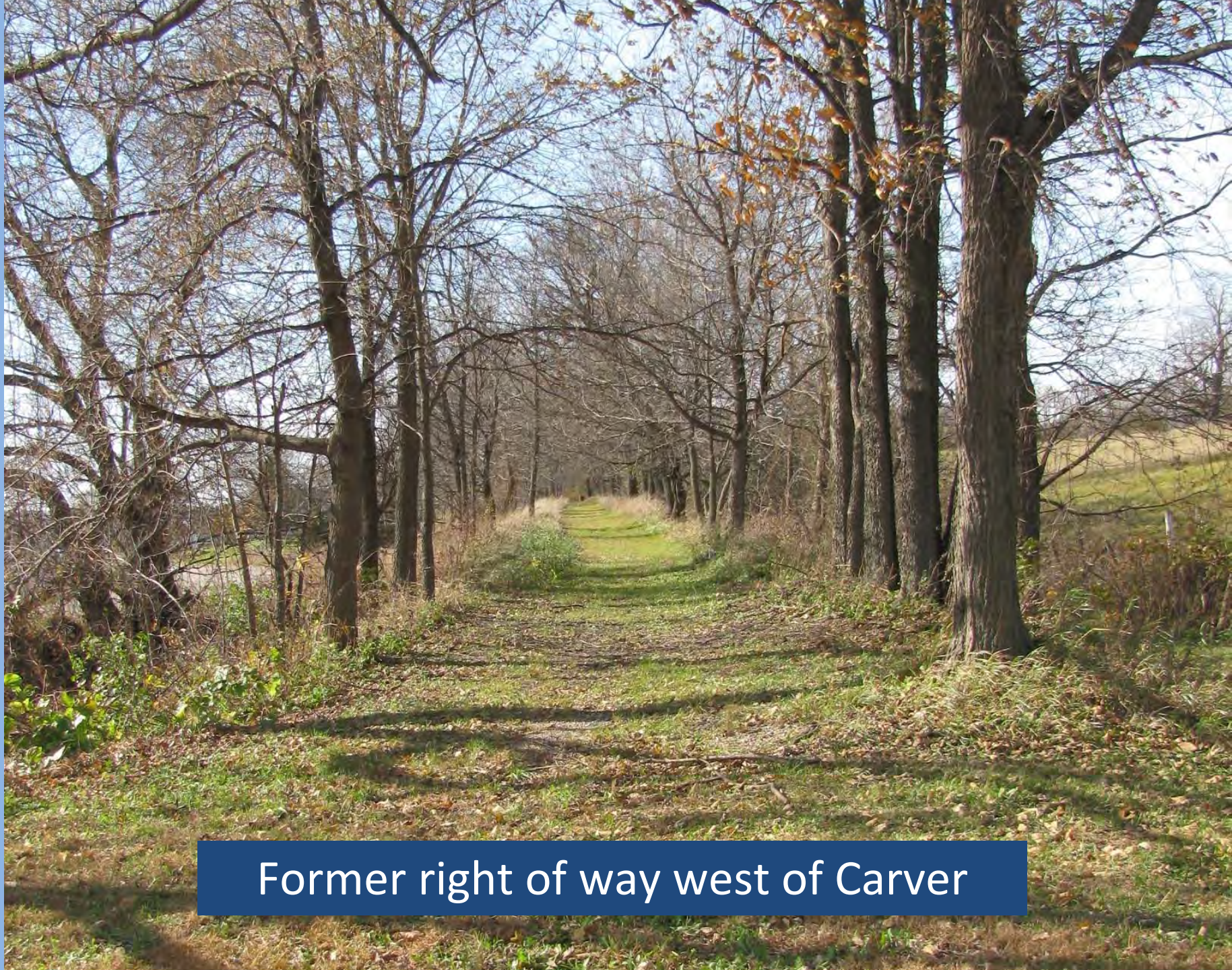
212

169

Minnesota River

Carver

Carver / Chaska Detail



Former right of way west of Carver

Former right of way in Carver

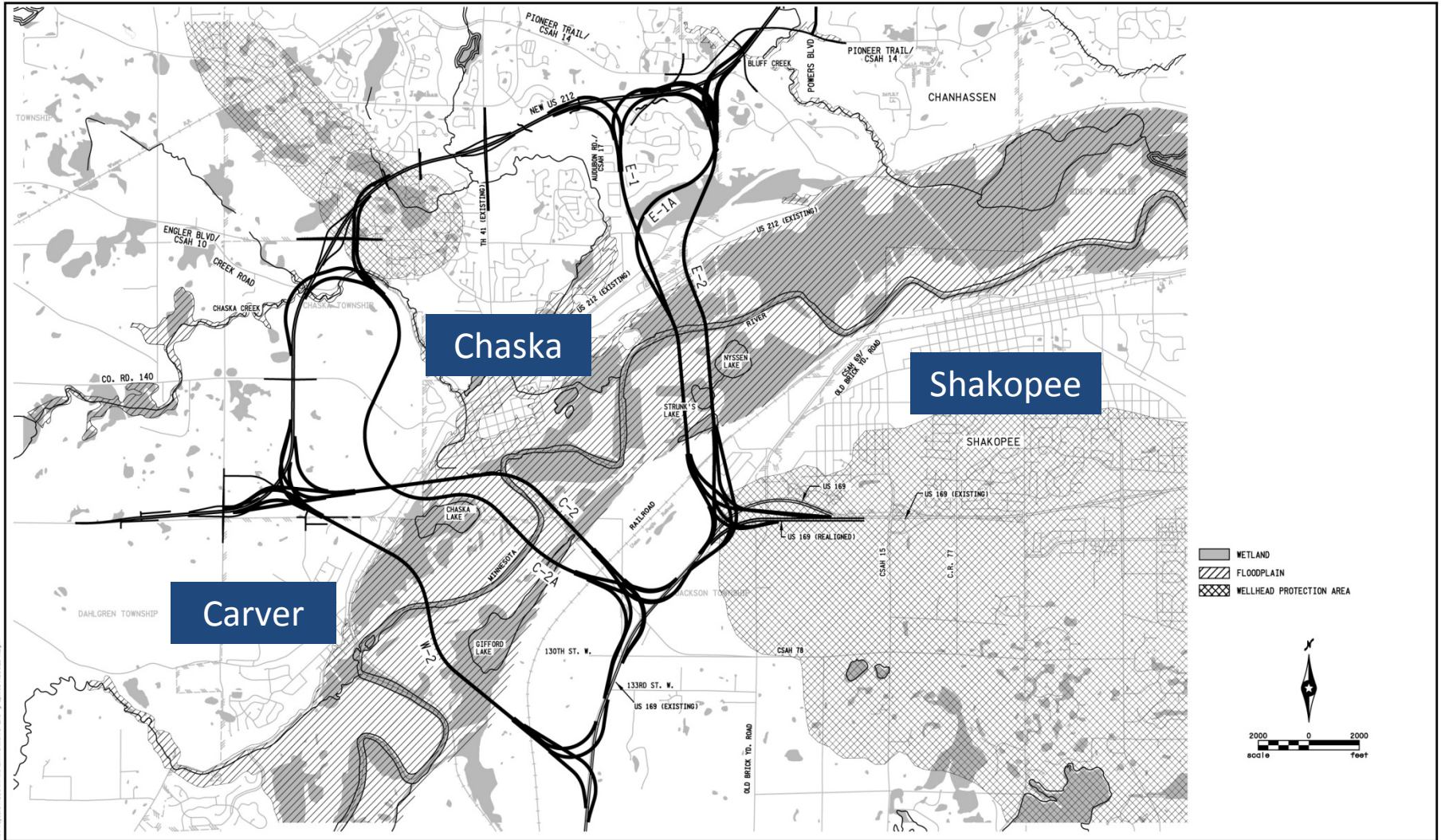
Chaska Cut-off Alternative





Existing track through
Chaska

Minnesota River crossing; MNDOT Hwy 41 Study



FLOODPLAIN, WETLANDS AND WELLHEAD PROTECTION AREAS
TRUNK HIGHWAY 41 MINNESOTA RIVER CROSSING
Draft Environmental Impact Statement
S.P. #1008-60
Minnesota Department of Transportation

Figure 9-11

Chaska Cut-Off Evaluation

Sound Engineering

- Route can meet freight rail industry standards for operations.
- Westbound grade would be a limitation for TCWR vs. existing operation.
- Requires 11 miles of new trackage including a new crossing of the MN River.

Freight Rail Operations

- Additional distance vs. other routes would increase TCWR's operating costs.
- TCWR would have to own & maintain additional trackage.
- TCWR would need to operate over UP trackage.
- TCWR could serve a new customer in Chaska (United Sugars).

Transportation System Impacts

- 5 new at-grade crossings.
- No impact to trails.
- No impact to existing or planned transitways.

Chaska Cut-Off Evaluation

Acquisitions/Displacements

- 25 housing units displaced
- Total value of properties = \$9.4 million.

Estimated Cost (2010\$)

- Total Project Cost = \$129.8 million (includes 30% contingency).
- Major elements include new track, grade-separated crossings, & Minnesota River bridges.

Environmental Issues

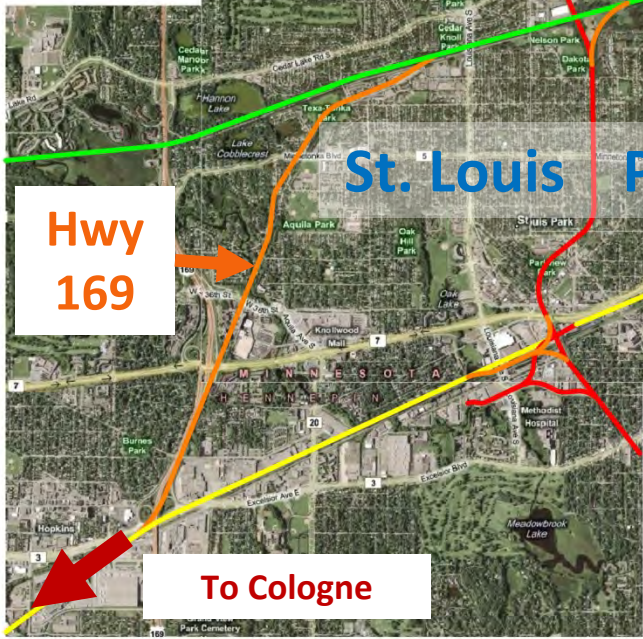
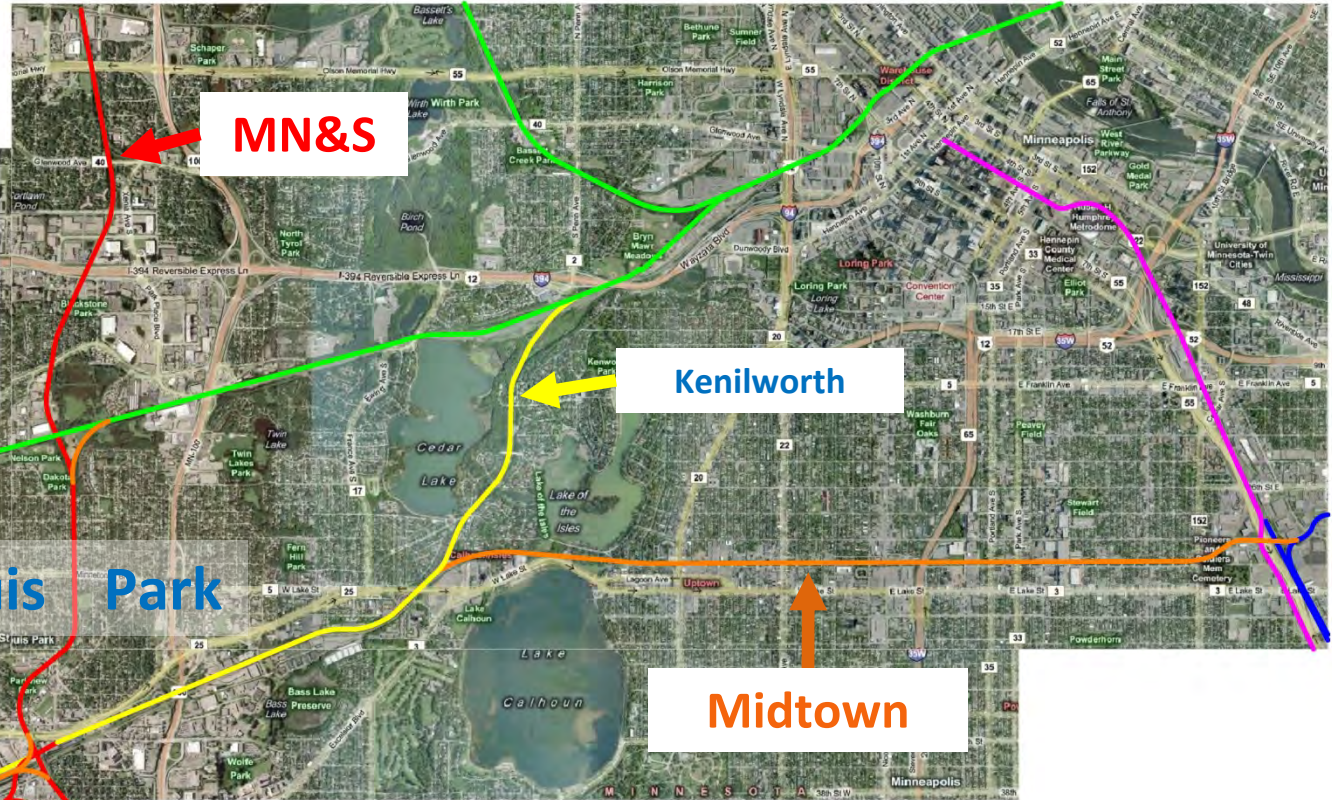
- MN River crossing likely requires an Environmental Impact Statement. Estimated time to complete is 3 to 8 years.
- Existence of wetlands and other protected areas.

Chaska Cut-Off Evaluation

Implementation Factors

- **Principal constraint is the Minnesota River crossing.** Environmental documentation & permitting are significant. Construction would require approvals/permits from the US Army Corps of Eng., FRA, US EPA, US Fish & Wildlife Service, Dept. of Interior, MN DNR, MN PCA, MN SHPO & local watershed districts.
- TCWR must agree to own & maintain new trackage.
- TCWR must obtain trackage rights from UP.
- MnDOT must agree to crossing over TH212.
- Carver County must agree to crossing over CR 40.

- BNSF
- CP
- TCWR
- MN&S
- UP
- HIAWATHA LRT
- PROPOSED ROUTE



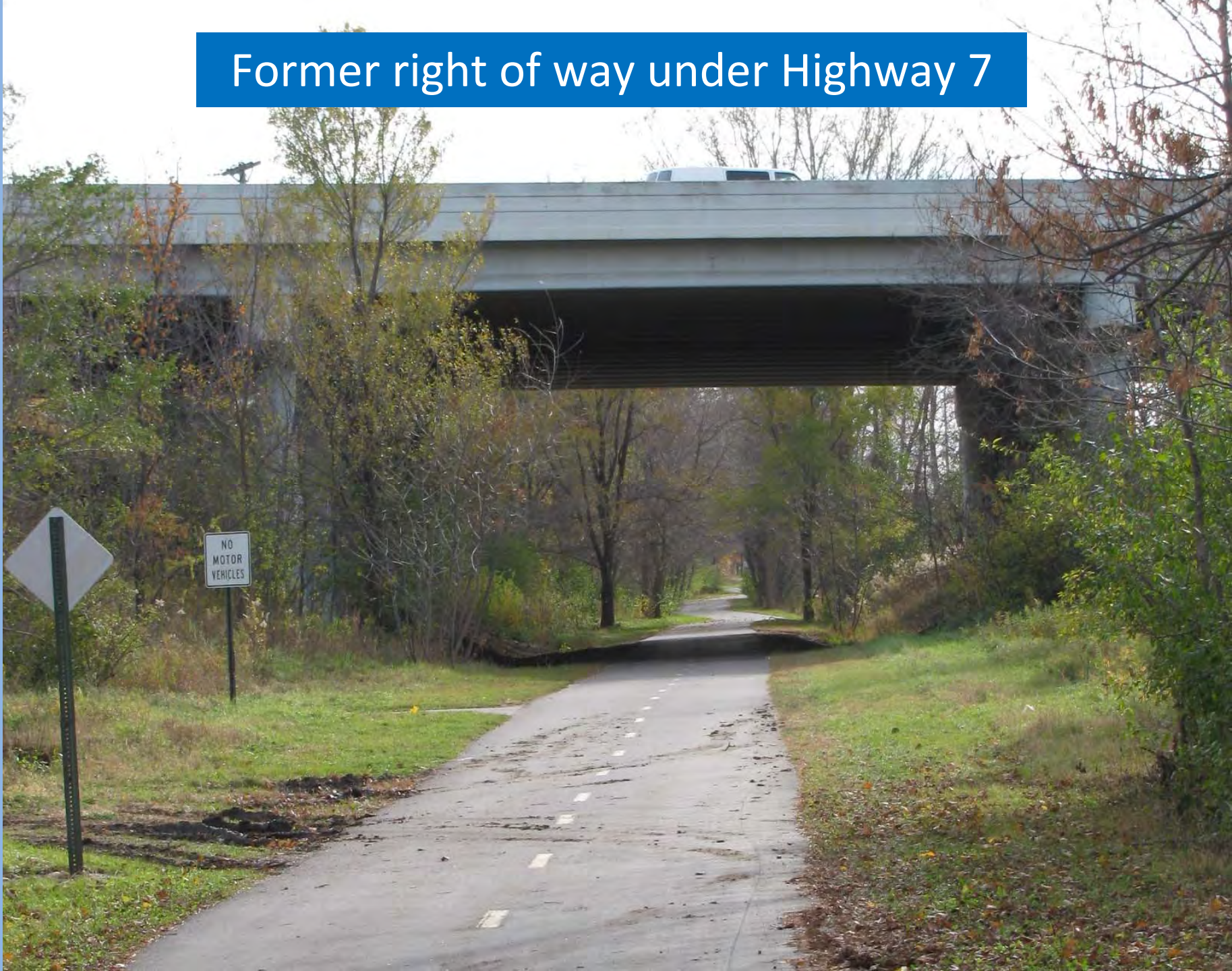
St. Louis Park Area Overview

Highway 169 Alternative



Former right of way under Highway 7

Highway 169 Alternative





Former right of way north of Highway



Townhomes along right of way

Hwy 169 Evaluation

Sound Engineering

- Route can meet freight rail industry standards for operations.
- Requires new bridge over Minnehaha Creek and 2.7 miles of new track

Freight Rail Operations

- TCWR would most likely own & maintain the new track
- TCWR would need additional trackage rights from BNSF
- TCWR would reach Savage via the existing St. Louis Park connection or via a new BNSF connection to the MN&S route.

Transportation System Impacts

- Would require TH 169 / Excelsior Blvd interchange to be reconfigured.
- 6 new at-grade crossings (2 in Hopkins & 4 in St. Louis Park).
- Requires reconstruction and/or relocation of recreational trail.
- No impact to existing or planned transitways.

Hwy 169 Evaluation

Acquisitions/Displacements

- 131 housing units displaced
- Total value of properties = \$38.0 million.

Estimated Cost (2010\$)

- Total Project Cost = \$121.6 million (includes 30% contingency).
- Major cost elements include significant acquisitions/displacements and the reconfiguration of the Hwy 169 / Excelsior Blvd intersection.

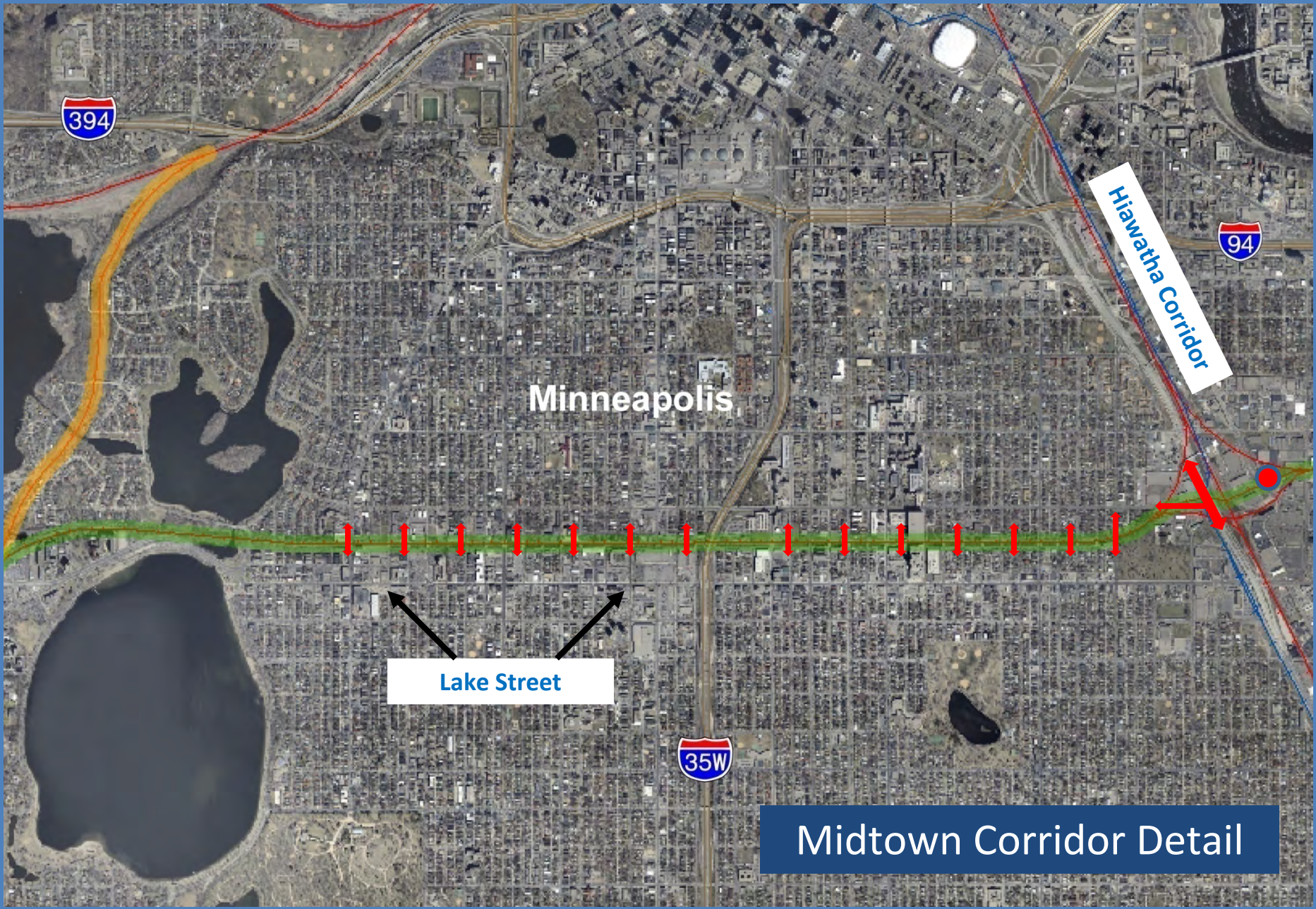
Environmental Issues

- Impact of bridge over Minnehaha Creek would need to be assessed.

Hwy 169 Evaluation

Implementation Factors

- TCWR must agree to own and maintain the 2.7 miles of new track.
- TCWR must obtain trackage rights from BNSF on the Wayzata Subdivision.
- MnDOT & FHWA must agree to modifications to Hwy 169.
- Hennepin County must agree to impact to Excelsior Blvd.
- Minnehaha Creek Watershed District must approve bridge construction over Minnehaha Creek.



Midtown Corridor Detail



Former right of way through
“The Trench”



Former right of way – east end



Former right of way at
Hiawatha crossing

Sabo Bridge – crossing of Hwy 55

Midtown Alternative



Midtown Evaluation

Sound Engineering

- Route would require significant modifications to meet freight rail industry standards for operations.
- Requires excavation of 6 feet of former rail bed to meet clearance requirement of 23 feet.
- TCWR shifted operations from the Midtown Corridor to Kenilworth in 1998, a result of Hiawatha Corridor reconstruction.
- Quality of bridge over Mississippi River is questionable.

Freight Rail Operations

- TCWR must assume responsibility for ownership & maintenance of 4.4 miles of new track.
- TCWR must secure trackage rights from CP for section from Hiawatha Ave. east to St. Paul.
- TCWR would need to continue using the connection at St. Louis Park and the MN&S route to reach Savage.

Midtown Evaluation

Transportation System Impacts

- Would require a reconfiguration of the TH 55/Hiawatha Avenue and 28th St. intersection – both routes would be elevated.
- Would result in 4 new at-grade road crossings & closure of the South 5th and Humboldt Avenue at-grade crossings.
- Would result in the removal of recently opened Sabo Bridge over TH 55/Hiawatha Avenue.
- Would require reconstruction of the Hiawatha LRT line from 31st St. to 26th St.
- Both the LRT line and TH 55 would experience closures and/or disruptions during construction, negatively impacting users.
- Freight rail operation in this corridor would directly conflict with the proposed Midtown Streetcar project.

Midtown Evaluation

Acquisitions/Displacements

- A single building east of Hwy 55 would be displaced.

Estimated Cost (2010\$)

- Total Project Cost = \$195.6 million (includes 30% contingency).

Environmental Issues

- Unknown soil and subgrade conditions along the Midtown Corridor.
- Midtown Corridor is on the National Register of Historic Places.
- Dean Parkway & Lake of the Isles bridges are located on parkland.

Midtown Evaluation

Implementation Factors

- TCWR must agree to maintain additional trackage.
- TCWR must obtain trackage rights from CP east of Hiawatha.
- Significant modifications needed to the transportation system at TH 55 / Hiawatha Ave.
- MnDOT & FHWA must agree to reconstruction of TH 55/Hiawatha Ave.
- MPRB or Minneapolis & FHWA must agree to reconstruction or removal of Sabo bridge.
- Met Council & FTA must agree to reconstruction of Hiawatha LRT.

Comparison of Alternatives


| Evaluation Measures: | Route Alternative: | | |
|---------------------------------|---|--|--|
| | Chaska Cut-Off | Midtown Corridor | Hwy 169 Connector |
| TCWR Operations: | | | |
| Round trip route distance | 103 | 78 | 81 |
| Passes Target Field Station? | No | No | Yes |
| Route to Savage | direct access? | St. Louis Park | St. Louis Park |
| Route Characteristics: | | | |
| Miles of new construction | 10.8 | 4.4 | 2.7 |
| No. of structures displaced | 19 | 1 | 34 |
| No. of housing units displaced | 25 | 0 | 131 |
| Value of properties | \$ 9.4 million | \$ 2.8 million | \$ 38.0 million |
| Total no. of grade crossings | 45 | 29 | 27 |
| No. of new public crossings | 5 | 4 | 6 |
| No. of St. Louis Park crossings | none | 2 | 4 |
| Estimated Total Cost: | \$ 129.8 million | \$ 195.6 million | \$ 121.6 million |
| Principal Challenges: | Permitting issues for the Minnesota River Crossing | High cost vs. others | Value and number of housing units impacted. |
| | TCWR is not in favor of this alternative | Conflict with transit and other development plans in the Midtown Corridor | |



Hennepin County
Regional Railroad Authority

701 Fourth Avenue South, Suite 400
Minneapolis, MN 55415-1842

612-348-9260
Fax: 612-348-1842
www.hennepin.us

DATE: December 10, 2012
TO: Federal Transit Administration, Region V
FROM: Hennepin County Regional Railroad Authority
Debra Brisk, Deputy Executive Director 
SUBJECT: Southwest Transitway Draft Environmental Impact Statement
Questions and Responses for Surface Transportation Board

The following are responses to the questions submitted by the Surface Transportation Board to the Federal Transit Administration, Hennepin County Regional Railroad Authority (HCRRA), and Metropolitan Council regarding the Southwest Transitway Draft Environmental Impact Statement (DEIS).

Canadian Pacific (CP) Wye Track

1. *Is it a switching or wye track?*

RESPONSE: The track is a wye track that provides a connection from the Canadian Pacific Railway (CP) Bass Lake Spur to the CP MN&S Spur. As shown and labeled as Skunk Hollow on figure 2.3-2 on page 2-22 of the Southwest Transitway DEIS, the wye track, historically, has been used by the Twin Cities & Western Railroad Company (TC&W) for switching operations in order to facilitate freight movement to the Port of Savage. The wye can be used to access the MN&S route to either the north or the south of the Bass Lake Spur. Additionally, there is one shipper on the wye that occasionally receives shipments by rail.

2. *Is the wye or switching track already constructed?*

RESPONSE: The wye is constructed. See Figures 2.3-1 and 2.3-2 in the Southwest Transitway DEIS, where the wye is identified as Skunk Hollow. The attached Figure 2 provides a closer view of the location of the existing wye.

3. *Where on the CP line would/is the wye track located?*

RESPONSE: See Figures 2.3-1 and 2.3-2 in the Southwest Transitway DEIS. The attached Figure 2 also provides a closer view of the location of the existing wye.

4. *Is there a map that shows its location or proposed location?*

RESPONSE: See Figures 2.3-1 and 2.3-2 in the Southwest Transitway DEIS. The attached Figure 2 also provides a closer view of the location of the existing wye.

5. *How is the wye or switching track part of the proposed Southwest Transitway project? What is its purpose?*

RESPONSE: The FTA granted approval for the Southwest Light Rail Transit (SWLRT) Project entry into Preliminary Engineering (PE) in a letter dated September 2, 2011. Per this letter, FTA indicated the Project needs to “Analyze the impacts of relocating the Twin Cities & Western freight line, which currently operates on a segment of the planned Southwest LRT route, in the project’s Environmental Impact Statement (EIS). Because the freight relocation is necessary for MC {Metropolitan Council} to be able to implement the Southwest LRT project as planned, the cost and scope of the freight line relocation must be included in the Southwest LRT project scope and budget, regardless of the funding sources that may be identified to pay for the work. This must be completed prior to seeking entry into Final Design.” Page 2-9 of the Southwest Transitway DEIS discusses the letter and requirement to include the freight rail relocation.

National Lead/Golden Auto Site

Greater detail is required for the connection over the National Lead/Golden Auto Site:

6. *Is this connection part of the MN&S line already? If not, is it a new connection?*

RESPONSE: The direct connection proposed between the Bass Lake Spur and the MN&S Spur does not currently exist. The current connection is the wye track. See section 1.3.2.3 of the Southwest Transitway DEIS for a description of the connections.

7. *Provide a more specific description of the location of the connection?*

RESPONSE: As seen in the attached Figure 2, the connection will be located in the northwest quadrant where the MN&S Spur crosses over the Bass Lake Spur on a bridge.

8. *Are the tracks in existence?*

RESPONSE: The connection currently in place is the wye track.

9. *Are the tracks being utilized?*

RESPONSE: The CP-owned Bass Lake Spur and CP-owned MN&S Spur tracks are currently in use by TC&W and CP, respectively. The wye has historically been used by TC&W to access the Port of Savage.

10. *Are the tracks to be upgraded?*

RESPONSE: Under the relocation alternative outlined in the Southwest Transitway DEIS, the CP-owned Bass Lake and MN&S Spurs are proposed to be upgraded to accommodate future freight train operations of CP and TC&W, including but not limited to, 136-pound continuously welded rail. See Section 2.3.3.1 of the Southwest Transitway DEIS for further description of freight rail as part of build alternatives LRT 1A, LRT 3A, LRT 3C-1, and LRT 3C-2.

11. *It looks like there are 2 trains per week that move over the MN&S line -- but does any traffic travel over the connection at this point?*

RESPONSE: There currently is no direct connection between the CP-owned Bass Lake and MN&S Spurs. The only connection is the wye track, which has historically been used by the TC&W to access the Port of Savage. See Figures 2.3-1 and 2.3-2 in the Southwest Transitway DEIS. The attached Figure 2 provides a closer view of the location of the current configuration and proposed connection for LRT 1A, LRT 3A, LRT 3C-1, and LRT 3C-2.

FRR Route

12. *Are there any segments of the FRR that currently do not have train traffic (but would have train traffic if the reroute occurs)?*

RESPONSE: All segments discussed in the Southwest Transitway DEIS, and included as part of the relocation alternative, have existing train traffic. See section 2.3.1.3 of the Southwest Transitway DEIS for a summary of current freight rail operations in the study area. See Table 2.3-2 in the Southwest Transitway DEIS for an estimate from the MN&S Freight Rail Study of existing and projected future freight trains on the MN&S Spur.

13. *Please provide a map with a close-up view of the MN&S line (detailed enough to show street names, the Golden Auto Site, and the existing/proposed connection).*

RESPONSE: See Figure 2.3-1 of the Southwest Transitway DEIS. The attached Figures 1-3 provide a closer view of the location of the MN&S Spur, including the requested information.

14. *Please provide a map of the existing freight lines/routes (with names to indicate which rail line is which), and a more detailed map that shows the rail lines that freight would be rerouted over. [The map should show street names and any switching track or connection(s) needed on the MN&S and/or Wayzata lines in order to implement the reroute of freight traffic.]*

RESPONSE: See Figure 2.3-1 of the Southwest Transitway DEIS. The attached Figure 1 provides a closer view of the location of the MN&S Spur and Wayzata Subdivision, including the requested information.

15. *What planned rail line abandonment is part of this proposed project?*

RESPONSE: It is our understanding that, if freight rail is relocated, the HCRRA will need to abandon the Kenilworth Corridor tracks and CP will need to abandon a portion of their trackage along the Bass Lake Spur. Specific actions and requirements will be developed during the Preliminary Engineering (PE) process, with STB consultation and concurrence.

16. *Page 2-46 states: "The Build Alternatives would primarily use HCRRA owned ROW, which is abandoned freight rail property acquired to preserve it for a future transportation use." What is the history of this abandonment? Was the ROW officially abandoned and is there a Board decision regarding this abandonment?*

RESPONSE: Refer to response to question number 15. In addition, it is our understanding that CP and TC&W will need to abandon their overhead bridge trackage rights in the same area.

On December 6, 1995, the Interstate Commerce Commission (ICC) permitted the Chicago and Northwestern Transportation Company (CNW) to abandon the 3.65-mile track and discontinue service under Docket Number AB-1 (Sub Number 252X). Under the same decision, the ICC exempted HCRRA from obligations under Subtitle IV of United States Code 49 under Finance Docket Number 32816 as the HCRRA acquired the track from CNW.

See Appendix J of the Southwest Transitway DEIS for specific railroad agreements, and Appendix H for further background on rail corridor ownership.

17. *Detail required on DEIS: "abandoned Iron Triangle alignment, between West 27th Street and the connection with the BNSF Wayzata Subdivision." (Page 4-136). Are there plans to use this abandoned ROW for freight rail service or for the light rail service?*

RESPONSE: This alignment is planned for freight rail service only. The track, which existed as a freight rail connection historically, provides a connection from the CP MNS Spur to the BNSF Wayzata Subdivision for the relocation alternative.

18. *Is there any additional abandoned or existing ROW that would be used for the project?*

RESPONSE: The Southwest Transitway DEIS, and information contained within, is based on conceptual engineering drawings. As such, this will be further investigated as part of the PE process and development of 30% Plans and Specifications.

19. *Please indicate whether all the necessary ROW for the proposed project is already abandoned? (If so, the Board needs descriptions that include the date that the line was abandoned, the name of the applicant who sought abandonment authority from the Board, and a description of the rail line that was abandoned, including milepost numbers as well as the length of the segment that was abandoned).*

RESPONSE: All Right-of-Way (ROW) needed for this project has not gone through the abandonment process. During PE, and with STB consultation and concurrence, the need for future freight rail ROW abandonment will be reviewed and addressed.

Freight Movement Area

20. *If freight traffic is rerouted over the MN&S line, would TC&W be able to serve new markets or new territory?*

RESPONSE: It is our understanding that there will not be any new markets or territory served because of the reroute. TC&W currently has trackage rights on the CP-owned Bass Lake Spur and the MN&S Spur. By using the reroute, the TC&W would exercise existing rights over the MN&S line.

21. *Are there any potential customers located along the re-route that would be serviced under the new alignment, who are currently not being serviced?*

RESPONSE: At this time, we are not aware of any potential customers along the reroute that could be serviced under this new alignment. The Metropolitan Council, as the local project sponsor for the Southwest LRT project, will continue to coordinate with CP and TCW through PE.

22. *If freight traffic is rerouted from CP's Bass Lake and HCRRA's lines to the MN&S and Wayzata lines, it looks like six trains would be the highest number of trains per week that would be rerouted. Is that number correct?*

RESPONSE: Chapter 2, Section 2.3.1.3 and Table 2.3-2 of the Southwest Transitway DEIS uses information generated by the MN&S Freight Rail report to estimate the existing and future freight rail traffic. This information was developed with input from the freight rail companies.

23. *Is freight traffic expected to increase in the next 10 years?*

RESPONSE: Railroads typically do not share this information since operations are based on changes in the marketplace and other variables (i.e., world and national economy, new customers, new agreements between carriers, new commodity movements, etc.). The project team cannot respond to this question, as increases in freight rail service or service to new markets along routes are established by freight rail companies in conjunction with STB approval. The project team intends to work with the freight rail companies to transition the rerouting of freight from the Kennilworth corridor to the MN&S line.

Copy: Metropolitan Council (Mark Furhmann, Chris Weyer, Nani Jacobson)
HCRRA (Katie Walker, Howard Orenstein)

Figure 1. Relocation Alternative
MN&S Spur

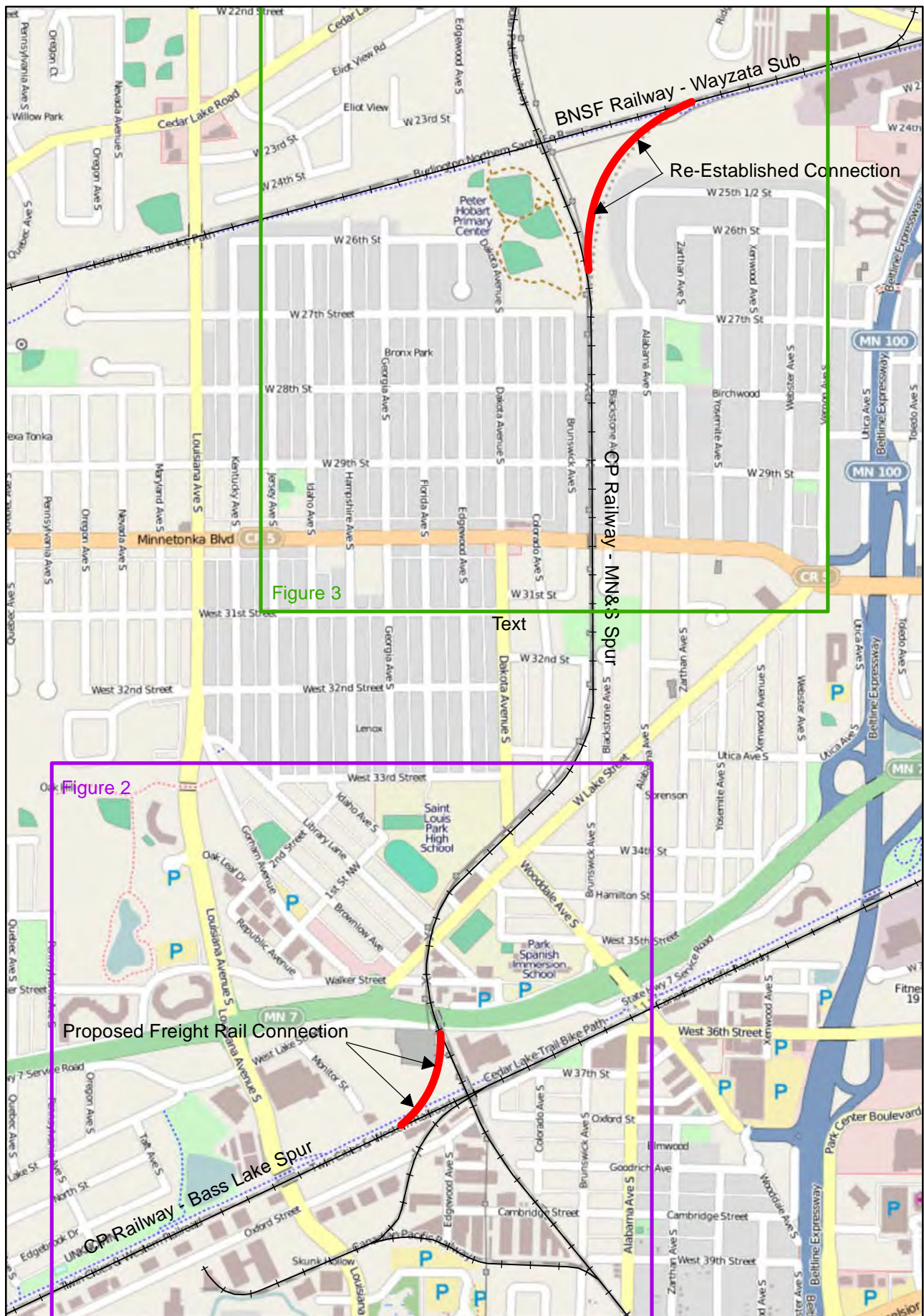


Figure 2. Relocation Alternative
 Skunk Hollow Wye Track and
 New Connection - Bass Lake Spur to MN&S Spur



Figure 3. Relocation Alternative
Re-Established Connection - MN&S Spur to Wayzata Sub



City of St. Louis Park

Comments on the 12/12/12 DEIS update regarding questions from the Surface Transportation Board

The Surface Transportation Board (STB) is an economic regulatory agency that Congress charged with resolving railroad rate and service disputes and reviewing proposed railroad mergers. The STB is an independent decision-making board, although it is administratively affiliated with the Department of Transportation. The STB serves as both an adjudicatory and a regulatory body. The agency has jurisdiction over railroad rate and service issues and rail restructuring transactions (mergers, line sales, line construction, and line abandonments) plus other transportation issues. The STB accepted an invitation by the FTA to be cooperative agency for the SW LRT project. The freight railroad issues on the SW LRT project may or may not be under the jurisdiction of the STB.

HCRRA on December 10, 2012 answered a series of questions from the STB on the SW LRT DEIS. These questions answers were posted on the project website on December 12, 2012. The City has prepared comments for submittal on December 31, 2012 on the entire SW LRT DEIS and covered many of these issues but they are spread throughout the comments. The following are comments by the City directly related to the STB questions and HCRRA answers.

The December 10, 2012 response by HCRRA to the STB questions and the STB questions missed some critical areas of impacts that have not been adequately studied in the DEIS.

- a) The freight railroads (CP and TC&W) have not been actively engaged in the re-route decision process and the proposed re-route has many serious engineering questions regarding grades, curvature and grade crossing safety. The railroads have not agreed to any of the proposed designs
- b) The CP and TC&W have not agreed to accept ownership or maintenance of the new track or bridges.
- c) There have been many mixed messages from agencies and the railroads regarding the exact limits of the Bass Lake Line abandonment. The preferred LRT alignment is located on a substantial portion of the Bass Lake Line right of way.
- d) The DEIS addresses noise and vibration impacts on the MN&S based on the current train characteristics and does not adjust for the larger, longer trains that will be operating on the re-route.

The Questions below are from the STB as reported in the HCRRA's memo dated 12/10/12 and posted on the Southwesttransitway.org webpage 12/13/12. City responses are in italic.

Canadian Pacific Wye Track

1. Is it a switching or wye track?

The Skunk Hollow wye track is a connection between the CP-Bass Lake Line and the CP- MN&S line. Historically, these were separate railroads that were purchased by the CP (Soo Line) over the last 40 years. The MN&S crosses over the Bass Lake line on a grade separated structure. CP and TC&W have access to this wye to connect the two rail lines. TC&W has operating rights on both CP line segments, and currently have a majority of the freight traffic. CP also services one customer located on the wye track.

The proposed new wye across the National Lead /Golden Auto site would provide a more direct access to the north than the existing Skunk Hollow wye. It would not improve the potential movement to the south towards Savage. A new connecting wye to the MN&S southbound would be needed. This improvement along with relocation of the sole customer on the existing switching wye would be needed to remove the existing switching wye. The City supports the concept of complete removal of the Skunk Hollow wye with a direct south wye connection.is still inefficient.

2. Is the wye or switching track already constructed?

The wye track was constructed in the early 20th century.

3. Where on the CP Line would /is the wye track located?

The existing Skunk Hollow wye track shown will remain in place on all three alternatives drawing plan sets (Appendix F, Parts 1, 2 and 3). The HCCRA figures 1 and 2 show the existing and proposed connections. The new connection will also be a grade separated structure over the Bass Lake Line and the proposed LRT track. The new wye is not accurately drawn on Figures 1 and 2. The actual wye track construction would begin 4,500 feet west of the existing MN&S bridge, climb 35 feet, at a .86% grade, mostly on a bridge structure and then descend 30 feet at a 1.5% grade to match the existing MN&S track. (See pages 30 thru 37 of Appendix F, part 2) Most of this track is an eight degree curve on a bridge, across a remediated super fund site.

4. Is there a map that shows the location or proposed location?

See Appendix F, part 2.

5. How is the wye or switching track part of the SW LRT project? What is its purpose?

The LPA locating the SW light rail line through the Kenilworth corridor of Minneapolis was adopted into the Transportation Policy Plan by the Metropolitan Council in 2010 without any analysis of rerouting freight rail. The LPA was chosen with the assumption that even though freight rail existed in Kenilworth then and to this day, that it would be rerouted at some undefined time and by some undefined means. The FTA's September 2, 2011 letter approving entering into the preliminary engineering phase of project development of the New Starts

program said that the Metropolitan Council must analyze the impacts of relocating the TC&W freight line and include relocation in the Southwest LRT project.

National Lead/Golden Auto Site

6. Is the connection part of the MN&S line already?

No.

7. Provide a more specific description on the location of the connection?

See answer No 3.

8. Are the tracks in existence?

The track across the National Lead/Golden Auto Site does not exist today.

9. Are the tracks being utilized?

No. The track across the National Lead/Golden Auto Site does not exist today.

10. Are the tracks to be upgraded?

The tracks would be built to mainline standards of the CP.

11. It looks like there are **two** [*this is not accurate*] trains per week that move over the MN&S line – but does any traffic travel over the connection at this point?

The CP operates two trains per day, normally four or five days per week on the MN&S track. The existing wye track is used as needed to service customers of the CP and TC&W. the connection across the National Lead/Golden Auto site does not exist today.

FRR Route

12. Are there segments of the FRR that currently do not have train traffic (but would have train traffic if the reroute occurs)?

The CP traffic on the existing MN&S track currently consists of two trains per day with about 10 cars serving several industries south of St Louis Park or interchanged with a short line in Bloomington MN.

The Bass Lake Line has between four and six trains per day operated by the TC&W. They do not have any local customers in the area. Their trains are interchanged in the Minneapolis and St Paul yards with several Class 1 railroads for delivery to western Minnesota.

The BNSF Railway's Wayzata Subdivision has 15 to 20 trains per day from Wilmar to the Twin Cities. Most of their traffic is long distance through movements.

13. Please provide a map of the project areas.

Figures 1, 2 and 3 provided in the HCRRA comments show an overview of the project area. A review of Appendix F drawings show the reroute alignment is through a fully developed residential area. The environmental impacts of noise, vibration and safety have been based on minimal field data and do not adequately address potential impacts.

14. Please provide a map of existing freight lines/routes (with names to indicate which rail line is which), and a more detailed map that shows the rail lines that freight would be rerouted over. The map should show street names and any switching track or connection(s) needed on the MN&S and/or Wayzata lines in order to implement the reroute of freight traffic.

See Appendix F

15. What planned rail line abandonments is part of this proposed project?

There are several abandonment actions that will be required. The DEIS drawings show the Kenilworth corridor owned by HCRRA and about one mile of the Bass Lake Line owned by the CP. There are several operating and trackage right agreements between CP, TC&W, HCRRA and BNSF that need to be revised or canceled. A list of railroad agreements is included in Appendix J but the City does not know if this is a complete list. Many of these decisions have been delayed until more engineering work has been completed.

16. Page 2-46 states: “The Build Alternative would primarily use HCRRA owned ROW which is abandoned freight rail property acquired to preserve it for future transportation use. What is the history of this abandonment? Was the ROW officially abandoned and is there a Board decision?”

The City defers to HCRRA for the details of these transactions.

17. Detail required on DEIS: “abandoned Iron Triangle alignment, between West 27th Street and the connection with the BNSF Wayzata Subdivision.” (Page 4-136). Are there plans to use this abandoned ROW for freight rail service or for the light rail service?

The abandoned Iron Triangle wye will be reinstalled but will be brought up to mainline standards to allow for the TC&W trains to access the BNSF mainline two miles west from their current connection. As part of the project a new siding will be built paralleling the BNSF mainline track.

The current right of way is owned by the CP, but most of the right of way is surrounded by wetlands or flood plains. The old wye track had a 1.5% grade descending to the east. The proposed reinstallation of the wye would match this grade, but does not meet normal mainline engineering standards. The DEIS does not address how that difference will be resolved. After the track was removed, a new townhome development was developed near the track.

18. Is there any additional abandoned or existing ROW that would be used for the project?

The DEIS does not address this issue.

19. Please indicate whether all the necessary ROW for the proposed project is already abandoned?

The DEIS does not address this issue.

Freight Movement Area

20. If freight traffic is rerouted over the MN&S, would TC&W be able to serve new markets or new territory?

No. TC&W does not have origination rights on the MN&S track.

21. Are there any potential customers located on the re-route that would be serviced under the new alignment, who are not currently being serviced?

No.

22. If freight rail is rerouted from the CP Bass Lake and HCRRA lines to the MN&S and Wayzata lines, it looks like 6 trains would be the highest number of trains per week that would be rerouted. Is that number correct?

No. The current TC&W traffic is about 6 trains per day that would be rerouted.

23. Is freight traffic expected to increase in the next 10 years?

The Minnesota State Rail Plan developed in 2010 is an extensive document that reviews freight and passenger rail needs for the State. Translating that data to these lines is difficult because market changes, there is capacity with existing TC&W trains to add additional cars and government regulations. The State Rail Plan projects a 25 percent increase in freight rail traffic between 2007 and 2030. The Plan also identified this line as a potential intercity rail operation that could bring passenger train operations to this line.

Specific Comments on the DEIS by page

| Page | Reference | Comment |
|-------------------------|---|---|
| ES-11 | “The implementation of quiet zones at all grade-crossings would eliminate severe noise impact throughout the corridor by removing the freight locomotive horn noise.” | Adequate and appropriate noise and vibration analysis has not been completed to ascertain whether whistle quiet zones by themselves will eliminate all severe noise impacts. |
| ES-14 | Table ES.1 Goal 3 Parklands 1.12 long-term | Does not subtract the .8 that is existing today |
| Alternatives considered | LRT 3A (LPA) and LRT 3A-1 (Co-location) | Bias in labeling of these alternatives. Both alternative 3A and 3A-1 use the LPA for SWLRT. There is no “LPA” established for Freight rail. |
| 1-5 | Regional Authorities | Need to include Bassett Creek Watershed Management Organization |
| 1-11 | 1.3.2.3 Need to Develop and Maintain a Balanced and Economically Competitive Multimodal Freight System | New goal – this is the first time this goal has been identified; it was not part of the SWLRT planning process Humboldt Yard connection – was not a part of proposed action discussed in the SWLRT LPA process and inappropriate to paint as a rationale for route selection now. |
| 1-14 | Goal 6: Support economically competitive freight rail system | New goal – where did this come from; not adopted previously; should not be the basis for route decisions |
| 2-6 & 2-7 | Table 2.1-1 Project Goals and Objectives; Table 2.1-2 | Goal 6 is not present here. This shows it was newly added. However it illustrates the inconsistency of the DEIS document and creates confusion. |
| 2-9 | “...HCRRA...conducted an evaluation...” | There were several other studies that were contracted by HCRRA including the: <ol style="list-style-type: none"> 1. TCWR Freight Rail Realignment Study dated October 12, 2009 by TKDA 2. Kenilworth Corridor: Analysis of Freight Rail/LRT Coexistence dated November 2010 by R. L. Banks & Associates 3. TCWR Route Alternatives Study dated November 29, 2010 by Mark Amfahr, Amfahr Consulting 4. MN&S Freight Rail Study Environmental Assessment Worksheet (EAW) that was completed, commented on and subsequently withdrawn, RGU MnDOT, distributed on May 12, 2011. The record should note this information and be clear on the studies and historical process that took place since 2009 regarding freight rail. |
| 2-9 | “In their (sic) September 2, 2011 letter...FTA stated | The quote from the FTA letter is inaccurate. The FTA letter (attached) |

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| | the freight rail relocation project should (bold added) be considered as part of the Southwest Transitway project under NEPA to avoid any segmentation concerns.” | states, “...the key items MC must (bold added) address...the impacts of relocating the Twin Cities & Western freight line.... There was no equivocation in the FTA requirement to address relocation of the TC&W freight line in the DEIS. |
| 2-19 | 2.3.1.3 Freight Rail | This subject appears out of place and, there is not a discussion of the relocation or colocation alternatives included. |
| 2-20 | Reference to figure 2.3-2 in error and missing | Figure 2.3-2 is referenced in Section 2.3.1.3 which is the “no build” description but the figure is the alternate routes for the freight rail in a build condition. It should be referencing figure 2.3-1 which simply shows existing freight rail. There does not appear to be any appropriate reference to figure 2.30-2. |
| 2-24, 2-30, 2-33 and others throughout chapter | Figure ? | The figure number, title and map are cut off in the printed document. |
| 2-25 | Section 2.3.3 Build Alternatives | Numbering appears incorrect throughout this section. There is no numbering related to LRT 3A, LRT 3C-2, LRT 3A-1. Are these items parallel to the other build alternatives? |
| 2-26 | 2.3.3.1 Freight Rail states “LRT 1A, LRT 3A, LRT 3C-1, AND LRT 3C-2 need the relocation of freight rail” | This should state that they “ assumed ” the relocation of freight rail |
| 2-27 | “A perpetual easement...was granted by Hennepin County to the City of St. Louis Park” | This statement is in error. The easement was granted by the <u>property owner</u> to the City of St. Louis Park. |
| 2-27 | Section 2.3.3.1 Implementation of Freight Rail Relocation | In section 2.3.3.1 the two freight rail alternative routes for all the build alternatives are described. After a brief description of the alternative freight rail routes and a table showing no build vs. build train traffic on the MN&S route it jumps to a discussion titled, "Implementation of Freight Rail Relocation" which essentially portrays the routing of trains to the MN&S as a decision previously made, and whose implementation had been "delayed" due to the need to remediate the National Lead Super fund site. It further states that Hennepin County had given the City of St. Louis Park an easement for freight rail connection across the National Lead site. This is an incomplete and inaccurate description of the history and current situation regarding the National Lead site, access across the site and the |

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| | | status of the decision to build the connections from the Bass Lake and BNSF tracks to the MN&S and reroute trains to the MN&S. If the decision to build connections and relocate trains had truly been made, why are alternative routes for freight rail part of the SW Transit project and SW Transit DEIS? And since the alternative routes for freight trains are part of the DEIS, why is this material in the document? It is not relevant. |
| 2-28, 2-31, 2-34 and others | This alternative includes relocation of the existing freight rail service...as described in more detail in Section 2.3.4.1 | Section 2.3.4.1 does not exist in the document. Is there a description in another place in the document? This is repeated in all the sections of chapter 2 describing the alternatives. |
| 2-32 and others | Table 2.3-3, 2.3-4, 2.3-5, 2-3.6, shows assumed parking spaces for each station area | These amounts have not been shown to the city before this document; other amounts have been used in the AA and other documents. Much more work will be needed to determine the appropriate amount of parking and how much will be surface versus structured parking. |
| 2-37 | Alternatives are initially numbered, beginning with "2.3.3.2 LRT 1A" | Alternatives LRT 3A, LRT 3C-2, and others are not numbered, making it confusing to see which alternatives are being considered. |
| 2-41 | Reference to letter from City of St. Louis Park shown as September, 2008. | The 2008 letter was dated October 14, 2008. In addition to requesting that widening the narrowest part of the Kenilworth corridor to accommodate a co-location alternative be considered, the letter requested that an alternative route for the regional bike trail be considered in order to make a co-location plan more feasible. An alternative involving rerouting the bike trail is not considered in the DEIS and should be. (see attached letter) |

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| 3-1 | build analysis was not completed for 3A-1 | An analysis of co-location of freight rail was not conducted during the AA or LPA analysis and selection processes. |
| 3-19 | refers to a Figure 3 in a section titled "Community Facilities and Resources Data" | This section is not listed in TOC |
| 3-20 | "Six separate studies have been completed....These studies concluded the best option for freight rail operations was to relocate..." | These studies did <u>not</u> reach this conclusion; AND, the freight rail companies have never said that relocation is the best option for freight rail operations. |
| 3-20 | 3.1.2.7 regarding zoning districts of St. Louis Park | The DEIS states in this section that relocation of TC&W freight rail operations from the CP RR (Kenilworth Corridor) to the existing and |

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| | | currently used MN&S and the BNSF would not conflict with the adopted zoning districts of St. Louis Park; and, that the Land use for the corridor is categorized in the St. Louis Park Comprehensive plan as railroad. This is a misleading, inaccurate and irrelevant statement. First, both the railroad tracks for the 3A (rerouted TC&W trains) and the 3A-1 (co-location in Kenilworth) routes are designated as Railroad on the City’s Comprehensive plan. This is in recognition of the existence of railroad tracks in these locations and the fact that cities have no control over where freight rail tracks are located. Second, there is no railroad zoning district in St. Louis Park. None of the railroad tracks, be they the MN&S, the BNS&F or the CP/Bass Lake Spur tracks, are zoned for railroad use. They are zoned the same as the abutting properties which, for the most part, are zoned single family residential land use. The designation of the abutting properties is the more relevant question. The key question is, what is the land use adjacent to the freight rail route, not what is the designation of the track rights of way themselves. The Comprehensive Plan and zoning designation of the properties abutting the railroads is predominantly single-family residential and public land uses like parks and schools along the MN&S. These are not land use or zoning districts compatible with freight rail. |
| 3-24 | Table 3.1-2 on Page states SLP Comprehensive Plan references study of MN&S alignments and impacts includes goals to minimize impacts of rail operations in SLP and addressing the potential rerouting of freight rail in SLP. | This does not state that the Comp Plan’s Freight goal is to work to identify impacts, mitigation to address the potential of freight re-route and that the impacts to neighborhoods need to be considered before a decision is made... |
| 3-26 | “Based on the analysis of local and regional plans and studies, it has been determined that LRT 3A (LPA) alternative is the most compatible with local and regional planning.” | In fact, the table does not show this conclusion, nor provide any data to support it. |
| 3-26-27 | “the review only considered the local and regional plans of the project partner cities that were required under the Metropolitan Land Planning Act” | The Hennepin County Sustainable Development Strategy 2011 is listed and notes it is incompatible with 3A-1; however it is not a required plan. |
| 3-34 | Section 3.1.5.1 | This section of the DEIS overstates the acquisitions needed to accommodate alternative 3A-1, co-location in the Kenilworth corridor. The |

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| | | DEIS states that up to 57 townhomes in the Kenilworth corridor would need to be acquired to implement alternative 3A-1. The space that would be created by the removal of all 57 townhomes is well beyond what is needed. In contrast, the DEIS does not include acquisition of 42 homes along the MN&S tracks that would be needed to create an appropriate right of way to accommodate re-routing train traffic and increasing train traffic on the MN&S. In addition the DEIS's statement that a "disturbance to Minneapolis Park Board properties on the east side of Cedar Lake Rd in order to create adequate clearance" ignores the fact that there is no indication that any adjustments to alignments of the trail, LRT and freight rail lines were explored to eliminate use of the park property. |
| 3-39 | Table 3.1.8 states that LRT 3A-1 would NOT be compatible with existing land use, however 3A would be. | The land use pattern in 3A is less compatible than 3A-1, as there are more residences that are much closer to freight rail. |
| 3-39 | Table 3.1.8 states that LRT 3A-1 would NOT be compatible with planned development, however 3A would be. | There is not any evidence that either 3A or 3A-1 are or are not compatible with planned development. Planned development has already occurred along the SWLRT route even with the presence of freight rail today. |
| 3-39 | "No mitigation is necessary or proposed." | The paragraph prior refers to mitigation measures so it is unclear what this sentence means. |
| 3-49 | <ul style="list-style-type: none"> Neighborhood, Community Services and Community Cohesion Impacts... | Minneapolis neighborhood descriptions start on page but they have a lot more detail than other city's sections with less data on the land use percentages in each neighborhood |
| 3-57 | co-location states that maintaining freight train movement in the area would conflict with the LRT stations and their operations creating a number of issues | this was not addressed earlier on page 3-57 in Segment 4 where rail service will operate adjacent to stations in Hopkins. It indicates a lack of equal treatment of the alternatives. |
| 3-58 | states significant impacts to traffic not anticipated with LRT service on Segment A | But states nothing about the fact that LRT will run more frequently than Freight. |
| 3-58 | Co-location: states the largest disruption in community cohesion would be the acquisition of 60 housing units | Does not discuss acquisition of property needed for all build alternatives except 3A-1 in order to accommodate freight rail re-routing in Segment 4 (page 3-57); nor is it discussed in freight relocation segment on page-3-60. This section should discuss how close these 60 housing units would be to the tracks as it is stated later that 50 feet is the distances used to assess proximity of habitable dwellings or structures (page 3-129.) This section should also discuss how close the freight will be to the single family homes |

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| | | as well and compare that to how close single family homes would be on freight realignment segment. |
| 3-59 | the last paragraph on co-location states that co-location has the potential to produce adverse effect to community cohesion | Rerouting freight rail traffic to the MN&S should also be stated as adverse to community cohesion on page 3-60. |
| 3-60 | States relocation would add only a small increase in freight traffic ... impact to community cohesion would not be anticipated. | The DEIS describes the additional train traffic that would be shifted to MN&S under the re-routing alternative as “only a small increase in freight rail traffic”. This is not accurate. The MN&S sees two short trains per day, while Kenilworth corridor sees 4-6 trains per day, all of which would be longer than those on the MN&S. That is a doubling or tripling of trains. Because the TC&W trains are longer than the trains currently on the MN&S, the increase in rail cars is even greater. Based on information provided by TC&W railroad, while the MN&S tracks are experiencing 10 trains of 15 rail cars each, or 150 rail cars in a typical week, the TC&W is handling 1300 to 1500 rail cars in a typical week. This would be as much as a 10 fold increase in rail car traffic for the MN&S tracks. An increase in rail traffic of that volume will have a negative impact on the community cohesion along the MN&S especially since the MN&S is abutted by parks, schools and single family homes for the most part. The low volume rail car traffic on the MN&S today and in recent years means that today’s train traffic has limited impact on people crossing the tracks at formal or informal crossings. The noise and vibrations from passing trains are short and rare episodes that only modestly disrupt activity adjacent to the MN&S tracks today, whether it is teaching in the adjacent classrooms, conversations in backyards, activity in adjacent retail businesses, or activities in the parks and trails. Adding 1500 more rail cars per typical week will be a significant increase in disruptions along the MN&S. |
| 3-60 | states moving freight trains will allow removal of at-grade crossing between Beltline and West Lake which will improve safety. | It does not address the fact that there will still be LRT crossings at these locations which will be much more frequent than freight rail crossings reducing the potential benefit from removing freight trains. |
| 3-60 | states mobility and pedestrian movement across track will be improved with removal of freight rail. | It does not address addition freight traffic effects on neighborhoods, commercial areas and the high school on freight line. |
| 3-61 | states that an impact of co-location would be a narrow ROW corridor...forced to accommodate a freight rail line, LRT, and recreation trail creating | The rail and trail already exist. LRT is not anticipated to add a barrier in fact it has been stated earlier that LRT is expected to increase community cohesion. Freight does not run as frequently as rail. |

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| | greater barrier to community cohesion | |
| 3-61 | Section 3.2.2.7 community cohesion inaccuracies and inconsistencies | This section of the DEIS points out that there would be improvements to community cohesion and safety from the removal of freight trains from the Kenilworth and east Bass Lake Spur areas with implementation of alternative 3A. This is true but it does not acknowledge that the benefits of rerouting freight trains is moderated by the fact that LRT will still be operating in the Kenilworth and east Bass Lake spur corridors. The SWLRT trains, tracks and apparatus will limit movement across the corridor and create some level of disruption for adjacent uses whether freight rail is present or not. Conversely adding these trains to the MN&S tracks will be a quantum jump in disruption and safety concerns for an area experiencing only extremely low train traffic today, on a route that has never had more than one track and was never intended to handle long fast moving trains. The Kenilworth corridor is generally wider than the MN&S. And where the Kenilworth corridor is narrowest, the draft plan is to acquire property to widen the right of way. A critical 1800 to 2000 foot long section of the MN&S's right of way is only 66 feet wide and elevated above the adjoining single family homes. This right away is not proposed to be widened. The existing right of way is inadequate considering the proposed increase in traffic, the elevation of the tracks, the proximity of the abutting single family homes and the need to improve the tracks and smooth the grades. These factors have not been adequately considered in evaluation of community cohesion. |
| 3-67 | Land Use-Community Cohesion states that alternative LRT 3A-1 (co-location) does not increase community cohesion. Specifically it states: "some neighborhoods are concerned about keeping freight rail," and "some neighborhoods are concerned about additional freight rail traffic." | These same or something similar statements need to be identified in all the build alternatives that re-route trains to the MN&S, including alternative 3A. The DEIS needs to address or identify the opposition that exists for all the alternatives. |
| 3-67: | Table 3.2-2 the row that lists Stations would improve economic development | This table addresses economic development by asking whether "stations would improve economic development". The table ignores negative impacts of freight rail traffic rerouting completely. The reroute will not only require the acquisition of industrial land in segment 4, but the structure that will need to be built to move trains from the Bass Lake Spur to the MN&S will negatively affect the commercial-industrial area around |

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| | | <p>the Louisiana Station area as well. Any economic development impacts other than literally the impact at the stations are ignored also. The impact of rerouting trains to the MN&S will increase freight rail traffic through the Walker/Lake street commercial areas along the MN&S. This will negatively affect this commercial-industrial area.</p> <p>The table acknowledges that the elimination of 57 townhomes in the vicinity of the West Lake station but not the acquisitions needed for rerouting freight rail to the MN&S.</p> <p>The table says that the presence of freight trains will adversely affect the station but does not acknowledge that other stations, most notably the Blake road station will have freight rail present and no one is saying that the opportunity for economic development is diminished there, why is it the critical issue only for alternative 3A-1?</p> <p>The table category titled "Community Cohesion Maintained" says yes for alternative 3A but no for alternative 3A-1. The reasoning provided in the table is faulty. It says for alternative 3A-1 that "No: some neighborhoods are concerned about keeping freight rail and some neighborhoods about additional freight rail traffic". If this is indeed a community cohesion issue, the same can be said about all the other build alternatives too, including alternative 3A. Many in the neighborhoods along the MN&S are adamantly opposed to increased freight rail traffic through their neighborhoods; passed their schools and parks and neighborhood commercial areas. The potential adverse impacts of increased freight rail traffic on the MN&S neighborhoods and community cohesion is not acknowledged.</p> |
| 3-67 | Table 3.2-2 the last row: Community cohesion maintained. LRT 3A needs to say no due to effects on neighborhoods with increase in length and amount of trains. | The comment that "Some neighborhoods are concerned about keeping freight rail and some neighborhoods about additional freight rail traffic." Should apply to all the build alternatives, not just 3A-1. |
| 3-69 | 3.3-1 Acquisitions footnote states Residential numbers for freight relocation includes 2 residential properties. These 2 residential properties were identified because they are within 50 feet of freight tracks. | How close the 60 housing units on the co-location segment are to tracks should be provided. Could be described on page 3-70. |

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| 3-107 | Paragraph 3 discusses the new bridge for the freight realignment and how it would be a visual change at the south end of the corridor. | Mitigation to this new visual change is not discussed. |
| 3-107 | Paragraph 4 discusses an increase in the number of trains traveling through the area with freight rail relocation and states “the overall visual character of the area would not change.....residential, businesses, and trail users...would see trains more frequently, but the character of the visual impact would be similar..” | The increased length and frequency of trains will effect visual impacts and should be noted. Today not as many trains and many businesses, customers and trail users might not see a train pass at all. Increases in the amount and frequency of trains this will change this for the worse. |
| Page 3-110, and text Page 3-113 | Table 3.6-3 | <p>The “Visual Effects by Segment” table and text in the visual impacts analysis fails to adequately acknowledge the impact of the freight rail flyover connecting the Bass Lake Spur to the MN&S tracks and the replacement of the Hwy 7 freight rail bridge. These changes will affect the businesses in the vicinity of the Louisiana station, the motorists on Louisiana Avenue, Hwy 7, and Oxford Street; and, regional trail users. The future of the Louisiana Station area is anticipated to include office, medical and residential uses that would be sensitive to visual impacts. This is not considered or discussed.</p> <p>The Visual impact analysis of segment A fails to acknowledge that a new 2 mile long siding track will be added in the BNSF right of way increasing the presence of freight rail trains for Cedar Lake Trail users and residents along the BNSF east of the MN&S tracks. This means that there will be the potential for two trains to be in this right of way at once. The resulting increase in moving trains in this corridor and the addition of stopped trains to the corridor will detract from the visual experience for trail users quantitatively. The last point is true in part because trains will need to wait on siding for access to the mainline track for undetermined lengths of time.</p> |
| 3-121 | paragraph 7 states the visual impact at the commercial and industrial properties obstructed by the high embankment south of TH 7 are generally not considered to be sensitive because the activity in generally confined to indoors. | It should take into consideration employees or those trying to find the commercial properties that will be obstructed by the high embankment. |

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| 3-121 | Freight Rail Relocation: Visual impacts where the proposed overpass is located are substantial. | Should be stated that there will be substantial impacts as it includes a large bridge and retaining walls. It also states that impacts on single and multi-family development areas would not be substantial because of mature vegetation buffers. This section should include that same sentence that is on page 3-117 (Segment A co-location) which states “Visual impacts may be substantial where the alignment is not screened by vegetation.” |
| 3-125. | Paragraph 4 identifies that co-location would involve an additional bridge over the channel. | The paragraph above it should then include discussion on the fact that the freight realignment would involve a new bridge. Paragraph 3 should also include discussion on the freight realignment visual impacts |
| 3-129 | Section 3.7.1.2 minimum separation of property from center line of freight rail tracks | A standard of 50 foot separation between habitable building space and the center line of freight rail tracks is proposed in this section. No minimum standard for freight rail right of way or separation from private property, especially single family lots, is provided. A minimum 50 feet separation between the center line of freight rail tracks and a single family lot should be established for the relocation of freight rail traffic. This is especially critical in St. Louis Park where single family home lots are small and the adjacent freight rail tracks are elevated. Without a minimum 50 feet separation between the centerline of freight rail tracks and single family homes in St. Louis Park, the safety buffer area for freight trains will be people’s backyards. An appropriate right of way for freight rail should be 100 feet minimum. Today much of the MN&S right of way is only 66 feet. |
| 3-130 | Section 3.7.2.1 Dakota Park and Hobart school not acknowledged | The existing conditions described in this section do not acknowledge the existence of Dakota Park and Hobart Elementary school along the MN&S tracks. Other important uses along the MN&S are not acknowledged and considered in the safety analysis either. The DEIS acknowledges the Spanish Immersion Elementary school but it does not acknowledge the school is housed in the Central Community Center which also includes early childhood and aquatics programs, and the community clinic among other programs oriented toward kids, families and education. The St. Louis Park Emergency Program (STEP) is also along the MN&S but not acknowledged. This is a food shelf and social service provider for the community. The St. Louis Park Housing Authority also owns several homes either abutting the MN&S right or way or in the surrounding |

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| | | neighborhoods. The impact on these uses from increased freight rail traffic on the MN&S needs to be considered. |
| 3-131 & 3-132 | Section 3.7.3.3 co-location of freight rail, LRT and trail for all build alternatives not acknowledged | Only alternative 3A-1 is acknowledged to include the co-location of freight rail, light rail and the regional trail as part of the project in this subsection of the DEIS. All of the alternatives will include co-location of freight rail, light rail and the regional trail in segment 4, west of the MN&S tracks in St. Louis Park and Hopkins. The DEIS also does not acknowledge any safety concerns for the addition of a siding track on the BNSF adjacent to the Cedar Lake Regional Trail for the build alternatives 1A, 3A, 3C-1 and 3C-2. |
| 3-132 & 3-133 | Section 3.7.3.5 safety risks associated with additional trains by St. Louis Park Schools understated. | This section understates the safety risks associated with the steep grades and tight curves presented by the design for re-routing freight rail traffic to the MN&S from the Bass Lake Spur. It does not acknowledge or include in the evaluation of the safety risks of the re-route to the MN&S and the impacts of increased freight rail traffic at the three public schools, three parks and the seven at-grade pedestrian/vehicle crossings along the MN&S. |
| 3-134 | Table 3.7-1: LRT 3A-1 has 4* dwellings within 50 feet. The footnote * states that: the number of dwelling that would remain within 50 feet of freight rail co-location with LRT and the trail cannot be exactly determined until PE is complete. | This table summarizing potential safety and security impacts is incorrect. "LRT near active freight rail lines" applies to all five alternatives listed on the table. All of the alternatives include LRT operating adjacent to freight rail west of the MN&S tracks along the Bass Lake Spur in segment 4. The number of "parks near freight rail" is undecipherable. It appears to only acknowledge Roxbury and Keystone parks along the MN&S route. It does not include Dakota Park also located along the MN&S route. That would increase the number of parks along the re-route alternatives, 1A, 3A, 3C-1 and 3C-2, to three. In addition all five of the alternatives will have "parks near freight rail" west of the MN&S tracks along the Bass Lake Spur. Overpass Skate Park in Hopkins, Edgebrook Park in St. Louis Park and Isaac Walton League/Creekside park in St. Louis Park are all near freight rail no matter which alternative is chosen. The number of parks near freight rail for alternative 3A-1 also does not appear to be correct. The table is inaccurate with regards to "trails near freight rail". The table acknowledges only the Kenilworth Corridor trail. All the alternatives will have trails near freight rail west of the MN&S tracks in St. Louis Park and |

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| | | <p>Hopkins. Similarly all the re-routing alternatives 1A, 3A, 3C-1 and 3C-2 will see a two mile long siding track added on the BNSF along the Cedar Lake Regional trail.</p> <p>The table is inaccurate and incomplete regarding “trails near LRT”. The table notes that LRT will be near the Midtown Greenway for alternatives for alternatives 3C-1 and 3C-2 but does not acknowledge that LRT will be near the Kenilworth trail for all the other alternatives (1A, 3A, 3A-1) nor does it acknowledge that LRT will be near trails for all of the build alternatives for virtually all of segment 4.</p> |
| 3-135 | Section 3.7.5.2 regarding acquisition of ROW | The need to acquire additional right of way along the MN&S tracks is acknowledged but under represents the need. Expansion of the right of way or publicly held land along the MN&S tracks to provide a 100 foot wide right of way should be part of the re-route alternatives. |
| 3-135 & 3-136 | Quiet zones are discussed and it is stated that there will be consultation with the City and other stakeholders regarding additional feasible and effective safety mitigation in the vicinity of the High School, including a HAWK signal. | Quiet Zones themselves will not adequately address all the noise impact issues for residents and businesses, and public uses along the MN&S route. |

| Page | Reference | Comment |
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| 6 | General Assumptions | Traffic used 2030 volumes but the train counts used 2012 volumes with no future increase. |
| 6-37 | Queuing Analysis | Text and Table 6.2.8 data to not match regarding train lengths and speeds. |
| 6-38 | Section 6.2.2.2 | The evaluation of queuing and traffic circulation along the MN&S for the re-routing alternatives does not adequately consider the potential that multiple streets could be blocked by a train at the same time. The combination of the curving MN&S route and the shifting street grid in the Walker Street/Lake Street/Library Lane/Dakota Avenue area makes the potential for traffic and pedestrian congestion greater than would otherwise be the case. The |

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| | | potential impacts of multiple streets blocked by trains simultaneously needs to be analyzed in greater detail. It should also be noted that the Hwy 7/Lake Street access will be closed prior to the construction of the SWLRT project. |
| 6-48 | Quiet Zone as mitigation measures | No discussion on ownership and maintenance of fences and other pedestrian mitigation improvements is provided and is an important issue. |
| 6-56 | 6.3.2.2 | No discussion of tight curves or steep grades needed for reroute. |
| 6-61 | 6.3.3.2 | Construction outage time limits are unacceptable to the railroads. |
| 6-62 | 6.3.3.3 | There is no reason to connect the freight and light rail tracks. The freight tracks would be built before the LRT construction begins. |
| 11-10 | 11.2.3 (1 st bullet) | “slight increase in freight rail traffic”. Freight rail increase from 2 per day to 6 or 8 per day |
| 11-10 | 11.2.3 (1 st bullet) | No data to support “sporadic traffic queues” |
| 11-10 | 11.2.3 (2 nd bullet) | Assumes that severe noise can be mitigated through Quiet Zones. Quiet Zones are not automatic and with many pedestrians around the high school the QZ may not be effective. |
| 11-11 | 11.2.3 (1 st bullet) | Assumes that the direct connection is an improvement to the north. No discussion about rail traffic to the south. |
| 11-11 | 11.2.3 (1 st bullet) | There are no discussions about the impact of increased trains north of the BNSF mainline. Also assumes that the TC&W wants to go to Humboldt Yard, which is a questionable assumption. |
| 11-11 | 11.2.4 | Assumes freight rail reroute identical to Alternative 3A |
| 11-12 | 11.2.5 (3 rd bullet) | It is not clear which properties are 4f impacted. Cedar Lake Park contains old railroad right of way that parallels |

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| | | the HCRRA property. There is no indication on how wide the proposed impact is and if the DEIS attempted to adjust the alignment to minimize the impacts. |
| 11-12 | 11.2.5 (4 th bullet) | Alternative 3 LPA would require this maneuver to go south to Savage. |
| 11-12 | 11.2.5 (5 th bullet) | High construction costs assumption is not supported. The Co-location construction is less complex than the Re-route alternative. |
| 11-12 | 11.2.5 (8 th bullet) | The DEIS does not address the accurately the number of homes that need to be acquired to provide a proper right of way. |
| 11-12 | 11.2.5 (9 th bullet) | The reroute increases the divide in the St Louis Park neighborhoods |
| 11.12 | 11.2.5 (10 th bullet) | The reroute has not been shown to be feasible |
| 11.13 | 11.2.6 (2 nd bullet) | Why would you reroute if the LRT would not use the Kenilworth Corridor? |
| 11-14 | 11.2.7 (2 nd bullet) | Why would you reroute if the LRT would not use the Kenilworth Corridor? |
| 11-15 | 11.3 (2 nd paragraph) | “...improves regional freight rail network consistent with the Minnesota Comprehensive Statewide Freight and Passenger Rail Plan. The State Rail Plan recognizes the challenges of the reroute but does not recommend the reroute (page 4-18) and it outlines concerns about any reroutes (page 4-23). The DEIS does not include the State Rail Plan in the Appendix. |
| | | Louisiana and 7 as a related action |