



Southwest LRT (METRO Green Line Extension) Project

Supplemental Draft EIS Comments

Comments from the General Public

July 2015

From: Maya.Sarna@dot.gov [<mailto:Maya.Sarna@dot.gov>]
Sent: Thursday, May 21, 2015 11:14 AM
To: swlrt
Subject: FW: Minnesota SWLRT--freight rail is fundamental flaw

Please be sure to include this in the comments for SDEIS.

Thank you,

MAYA SARNA
(d) 202.366.5811 | (e) maya.sarna@dot.gov

From: Simon, Marisol (FTA)
Sent: Thursday, May 21, 2015 12:05 PM
To: Wheeler, William (FTA); McLemore, Cyrell (FTA); Owen, Benjamin (FTA); Brookins, Kelley (FTA); Loster, Kathryn (FTA); Sarna, Maya (FTA); Ciavarella, Jason (FTA)
Subject: FW: Minnesota SWLRT--freight rail is fundamental flaw

Fyi

Sent with Good (www.good.com)

-----Original Message-----

From: George Puzak
Sent: Thursday, May 21, 2015 11:58 AM Eastern Standard Time
To: McMillan, Therese (FTA); Jackson, Brian (FTA); Simon, Marisol (FTA); Comito, Cecelia (FTA); Clements, Sheila (FTA)
Subject: Minnesota SWLRT--freight rail is fundamental flaw

Dear Ms. McMillan, Mr. Jackson, Ms. Simon, Ms. Comito, and Ms. Clements:

I'm contacting you as officials of the Federal Transit Administration (FTA) to express my concern about the proposed Southwest Light Rail Transit (SWLRT) line in Minnesota. I am writing to give you some new information about the project's timeline, flaws, and a remedy.

Even if cost surprises and lawsuits don't torpedo SWLRT, a fundamental flaw should—Hennepin County's failure to include freight rail in the project's "scoping process." Required by the National Environmental Policy Act (NEPA), scoping is the first step in environmental review. It identifies the issues, alternatives, locations, and modes of transport to be studied in a transit project's environmental impact statement (EIS). But Hennepin County, in both its 2009 Scoping Report and 2010 Locally Preferred

Alternative (LPA), failed to include freight rail as part of SWLRT. Five cities then proceeded to vote and approve that faulty 2010 LPA. In 2011, despite receiving notice from the Federal Transit Administration that freight rail is part of SWLRT, Hennepin County failed to amend the scoping report and re-open scoping for public comment, and thus violated NEPA.

Compounding the problem, in summer 2014, the Met Council imposed yet another, fundamentally different plan to be approved, this time through municipal consent: while the 2010 LPA approved by five cities had omitted freight rail in Minneapolis' Kenilworth corridor, this 2014 plan included it. Yet, the Met Council provided no Draft EIS on freight rail, LRT tunnels, and soil conditions. Citizens lacked critical information and officials from Minneapolis and four other cities were forced to vote on municipal consent.

The current plan would run electric-sparking LRT trains as close as 15 feet from freight trains (carrying as many as 100 cars of ethanol — an explosive whose flash point is below that of oil) through residential neighborhoods, over the Chain of Lakes Kenilworth Channel, and through downtown next to Target Field. *But this arrangement was never included in the primary scoping phase.* This omission limited the choice of transit options and alignments that citizens and decision makers considered. Further, neither citizens nor public officials had information about the 2014 plan's environmental and public safety risks.

Contrary to law, the Met Council has limited the choice of reasonable alternatives and alignments. Reducing costs, studying freight rail in the Supplemental DEIS, and re-opening municipal consent are not sufficient remedies. The scoping process must be re-opened to fix SWLRT.

I respectfully request that the FTA direct the Met Council to re-open the scoping process. The Met Council must prepare an Environmental Document that uses current FTA evaluation criteria and updated ridership and cost information. This process will produce an updated Locally Preferred Alternative that resulted from a proper NEPA (National Environmental Policy Act) process. Thank you for your consideration.

George Puzak

Lebold, BillieJo

From: arthur higinbotham
Sent: Wednesday, May 27, 2015 2:51 PM
To: swlrt
Cc: jeanette Colby; cwreg w; Stuart A Chazin; George Puzak
Subject: Comments on SWLRT SDEIS

The following are my comments on the SDEIS Executive Summary. I plan to attend and speak at the hearing at Dunwoody on June 18, 2015 at 6 p.m.

The Executive Summary overall fails to give detail on each of the categories in Table ES-1 that is sufficient to make a response to the concerns with co-located freight and light rail in the city of Minneapolis:

Table ES-1 Category	Comment
Acquisitions and Displacements	
Acquisition of 2.3 full and 29 partial parcels for the supporting	These parcels should have been identified reader; they are difficult to find in the documents
Cultural Resources	
Preliminary determination of an adverse effect Team has on Grand Rounds Historic District and Kenilworth chosen as the Lagoon finding?	Why is this preliminary when the Project had two years since co-location was route of choice? What are the details of this
Temporary closure of Kenilworth Lagoon closed? What are to and	What period of time will the lagoon be the options for canoeists and kayakers to move from Lake of the Isles and Cedar Lake?
Temporary closures of one or both lanes of a short west links segment of Cedar Lake Parkway between Xerxes and being Lake St. and Burnham Road Calhoun routes and bring	Cedar Lake Parkway is one of three east-between I394 and 50th St., the others the connection between 36th St. and S. Lake Parkway. Closure will add traffic to these

shore of

France Avenue

businesses or

through

Parks, Recreation.....

Indirect long term impacts to Jorvig Park, Lilac Park,
best park

Park Siding Park, Cedar Lake Park, and Lake of the Isles Park
less accessible

Visual Quality and Aesthetics

Three of six viewpoints state that there would be a “sub-
factually based
stantial” level of impact

Potential construction-related visual impacts....including
trees is a long term

removal of some of existing vegetation
colocate freight

trail

Geology and Ground Water

Potential for long term pumping of water from internal
LRT operating

tunnel to sanitary sewer
determined

Water Resources

Permanent filling of 0.5 acres of wetlands
must be avoided

New LRT crossing of Kenilworth Channel
jungle of 3

water

Noise

them to a standstill. Residents of the eastern

Cedar Lake will be required to head west to

to access Uptown and West Lake Street

cross a two-way Burnham bridge and weave

Kenwood.

Minneapolis has been rated as having the

system in the nation; making these parks

will make our city (and county) poorer.

This is a very nebulous finding and not

Trees make a park. Removal of mature

impact on our parks; the decision to

and light rail is the worst possible decision for

users and residents.

Cost of pumping has not been included in

cost. Effect on water table has not been

Area not identified; any loss of wetlands

This additional crossing will create a concrete
crossings (trail, LRT and freight) with potential of
contamination

67 moderate and 3 severe noise impacts the corridor tunnel, heavily when both

Vibration

54 ground-borne noise impacts experience

Hazardous and Contaminated Materials

Potential need for ground water pumping behind and extracting tunnel walls

Economic Effects

Potential reduction in property tax revenues Prairie but already

Potential short-term effects on freight rail operations tracks 47 feet bridge over costs and reduce derailments.

Parking Kenilworth

Freight Rail

LRT/Freight Rail Swap increase

When freight and trains pass anywhere in noise will be excessive. At the portal entry to the noise will be amplified. Trail users will be most affected because of proximity to freight and LRT are at grade.

Residents on both sides of the tunnel will loss of sleep, among other annoyances

Pumping can result in drop in water table contaminants from surrounding subsoil

Losses shown for St. Louis Park and Eden not for Minneapolis. Expensive homes are losing value along Kenilworth corridor.

Temporary relocation of the freight rail to the west while constructing the new LRT the channel will increase operating operating speeds to avoid

Loss of parking spaces not applicable to corridor.

This swap will affect freight rail operations and T&CW operating costs.

Temporary movement of freight rail tracks during operations. The Kenilworth tunnel construction whether the freight way. Bicycle and Pedestrian

Temporary trail detours during construction disrupting the route for the

Safety and Security

Emergency vehicle delays of 50 seconds 12 Kenwood. times an hour at 3 new LRT grade crossings of

Environmental Justice preserved.

Arthur E. Higinbotham
Property Owner

This movement will disrupt freight rail tunnel construction raises the issues of rail might collapse into the tunnel if the wall gives

Bikers will be detoured for up to two years, continuity of the Grand Rounds. No safe detour trail has been identified.

One of these crossings will be at 21st St. in

No mention is made of the effect on the safety trail and park users.

No specifics are give for assuming justice is

Lebold, BillieJo

From: Smith, Steve E
Sent: Friday, May 29, 2015 1:23 PM
To: swlrt
Subject: stop the SWLR project

Please save the taxpayers 2 billion dollars and invest the money in other modes of transportation (rapid bus plans, etc.).

Please stop the SWLR project

Steve Smith

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Lebold, BillieJo

From: Richard Adair
Sent: Wednesday, June 10, 2015 4:32 PM
To: swlrt
Subject: Penn Av station

1) Could residents of Bryn Mawr use the Van White station instead of Penn?

I timed the walk from downtown Bryn Mawr (Cuppa Java) to the location of both stations, walking along the route of the proposed new bridge connecting Bryn Mawr Meadows with Van White: 8 minutes to Penn and 14 minutes to Van White. The walk to Van White was mostly in a large park that is not well lit at night; the eastern portion is adjacent to a wooded area with homeless camps. I can't imagine doing this after dark.

Conclusion: few walkers from Bryn Mawr would use the Van White station.

2) The industrial land south of I-394 and north of the bluff leading down to the Penn Av station is a perfect location for a "transit village", with great views of downtown.

Since ridership and development density are major goals, I think it's important to keep the Penn Avenue station.

Richard Adair
Bryn Mawr

From:
To: [swlrt](#)
Subject: Penn Ave Station on SWLRT
Date: Wednesday, June 17, 2015 10:42:09 PM

Dear Madam and Sir:

We want the Metropolitan Council to select Penn Ave Station at I394 as a transit site on the SWLRT. I have used the bus and bike to travel downtown and back for 35+ year, 20 years of which were made from my Bryn Mawr home at 424 Sheridan Ave. S and the remainder from North Minneapolis. Statistically, there have been fewer people over age 65 living in Bryn Mawr. With fewer transit options, our older citizens must move to more transit accessible residences. If the Penn BRT connected the Penn Station with the Bottineau LRT, then Bryn Mawr Residents would be further connected to retail and services north and west of Minneapolis. Moreover, transit dependent riders from the North side could seek jobs and services south and west of Minneapolis via the Penn Ave. Station. The Penn Ave station increases transit possibilities for elderly and disadvantaged peoples. If fewer park and ride ramps would be built, then we could afford the Penn Ave Station. Those who drive to park and ride ramps already have one mode of transportation. Building the Penn Ave Station for persons who are transit dependent increases the equity of the transit system. The Penn Ave Station should be chosen.

Roger Clarke

From:
To: [swlrt](#)
Subject: Comments on the Supplemental Draft EIS
Date: Thursday, June 18, 2015 9:39:07 AM

Greetings

I support the Supplemental Draft EIS. There are many of us, including myself, that depend on public transit and the planned metropolitan build out of the LRT and BRT networks for our entire transportation needs. Please proceed without any further delay! The need is now.

Thank you,

Karen Lee Rosar

From: [Matthew Pawlowski](#)
To: [swlrt](#)
Subject: opposition to SW Metro Rail
Date: Friday, June 19, 2015 7:44:22 PM

SW Metro Rail Transit,

I would like to voice my strong opposition to the SWLRT. The project is over 2 billion dollars and keeps rising. The Twin Cities metro plain and simple does not have the population and or population density to justify these dollars being spent. Buses and bus lanes are still the most effective dollars spent in our metro area.

Thank you,

From:
To: [swlrt](#)
Subject: SW LRT ROUTE
Date: Tuesday, June 30, 2015 10:59:45 PM

I used to live in the Kenwood neighborhood and was a regular bus rider. I do not think I would walk to the current proposed corridor to ride the train. I would continue to ride the bus. Hence, I do not think that 21st station would pick up much ridership even if MTC stopped running a bus through Kenwood.

So, I have another route suggestion. I understand that Lake St is forecasted to be the busiest station. So run the train to there and then turn it North to run along Cedar Lake Pkwy until it meets the rail corridor just S of 394. This path catches Benilde HS and Jones-harrison traffic. This path eliminates the Kenwood corridor, the project biggest headache with its cost and environmental concerns.

If you rejected this alternate path, please refer me to documents that eliminated it.

I no longer live in Kenwood having moved to Bloomington after 10 years in Denver, where I rode the train to work.

Thanks for the attention.

Mark McGree

Sent from my iPad

From: [Chris Polston](#)
To: [swlrt](#)
Subject: Route question
Date: Wednesday, July 01, 2015 1:45:37 PM

With all the delays and cost overruns, why not discuss dropping it down Hennepin Ave again? I always wondered why it got routed past swamps and some of the lowest density/no businesses areas in the SW quarter of the city.

Case study: I live in Hopkins, want to take family to Uptown for shopping and dining. As it stands, I would have to walk kids or older relatives almost a mile just to get where we want to go. Most cities (Chicago, NYC, DC, Boston) have rail lines that get you where you want to be.

Case study: The bars let out. 200+ drunk 20-somethings stagger to the train station. This is the neighborhood that had hidden beach razed because of 'the elements' hanging out there.

And why wouldn't the Hennepin Ave businesses want an extra 12,000+ people going by their store every day? Or was that estimate 20,000?

Thanks,
Chris

From: on behalf of
To: [swlrt](#)
Cc: sophia.ginis@metro.transit.org
Subject: light rail expansion proposal
Date: Monday, July 06, 2015 4:56:28 PM

Dear Metro Transit,

My husband and I live in a beautiful place- Calhoun Isles, originally grain silos, located amidst the Chain of Lakes and the Greenways in Minneapolis. This scenic area is internationally admired for the urban beauty, parks, and bikeways.

This is threatened by the proposals for a Light Rail. We are terrified of this project and the damage it will cause. Here are some of the reasons:

*Vibrations during construction and operation. Do you know that so much shaking occurred during the start of construction at the building next door to us that work had to be stopped? Building a shallow tunnel in the sandy soil will be even worse.

*A tunnel will disturb the water table. How often will the water be pumped out? We know the building on the lagoon connecting Lake Calhoun and Lake of the Isles dumped water into the lakes from their indoor garage. We shouldn't fool with the delicate water system here.

*Dangerous oil tank cars now travel on the tracks below us. Adding electric light rail on narrow spaces close to our building and next to the hikers and bicycle riders is an invitation for an explosive catastrophe. (Even more dangerous during construction). Light rail and hazardous freight should not mix!!!!

*Noise from the frequent trains will increase through a tunnel and get louder and louder as it rises to the top floors of our building.

*This natural sanctuary will be disturbed by trains running through it and by more cars with no place to park.

Please do what you can to stop the light rail construction next to the freight trains and within the Greenways. Please preserve the pride of Minneapolis - beautiful nature and urban bike and hiking trails!

Sincerely,
Marion Spirn

S

From: [Marion Collins](#)
To: [swlrt](#)
Subject: Supplemental Draft Environmental Impact Statement
Date: Wednesday, July 08, 2015 4:52:56 PM

I urge all members of the Metropolitan Council, and all those pushing for this particular alignment of SWLRT, to please take a very thorough look at this statement and not dismiss the impacts that have been discovered.

There are many impacts to pushing LRT through the beautiful parkland of the Kenilworth Corridor.

- water quality and safety
- soil toxins that can be brought to the surface if disturbed, such as arsenic
- vibration damage to condos and homes
- noise impact
- destruction of trees, newly restored prairies, and parkland

Please do not ignore these things. What if you lived here? What if the bike trails you use to commute, and the parkland you enjoy were about to be destroyed?

WHAT IF YOU AND YOUR CHILDREN WERE PLACED IN A BLAST ZONE? Please listen to your citizens and what we are saying.

I support LRT - done properly. Now the cost of this project is so high that we are cutting things left and right - just more and more broken promises to the people in Minneapolis this is already negatively affecting.

THERE IS NO ECONOMIC DEVELOPMENT to be found along the Kenilworth Corridor, no businesses to help, no commercial property to develop. And the plan to then take a lot of buses into a neighborhood of single family homes with lost of kids, where buses were already cut due to lack of ridership, increases cost even more and doesn't make any sense.

THIS ROUTE IS DANGEROUS, both to the environment and families like mine that live along this amazing natural setting. With the current alignment, this does not help low-income families - these families are found along another proposed route, that is now cheaper and makes more sense - through Uptown, where there are many businesses that need support and people that need public transit - and bus hubs that are already there!

Please do not make decisions based solely on money (or if you must decide on a cheaper route, then take a look again at the Uptown route which is now cheaper and makes much more sense). Please listen to the citizens who are going to be seriously impacted, in negative and dangerous ways, as shown by the environmental research that has been done. We have to live with your decision - so respect our voice. Would you like a mine buried in your backyard? Would you like your trees cut down? Would you like arsenic getting into your groundwater?

Please think about your choices and the legacy you leave for future generations. Please consider the families you are putting in danger, all for money.

Sincerely,
Marion Collins

From: [Irene Elkins](#)
To: [swlrt](#)
Subject: Comment on SWLRT SDEIS plan - concern about southern arm
Date: Tuesday, July 14, 2015 12:09:16 PM

To: Nani Jacobson, Project Manager:

I am very excited that the SWLRT project appears to be moving forward at last! However, I was most concerned to learn about related implications that I think most of those in my Brookside (and adjacent neighborhoods) are completely unaware of, but which could substantially affect livability in our neighborhoods.

From what I understand, the current SDEIS plan eliminates the switching wye in the Elmwood neighborhood and replaces it with a very expensive freight-rail bridge that offers trains a route south through Elmwood, Brookside, and Brooklawn neighborhoods, then through Edina and other southern suburbs. A new bridge would make it easy for freight trains, potentially in large numbers, to move through these communities. While this clearly represents a serious livability and property value concern for everyone in these middle-class neighborhoods, I consider it a potential safety concern as well. These old tracks, which were never intended to handle large trains, are EXTREMELY close to homes on my street - it is NOT a wide corridor at all. With a large increase in rail traffic and/or the size of trains moving through this area, the increasing likelihood and consequences of a derailment (especially if trains carrying volatile fuels would be moving through the area) would be awful for those living close to the tracks.

Instead of an expensive freight-rail bridge, would it be possible to look into the comparatively less expensive possibility of adding a light-rail bridge over the existing wye as an alternative solution? Regardless, I hope you and your colleagues will seriously reconsider anything that might impact these neighborhoods adversely. Otherwise, the Wooddale and Louisiana SWLRT stations nearby may end up with fewer customers, as people choose to move elsewhere.

I greatly appreciate your consideration of my concerns as you move forward with what must be a highly complex project.

Sincerely,

Irene Elkins

From: on behalf of [Fritz Vandover](#)
To: [swlrt](#)
Subject: Comments on latest SDEIS
Date: Tuesday, July 14, 2015 3:58:24 PM

Hello Ms. Jacobson:

I wanted to send in commentary about the latest SDEIS for the SWLRT project. My main concerns and questions are in regards to the new southern connection that is potentially part of the SW Light Rail project.

I, my wife, and our two young kids live 90 feet from the MN&S tracks at W. 42nd St. and the tracks in the Brookside neighborhood. We realize that the market determines the frequency of trains and that FRA classification restricts the speed of those trains to 10mph. Would a new southern connect mean that the:

- 1) MN&S tracks would be upgraded from Class 1, with a maximum speed of 10 mph, to Class 2, with a maximum speed of 30mph, in order to accommodate a presumably greater daily volume of trains?;
- 2) safety (signals and arms) and noise mitigation (quiet zones) measures would be implemented at grade crossings along the MN&S?

My hope is that the MN&S will remain a Class 1 corridor, with that maximum of 10mph, and that safety and noise mitigation measures would be implemented in order to ease the potential increase in rail traffic that a new southern connection would facilitate.

Thank you.

Sincerely,
Fritz Vandover, Ph.D.

From:
To: [swlrt](#)
Subject: St. Louis Park resident's concerns
Date: Tuesday, July 14, 2015 10:48:29 AM

Good morning. I understand that StLP is back on the SWLRT radar. I thought it was agrees to and written that StLP would never be subject to the same nonsense again? Doesn't that mean anything to anyone? Move the bike trail! It is still a lot easier and cost effective over the tearing down of homes, businesses, electrical station that powers 3 communities, etc. I believe there is an element of the haves and have nots once again. Classism at its finest. I thought that the RR was the be all end all judge and they said no to the STLP tear down!! This is ridiculous and outrageously frustrating.

From: [Susanne Wollman](#)
To: [swlrt](#)
Subject: SWLRT remaining issues
Date: Tuesday, July 14, 2015 9:48:50 AM

I am concerned that when the Kenilworth tunnel is fully engineered, the cost could escalate to an unacceptable level and the only published remaining viable alternative is the SLP Freight Rail Re-route. As a St. Louis Park resident, I want to strongly request that the Met Council change this language to include those alternatives, such as moving the bike trail. The current SDEIS lists none of these alternatives as viable. In fact, as part of a documented agreement, Hennepin County and Minneapolis agreed that the bike trail, when originally created, would be “temporary” until the corridor was required for light rail. I fail to see why this agreed about temporary bike trail is NOT listed as a viable alternative, especially when it would impact less people.

Susanne Wollman

From: [Neil Baker](#)
To: [swlrt](#)
Subject: Light Rail in St Louis Park
Date: Thursday, July 16, 2015 3:40:22 PM

Dear Ms. Jacobson,

I would like to make sure that an oversight or screw up in SDIES will be corrected and no longer remain either. It has been brought to my attention that the latest "Alternatives" for co-location of freight and light rail in the Kenilworth corridor has some serious flaws and omissions. In the middle of this process, you may recall that there were several alternatives to co-location of freight and light rail in the Kenilworth corridor (the now agreed-option featuring a tunnel for light rail). One option that was included previously but is no longer listed was simple: Move the bike trail out of the corridor.

Apparently the [current SDEIS](#) lists none of these alternatives as viable. The only published remaining viable alternative is the SLP Freight Rail Re-route. This alternative has been roundly criticized by hundreds of families in St Louis Park as it would send countless daily trains within @ 100 hundred feet of the condominium complex in which I and 77 other families live. It would also go within 20 feet of the public park directly in front of our building.

Why is this an issue. I understand the risk all the families of St. Louis Park is that when the Kenilworth tunnel is fully engineered, the cost could escalate to an unacceptable level and, according to the SDIES, that only published remaining viable alternative (SLP Freight Rail Re-route) would go into effect since all other alternatives have been removed.

Therefore I and my family strongly request that the Met Council change this language to include all previous alternatives, including possibly moving the bike trail. In fact, as part of a documented agreement, Hennepin County and Minneapolis agreed that the bike trail, when originally created, would be "temporary" until the corridor was required for light rail.

Please let me know how and when you plan to address this. I would like to be present at that meeting.

Neil Baker

From: [Tom Cremons](#)
To: [swlrt](#)
Subject: SWLRT SDEIS comments
Date: Friday, July 17, 2015 8:29:47 AM
Attachments: [2015 July sdeis comments.doc](#)

Attached is a letter commenting on the recently released SWLRT SDEIS for inclusion in the record.

Thomas P. Cremons

July 17, 2015

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

To Whom It May Concern:

I would like to take this opportunity to comment on the recently released supplemental DEIS for the Southwest LRT project.

My primary concerns with the document lie in three specific areas:

The first is the description of the process for selecting option 3A, specifically relating to citizen input. In the process of selecting this alternative, the objections of the residents of the affected neighborhoods in Minneapolis as well as the objections of the City of Minneapolis itself were discounted. The consent of these entities was granted, with great reluctance, only after they had been promised, or thought they had been promised, that freight rail would be removed from the Kenilworth corridor. At the same time, citizens of St. Louis Park who would be impacted by the freight rail reroute were being told that freight relocation was a separate project and that neither their concerns nor the additional costs associated with moving the freight traffic would be considered as part of the route selection process. The lack of openness in dealing with the freight issue distorted the process which resulted in the selection of option 3A. The reality that these issues and the concerns of the affected communities were not dealt with in an open, honest manner has poisoned this project from the beginning, causing years of delays and tens of millions of dollars of extra expenditures.

My second concern is the retention of the “Brunswick Central” plan as an option for dealing with the freight problem. All of the freight relocation options, including “Brunswick Central” have encountered strong opposition in St. Louis Park due to concerns about safety, community cohesion, noise, sound and air pollution, impacts to the school system, and livability issues for those living near the tracks. In fact, the “Brunswick Central” option is among the most expensive of all the options considered and requires the taking of more property than most of the other options. Co-location of freight and LRT at grade in the Kenilworth corridor, by relocating the trail, is far less expensive and requires the taking of little or no property. In fact, the land on which the trail was built was acquired by the Hennepin County Regional Railroad Authority specifically for future transit needs and the lease between the HCRRA and the City of

Minneapolis specifies that the trail is to be abandoned if the land is needed for transit development. By any objective criteria, the at grade co-location option should have been retained and the “Brunswick Central” option should have been discarded.

Finally, I am concerned about the lack of study and citizen input regarding the “southern connection” between the Bass Lake Spur and the MN&S. This is a very expensive, unnecessary and potentially destructive feature in a project that is grossly over budget before one shovel of dirt has been turned. Businesses will be removed and jobs will be lost to construct this connection. The construction of this direct connection between the Bass Lake Spur and the MN&S will greatly increase the efficiency, ability and likelihood of the railroads to run more frequent and longer trains, possibly including 100 plus car unit trains from the eastbound Bass Lake Spur onto the southbound MN&S as well as in the opposite direction. This has the potential to cause major traffic problems as well as noise, safety, pollution and neighborhood livability issues in St. Louis Park as well as communities to the south, all the way to the Minnesota River. To my knowledge, little or no study has been done regarding these impacts, nor have these communities been truly informed of the implications or given a chance to respond. As with many issues in the past, these impacts will be a direct result of the SWLRT project but are not being adequately considered.

I strongly believe in transit and in the need for better transit options for the southwest metro area. If the route selection and planning process for SWLRT had been truly open, honest, objective and comprehensive, the project would probably have been completed by now at a reasonable cost and we would now be riding on it. Because the process was flawed from the beginning, millions of dollars have been wasted, not one rail has been laid and the budget has doubled with no end in sight. Continuing to follow the same flawed path will, I fear, only lead to more delays, more expenses and, possibly, the death of the SWLRT project.

Sincerely,

Tom Cremons

From: [Diane Hedges](#)
To: [swlrt](#);
Subject: SW Light Rail Freight Bridge
Date: Friday, July 17, 2015 10:20:10 PM

I just read an e-mail from Irene Elkins in the Nextdoor Brookside. She said:

I was concerned to learn about an issue that I suspect most residents in my Brookside (and other neighborhoods south of Excelsior and west of 100) may be unaware of that could potentially adversely affect our neighborhoods. According to Safety in the Park, the current SDEIS plan (part of Southwest light rail planning) eliminates the freight rail switching wye in the Elmwood neighborhood, replacing it with a very expensive freight-rail bridge, offering freight trains a route south through the Elmwood, Brookside, and Brooklawn neighborhoods, through Edina's Todd Park neighborhood, etc.. This new bridge would make it easy for freight trains, potentially in large numbers, to move through these communities. While this may benefit the railroads, as taxpayers, we would be paying for something that would negatively impact livability - and likely property values- in our neighborhoods. I would therefore encourage similarly concerned residents to contact our SLP City Council to support the comparatively less-expensive possibility of adding a light-rail bridge over the wye (which would allow the SWLRT project to proceed) or at the very least, to advocate that money for mitigation should be set aside to offset the livability issues. If concerned, please contact Ms. Nani Jacobson, Project Manager, at SWLRT@metrotransit.org, as well as to ask our City Council to speak out in their official comment. The deadline for commenting is July 21, 2015. City Council members e-mails are available on the following website: <http://www.stlouispark.org/contact-infor...> (Scroll down until you get to Mayor Jacobs e-mail, followed by those of other City Council members). Thanks!

If this is the case, I would be very opposed to the expensive freight-rail bridge. I live on Brookside and the train runs right next to my house and Jackley Park. I'd hate to see and hear more trains than we already deal with.

Diane Hedges

From:
To: [swlrt](#)
Subject: Considerations
Date: Sunday, July 19, 2015 3:47:28 PM

Greetings- I understand there is still a small chance the bike trail may be replaced bY the new light rail by the kenwood area . Is there any consideration for a multi level track/path? Rail on lower level and bike rail on top? Share the space. Doesn't that seem to be a viable option?

Thank you,

Anna Mulfinger
St. Louis Park

Please excuse typos
Sent from my iPhone

From:
To: [swlrt](#)
Subject: SDEIS- One Citizen Response
Date: Sunday, July 19, 2015 6:14:41 PM

The SDEIS fails to adequately study safety and environmental impacts, especially in two areas:

1. Temporary freight (what we have now) should not be considered an existing condition. All visual, noise, vibration, safety and other environmental impacts should be measured from a basis of no freight and no light rail.
2. The SDEIS does not address the safety of co-locating freight trains (which presently carry hazardous materials like anhydrous ammonia and ethanol) through what is now going to be a very narrow pinch point. These hazardous trains will now be squeezed in next to homes, parks, trails, passenger trains, and electrical wires...all located between two lakes. Ethanol spills/explosions carry across bodies of water. These issues are not addressed in the current SDEIS.

I oppose this SWLRT route. I have written and participated in your processes and have given feedback to the Met Council and numerous politicians over the past two years. I have done everything my time allowed to fight this route and co-location. I am currently drafting a public apology to future generations to be signed by as many neighbors as I can get. I would LOVE to be on the wrong side of history on this one but if not, at least I can say that I tried my best to fight this and I will continue to fight it.

Angela Erdrich, MD

Lebold, BillieJo

From: Jeanette Colby
Sent: Sunday, July 19, 2015 11:02 PM
To: swlrt
Subject: Comments on the 2015 Supplementary DEIS

Dear Southwest Project Office Team,

Please find attached my personal comments on the 2015 Supplementary Draft Environmental Impact Statement.

Regards,

Jeanette Colby



[Comments on the SW LRT SDEIS.docx](#)

Comments on the Southwest LRT Supplementary Draft Environmental Impact Statement July 20, 2015

Submitted by Jeanette Colby

To the Metropolitan Council:

As you know, the process that led us to the Supplementary DEIS for the SWLRT has been riddled with political and technical problems and, sadly, the 2015 SDEIS continues in this vein.

In addition to downplaying or ignoring critical environmental issues with the latest iteration of LRT in the Kenilworth Corridor, it completely overlooks the fact that the temporary freight rail is being transformed into permanent infrastructure.

I will comment here on just a few of the most pressing specific issues:

1) Visual Impacts will be substantial throughout the Kenilworth Corridor



The Kenilworth Trail, where open green space and trees are highly valued

The 2012 DEIS correctly stated that SWLRT visual impacts would be substantial throughout the corridor. This statement included the premise that freight rail would be removed. Now, the

2015 SDEIS states that only about half of the corridor will be substantially impacted by the introduction of LRT and its infrastructure, as well as the introduction of permanent freight rail and its infrastructure. The SDEIS deems the area north of the Burnham Bridge as “not substantially impacted.”

Regardless of the methodology used (and well-articulated in the SDEIS attachments), this is an absurd statement. Freight and LRT tracks, overhead catenaries, 220 daily LRT trains, and an increasing number of freight trains will replace open space, green space and trees. It should be clear to anyone who has walked, bicycled, or otherwise found peace and recreation in the beauty of the Kenilworth Corridor that the visual impact throughout the corridor will be substantial and must receive the highest, most thoughtful level of mitigation.

Also absurd is the idea that an LRT station would be a positive visual addition to the area at 21st Street, currently a green space at the edge of Cedar Lake Park. Even with the smallest of the proposed station types, the replacement of trees with metal, wires, cement, and fencing will clearly have a negative visual impact in this park-like environment.



A station on University Avenue: A harsh built structure would replace natural elements at 21st Street

2) Noise impacts are underestimated in the SDEIS

The Kenilworth Corridor is quiet. When I'm working in my yard, I can often hear trail users conversing. Last summer, I heard a cyclist fall hard and was able to call 911.

Adding 220 LRT trains per day to this quiet, tree-lined recreational and bicycle commuting trail area will be a major environmental disruption, critically increasing noise even if moving LRT trains were the only noise source. However, train braking, crossing and station bells, mechanized announcements, and other activity at the proposed 21st Street Station will add to the noise impact. The corridor will be permanently changed from a uniquely tranquil area to one in which many neighborhood residents – not just those few in properties identified in the SDEIS – will have only two hours (between 2:00 a.m. and 4:00 a.m.) of uninterrupted quiet. This impact is substantially worse with co-location at grade, with freight bringing its own set of noise impacts.

The 2012 DEIS identified 96 moderate and 406 severe neighborhood noise impacts with co-location at grade between the proposed West Lake station and the proposed Penn Avenue station. More specifically, between 21st Street and Penn Avenue the DEIS identified 67 moderate noise impacts and 7 severe impacts with co-location at grade. The 2015 SDEIS, however, says there would be only 28 moderate and two severe impacts in all of Kenilworth with LRT and freight rail co-location at grade. The SDEIS states that the tunnel will address many noise impacts, especially on the adjacent townhouses and condos south of Cedar Lake Parkway. However, north of the Kenilworth channel freight and light rail run would together at grade per the SDEIS. The SDEIS does not explain, nor did the Southwest Project Office explain when I requested information on June 12, 2015, why 55 of the 67 moderate impacts and six of the severe impacts north of 21st Street have been downgraded or eliminated in the SDEIS. The discrepancy between the DEIS and the SDEIS, when both looked at co-location at grade between the Kenilworth Channel and the Penn Avenue station, remains a mystery.



A quiet snowy day on the Kenilworth Trail

3) SDEIS overlooks public safety issues

The proposed SWLRT 21st Street Station is situated in very close proximity to the beautiful Cedar Beach East (Hidden Beach). While this beach is used by hundreds of law-abiding sunbathers and swimmers in the summer, it is also known by some as a place to use drugs and alcohol. This beach annually generates among the most citations of any park in the state, and most violators come from cities other than Minneapolis according to police reports. An SWLRT station at this location will have particular public safety issues and needs. The Met Council must be responsible for designing a station area that won't exacerbate problems that the neighborhood has fought for many years.

Further, the SDEIS does not consider the infrastructure or access needs of emergency responders should a fire, police, or medical emergency occur in or near the Kenilworth Trail area, at Cedar Beach East, Cedar Lake Park, or Upton Avenue South if LRT and freight rail occupy the corridor.



Firefighters unable to access a grass fire in Cedar Lake Park because of a passing freight train

4) Freight rail is a new, permanent project

When freight rail was reintroduced into the Kenilworth Corridor, it was done so on a temporary basis. Until 2013, all studies and plans for LRT in the Kenilworth Corridor assumed that freight would be moved to make way for LRT. The Met Council now proposes to upgrade and make permanent the freight infrastructure used by one private company, even claiming in the SDEIS that doing so is a Metropolitan-area need that the SWLRT project should meet.

The myriad environmental impacts of this new, permanent freight project – which will transport hazardous materials in a narrow urban corridor next to passenger trains and trails – must be completely and thoroughly studied. The current SDEIS does not do so, and in fact barely touches on the co-location element of the revised SWLRT plan.



From:
To: [swlrt](#)
Subject: Brookside resident light rail concern
Date: Monday, July 20, 2015 6:45:26 PM

I support the comparatively less-expensive possibility of adding a light-rail bridge over the wye (which would allow the SWLRT project to proceed) or at the very least, to advocate that money for mitigation should be set aside to offset the livability issues.

Thank you

Kristina Patterson

From: [Arlene Fried](#)
To: [swlrt](#)
Subject: Danger of Co-location of Freight and Lightrail
Date: Monday, July 20, 2015 5:47:52 PM

Danger of Co-location of Freight and Light-rail

I am opposed to the SWLRT co-location of freight trains and light-rail.

I want to make the point that the freight cars carrying flammable liquids can leak or exude flammable fumes and should not be located adjacent to light-rail and light-rail's electrical wires because of the danger of an explosion. This is particularly dangerous in the Kenilworth residential area. Co-location should be banned.

From: [Paul Petzschke](#)
To: [swlrt](#)
Subject: Response to SDEIS regarding construction of Shallow Tunnel
Date: Monday, July 20, 2015 11:25:21 PM
Attachments: [Response to SDEIS F.docx](#)

Met Council,

Here's my response to the SDEIS.

Paul Petzschke

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Paul Petzschke

Executive Summary:

Calhoun-Isles Condominiums are converted 90 year old grain silos located at the narrowest point, commonly called the “pinch-point”, along the proposed Southwest LRT route. To accommodate the passage of two LRT rails, the Kenilworth Bike Trail, and the single TC&W heavy railroad track through this narrow gap, a shallow or “cut-and-cover” tunnel is proposed to be constructed for the LRT tracks, with the TC&W line and bike path to be above the tunnel at grade. Construction of the proposed tunnel comes within two feet of the Calhoun-Isles footings.

In April 2015, a high frequency vibratory hammer driving technique was used to install sheet piling at a six-story apartment site located at 3118 West Lake Street. Heavy vibrations were felt and structural damage occurred at the adjacent site of Loop Calhoun Condominiums, 3104 W Lake St., and at Calhoun-Isles Condominiums, located 180 feet away at its closest point. These damages and vibrations resulted in the cessation of construction and the implementation of a different method for installing pilings, namely an “H” pile structural piling system.

Seismic readings recorded at Calhoun-Isles by engineering firms contracted by the construction companies’ engineers did not correlate to vibrations and damages incurred. Whether these inconsistencies were the result of the unique structure of Calhoun-Isles concrete silo construction or unknown environmental conditions is unknown.

Furthermore, it has been learned that a hydraulic “press-in” technique is typical to an installation more common to a harbor, waterway or soft soils conditions. This condition does NOT exist in the 3118 Lake Street environs.

Therefore, we feel the Met Council’s two stated techniques for driving the needed sheet pilings for the construction of the shallow tunnel are not suited for the conditions found in the Kenilworth Corridor. The hydraulic, high-frequency vibratory hammer method presents a unique risk to residents and structure at Calhoun-Isles. The hydraulic “press-in” method is not feasible given the soil conditions that exist.

We urge the Met Council to suspend the SDEIS process, to develop a viable method for installing sheet piles or its facsimile, and to demonstrate the feasibility of this yet-to-be-developed method at the “pinch-point”. If this rigorous, but necessary process is not accomplished successfully, there is concern that the construction of the shallow tunnel will not be able to go forward, that private residences will need to be expropriated, and that the two LRT rails, the Kenilworth Bike Trail, and the railroad track will all wind up at grade at the south end of the Kenilworth Corridor.

Findings:

Trammell Crow acquired the 1.89-acre site at 3118 Lake Street to develop a six-story apartment building with 164 units. Trammell Crow hired Big D to construct the apartment complex. Big D hired AET (American Engineering Testing) to do monitoring and engineering work and Trammell Crow hired Braun Intertec to do replicate monitoring and engineering work.

The construction phase of the project began in early 2nd quarter 2015. Two types of piling were installed at 3118 Lake Street, driven “H” piles and Sheet Piles. The driven “H” piling that was installed in mid-April caused initial neighborhood concerns and damage to both Loop Calhoun and Calhoun Isles Condominium Associations. Only a limited number of driven “H” piles were installed, and this phase of the project is complete. In late April and early May, Big D conducted various trials using vibratory hammers to install sheet piles.

On April 30th, the Calhoun Isles Condominium Association Team met with Big D, American Engineering Testing, and Braun Intertec personnel on the 10th floor of the Calhoun Isles High Rise to discuss the status of the construction project and to help gain further insights on its impact on the High Rise. During the meeting, we learned that no pre-existing condition surveys were recommended for our Association because it is ~180 feet away from the nearest point of the construction site. It was thought that our Association buildings were too far away from the construction site to be damaged.

This situation was quickly addressed by installing monitoring devices in the High Rise to obtain vibration measurements. The results of these measurements are pending. The preliminary indications from the monitors supported the initial assumption. The readings were at the low end of scale; in fact, the monitors had to be adjusted, in order to obtain any readings at all. It was also agreed that American Engineering Testing would conduct pre-existing condition surveys at Calhoun Isles.

This meeting was held while trials using vibratory hammers to install sheet piles were occurring. The High Rise is ~180 feet from the construction site. The vibrations that were felt in the 10th floor conference surprised Big D, American Engineering Testing, and Braun Intertec.

Despite the low readings on the monitors, seven High Rise and three Lateral units have since reported damage as a result of the construction activities. A number of home owners reported feeling high levels of noise and vibration during the April/early May construction activities. Vibrations were felt in the elevators.

Given the fact that the shallow tunnel construction is to occur within 2 to 3 feet (not 180 feet) of the High Rise, our Calhoun Isles Condominium Association Team had a number of follow-up discussions about the impact that the SWLRT would have on our Association Buildings. The vibratory sheet piling installation is one of the options that the Met Council is considering for the construction of the shallow tunnel.

The speed of sound through concrete is as much as 3600 m/s; it is a very effective vibration transmitter. The High Rise was constructed from a series of grain silos. The concrete footings that support the silos go well below ground level. It is a unique building not only when compared to other local structures, many of which are wood construction atop concrete foundations (wood will not transfer vibration energy nearly as well as concrete will). It is also unique compared to other tall concrete structures in the area as its walls are ultra-thick. The entire structure is great at transmitting sound and vibration.

The High Rise has a number of features, which are susceptible to vibration. The underground garage was built when the silos were converted to residences. Three elevators were installed in the High Rise. The silos have an exterior stucco coating; it is a high-maintenance exterior. Balconies have been installed on nearly all High Rise units.

Based on discussions with a number of civil engineers and physicists, the impact on the High Rise from vibratory hammers to install sheet piles at a distance of 2 to 3 feet could be catastrophic. The possible consequences include:

1. Damage to nearly all the resident units in the 3151 Building (the structure closest to the proposed SWLRT line).
2. The elevator service in the High Rise would probably need to be shut down because of safety concerns.
3. The stucco could fall down in sheets due to resonance effects. This situation could result in injury or worse to residents.

4. The integrity of balconies could be compromised. This situation could result in injury or worse to residents.
5. The integrity of the garage could be compromised. This situation could result in injury or worse to residents.

On May 18th, Big D announced that the vibratory sheet piling installation was halted, that any installed sheet piling will be removed, and that an alternate foundation system will be developed. We since learned that the damage that the vibratory sheet piling installation caused to Loop Calhoun (primarily) and Calhoun Isles (secondarily) during the trial period was instrumental in the abandonment of this approach at the 3118 Lake Street Site. All the sheeting piling that had been installed has since been removed.

On July 6th, Trammell Crow/Big D announced the revised foundation plan that will be installed. This system will be an “H” pile structural piling system. It will involve these operations: 1) a hole, approximately 24” in diameter is drilled with an auger and filled with structural concrete as the drill bit is removed; 2) the “H” pile will then be pressed into the structural concrete hydraulically and allowed to cure. This process repeats approximately every 8’ on center; 3) once structural “H” piles are complete, an additional drilling process will occur between all “H” piles to install a 24” concrete slurry piling as the structural piles to serve as the structural site retention component.

Big D will conduct trials to install this “H” pile structural piling system starting the week of July 20th. The drilling will not be vibratory or driven in methods and while not particularly quiet, the level of noise and movement of equipment will be heard and occasionally felt but remain significantly below industry standards and city ordinances.

Discussion:

The Met Council provides limited reference to the construction methods that they propose employing in the SDEIS. These construction methods are referenced in their attachment, “Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Council, 2014d)”. This document describes two methods for installing the required sheet piling for the shallow tunnel: “Sheet pile installation is anticipated to be performed by a method that avoids hydraulic drop hammers. Methods such as a high frequency vibratory hammer or a hydraulic “press-in” device would minimize vibration and noise created by the sheet pile installation. Actual construction means and methods will be determined prior to construction in coordination between the contractor and the SPO (page 4)”.

The vibratory driving technique for installing sheet piling has caused too much damage to the neighborhood based on the experiences at 3118 Lake Street and has been eliminated as a means for installing sheet piling by the contractor in the CIDNA neighborhood.

The hydraulic “press-in” methodology was discussed at some length with Big D, American Engineering Testing, and Braun Intertec to determine its feasibility. Based on their feedback, it was learned that a “press” technique is “typical” to an installation more common to a harbor, waterway or soft soils conditions. This condition does NOT exist in the 3118 Lake Street environs. It should also be noted that the current proposal for installing sheet piling (drilled “H” piling) at this site will be substantially more expensive to install than employing a hydraulic pressing technique.

Met Council personnel were questioned about these two proposed methods for installing sheet piling for the shallow tunnel. In one response, a Met Council spokesperson informed the public that the vibratory hammers

that Dig D employed to install the sheet piling at the 3118 Lake Street site were of inferior quality and this factor resulted in the damage to the two neighborhood associations. It was further reported that the Met Council would be using higher quality vibratory hammers and no problems would occur.

This matter was brought to Big D's attention; they reported it is unreasonable to label the equipment that they used as "inferior", but would be more appropriately labeled as "typical" in the industry.

In another instance, a Met Council Engineer was questioned about the proposed hydraulic "press-in" methodology. He insisted that this approach was valid and that it was the preferred route, despite the feedback that has been received from Big D, American Engineering Testing, and Braun Intertec.

An attempt was made to discuss these sheet piling methods directly with American Engineering Testing (AET) to gain additional information and insights. AET personnel informed me that they were under contract to the SWLRT and could not talk to me because of a conflict of interest. They told me to contact Met Council personnel directly.

Given this feedback from Big D, American Engineering Testing, and Braun Intertec, there is sufficient documented information available that demonstrates that the Met Council will not be able to use either a vibratory hammer or a hydraulic press to install the sheet piling for the shallow tunnel. These constraints will force the Met Council to employ alternate methods for installing sheet piling for the shallow tunnel.

The only other known method known for installing sheet piling is to employ the drilled H-pile Lagged System that will be attempted at the 3118 Lake Street site. The engineering company (AET) that is working on this site developed this recommendation. This very same engineering company is now under contract to the Met Council. One would logically conclude that they will make the same recommendation to the Met Council.

This installation method will be complicated by several factors:

1. This drilled H-pile Lagged System approach will be substantially more expensive than what is advertised in the SDEIS.
2. The concrete to stabilize the drilled H piles will need to be installed below the water table. This factor will complicate the installation. In addition, it may compromise integrity of the installation.
3. The drilling operation will occur within one to two feet of the Calhoun Isles Condominium Association and within close proximity of the Cedar Lake Shores Condominium Association and to many private residences along the Kenilworth Corridor. This drilling operation is anticipated to be noisy. The Met Council may need to find temporary housing for residents who live in proximity to the shallow tunnel construction site.
4. The size of the holes to install the drilled "H" piling raises additional concerns. As noted, holes approximately 24" in diameter will be drilled with an auger at the 3118 Lake Street site. This system will support a piling system that is 25 feet below grade. The shallow tunnel will require a piling system that will be 50 feet below grade. The holes for the drilled "H" piles may need to be larger for the shallow tunnel. There is limited space at the pinch point, ie the short distance between Calhoun Isles and Cedar Lake Shores Condominium Associations. It may not be possible to install this drilled "H" structural piling system without infringing upon and/or taking private property (including homes) at this point.

Conclusion and Recommendations:

The experiences at the 3118 Lake Street site raise a number of serious questions about the proposed methods that the Met Council intends to employ when constructing the shallow tunnel. The proposed methods include using a high frequency vibratory hammer or a hydraulic “press-in” device to accomplish the sheet pile installation.

The high frequency vibratory hammer driving technique for installing sheet piling caused too much damage to the CIDNA neighborhood based on the experiences at 3118 Lake Street and has been eliminated as a means for installing sheet piling by the contractor. It has also been learned that the hydraulic “press-in” is typical to an installation more common to a harbor, waterway or soft soils conditions. This condition does NOT exist in the 3118 Lake Street environs.

The information about sheet piling installations that has been gathered during the past 12 weeks is based actual field experience and expert opinion from quality engineering companies. It has also been learned that American Engineering Testing, a company that acted as a primary consultant in developing an alternate sheet piling system for the 3118 Lake Street project, is under contract to the Met Council.

It is imperative that the SDEIS process be suspended until a viable construction method for installing a sheet piling like system for the shallow tunnel is properly developed with input from a quality engineering company such as American Engineering Testing. Once this alternate (and most likely more expensive) system is developed, its feasibility must be successfully demonstrated.

If this rigorous, but necessary process is not accomplished successfully, there is concern that the construction of the shallow tunnel will not be able to go forward, that private residences will need to be expropriated, and that the two LRT rails, the Kenilworth Bike Trail, and the railroad track will all wind up at grade at the south end of the Kenilworth Corridor.

I wish to thank Trammell Crow, Big D, American Engineering Testing, and Braun Intertec for the rigorous process that they employed at the 3118 West Lake Street construction site. While the noise and vibration from the initial sheet piling installation methods were below industry standards and city ordinances, they realized the problems that were being caused to the neighborhood in short order. They had the integrity to go back to the drawing board and to develop a system that would conform to the neighborhood requirements, despite the added cost. They should be commended for their willingness to share their findings and their process with the public.

Submitted By: Paul M Petzschke,

July 20, 2015

From: [Doug S](#)
To: [swlrt](#)
Subject: Southerly connection and removal of skunk hollo wye in St Louis Park
Date: Monday, July 20, 2015 10:05:06 PM

Hello Ms Jacobsen

It was recently brought to my attention that there is a proposal in the latest SDEIS for the southwest light rail transit to add a southerly connection for the freight rail connection onto the Dan Patch rail corridor, effectively making it easier to route additional rail traffic through the residential neighborhood of Brookside and neighborhoods to the south.

In the proposal I did not see any justification for this change or any estimation of the increase in volume of traffic that would come with it. The rerouting of this interchange is not something that I had heard of, prior to this week, being included in the swlrt plans or having any additional study attached to it to justify the additional cost other than making an improvement for the railroads at someone else's expense.

Needless to say I would be opposed to any change that would stage up putting more freight rail traffic twenty feet from neighborhood parks and through people's backyards. I don't believe this is something that should magically appear in an addendum given the potential impact and risk to a part of St Louis Park that is finally starting to see real revitalization and investment by its residents.

Doug Seitz

From: [KIM and KENNY](#)
To: [swlrt](#)
Subject: SWLRT comment
Date: Monday, July 20, 2015 2:09:52 PM

SWLRT Supplemental Draft Environmental Impact Statement comment

SWLRT Public Process

The SWLRT public process is seriously flawed when the governmental bodies decided on the projects alignment, had meetings behind closed doors, actually asked various municipalities involved to vote in favor of the project before the entire EIS process was completed. It is apparent that many citizens voices are not being heard. Many people living in the neighborhood were not informed of the SWLRT plans until it was already a done deal. Please address the following questions and concerns.

Questions:

- Will the various municipalities involved in the SWLRT project be taking a final vote on this project after the EIS process is complete?
- What alternative route plans were available for municipalities to review at the time of the vote to approve the current SWLRT alignment?
- If there is not another review and vote by municipalities should one conclude the project is already rubber stamped for approval without municipalities having up to date information on alternatives routes and environmental impacts?

SWLRT Alternatives Routes

To say that governmental bodies seriously explored other viable routes than the current SWLRT preferred plan is an immeasurable understatement. Light rail projects need to be built in high density population areas. The preferred SWLRT route plans and data were much more detailed than the other viable alternative routes; these plans were inadequate and not explored in depth with supporting data.

Please explain why the following alternative SWLRT routes were not seriously considered by providing comprehensive plans and detailed data equivalent to the current preferred SWLRT planned route to support rejecting the following viable alternative routes; where there is high density of population and significantly less potential for environmental damage.

- The Mid-Town Greenway an existing trail that runs east to west for many miles
- Lake Street connects the cities of Minneapolis and St.Paul and serves a high density population neighborhoods
- Using Lagoon Ave, 31st Street, 28th and 26th Streets in conjunction with the Lake Street option
- Cedar Lake Trail an existing train route that runs east and west for many miles

from downtown Minneapolis to western suburbs

- Highway 55
- Highway 394
- Highway 100

Environmental concerns surrounding Cedar Lake and Lake of the Isles

The groundwater in the area of Cedar Lake is very shallow. It appears as though the deciding government bodies for this project doesn't remember what recently happened at 1800 Lake Street Apartments in Minneapolis. Millions of gallons of groundwater spewed into the garage area of the apartments for many months then it was redirected into the channel of Lake of the Isles. After lawsuits were settled the developer was instructed to fix the groundwater issue. Please provide information on what preventative steps will be taken to ensure the groundwater in the area of SWLRT project will be protected and not abused.

Questions:

- How will the SWLRT construction process protect groundwater and the lakes from pollution?
- How many gallons of groundwater will be pumped and redirected?
- Will this project send recharged groundwater back into the aquifer?
- Is there money in the SWLRT **budget** for mitigating groundwater intrusion? If so how much?
- Will groundwater be wasted and diverted into our lakes, creeks, streams, wetlands?
- How will construction around Cedar Lake effect subterranean species?
- What endangered species, flora, fauna have been found and studied? Were experts in the specific areas of these individual species consulted? How will these species be protected?

Effect on property owners and condemnation of properties in the path of project

Questions:

- How will the project negatively impact or compromise adjacent homeowners property?
- Where are the specific plans of what homes will be impacted? Include addresses.
- Are there plans to compensate homeowners for damages to there properties, if so how will this be done?
- How much money is in the SWLRT **budget** for homeowner repairs and condemnation of properties in the path of project?

How will homeowners who will be displaced be compensated?

- How and who will actually determine the net worth of the displaced homeowners home values and relocation expenses?
- Who will be the governing body to pay displaced homeowners and how will that complete process work from beginning to end?

I am vehemently opposed to building the SWLRT in the Cedar Lake corridor. The environmental risks associated with this pristine urban forest is not worth building SWLRT in this location. In addition, there will be virtually no ridership in this area.

Please send me an immediate confirmation that you have received my comments.

Thank you
Kim Ramey

7-20-2015

From: [KIM and KENNY](#)
To: [swlrt](#)
Subject: SWLRT SDEIS comment
Date: Monday, July 20, 2015 10:42:08 PM

SWLRT Supplemental Draft Environmental Impact Statement comment

The Minnehaha Creek flows directly into Cedar Lake from Lake Minnetonka. The thought that the proposed construction of the current SWLRT preferred plan would only potentially effect Cedar Lake or the surrounding city lakes is short sighted. There have been several incidents around the world of lake water being diverted or lake water disappearing during the construction process, earthquakes and drilling operations. The Earth is experiencing accelerated climate change which now yields more frequent calamitous weather events. Please answer the following questions and concerns.

- Will Cedar Lake, Minnehaha Creek, Lake Minnetonka, Lake of the Isles water levels be monitored and measured during the construction process?
- Has there been baseline water levels measured in the Minneapolis city lakes and Lake Minnetonka? If not when will the baseline measurements be completed before construction begins?
- How often and at what specific locations will lake water measurements be calculated during construction? And how long after construction is complete?
- What is the depth of the groundwater at Cedar Lake in the effected area where SWLRT preferred plan is being constructed?
- How many feet apart around Cedar Lake were groundwater depths calculated?
- During the construction process of SWLRT explain in depth what studies have been completed regarding pile driving around Cedar Lake?
- How many piles will be used around Cedar Lake and at what depth?
- How have the incidents surrounding other lakes around the world of water disappearances or water diversion been studied? What lakes were used to study this phenomenon?
- What studies have been done regarding the issues surrounding broken lakes seals causing the lake water levels to be diverted or disappear?
- In the case of a catastrophic environmental event of diverted or disappearing lake water which direction and where would this water go?
- Is there an emergency plan in place to deal with an unforeseen catastrophic environmental events? If so; Is the emergency plan in the current budget?
- Have the subterranean soils identified around Cedar Lake been studied for the viability to withstand the harsh environmental intrusion of construction process?
- How will the soil around the lake area be altered?

- What will soil correction cost?
- What matter will be used to stabilize soil around the lake area and will this matter be environmentally safe to use around lake water?
- How will altering soil conditions around Cedar Lake effect/protect subterranean species?
- What studies have been done on the effect of hydrostatic pressure during the construction process and after when the trains are fully operational around Cedar Lake?
- What will be the effect of hydrostatic pressure caused by the weight and vibration of the frequently passing trains on Cedar Lake and surrounding areas?
- Are there endangered species, fauna, flora in the SWLRT preferred plan construction route?
- What studies were done by Cedar Lake to assess the effect of changing the landscape of this environmentally sensitive urban forest on migratory birds, butterflies, bees?

Thank you

Mr. & Mrs. Kenneth Ramey

From: [Lynn Levine](#)
To: [swlrt](#)
Cc: Sophia.Ginnis@metrotransit.org; [Mockovciak, James](#)
Subject: SWLRT Supplemental Draft Environmental Impact Statement comments
Date: Monday, July 20, 2015 5:40:13 PM

SWLRT Public Process

This process was "democracy" at its worst.

My understanding, after attending court hearings in a lawsuit to stop this bad alignment, is that governmental bodies decided on the project's alignment, had meetings behind closed doors, actually negotiated with various municipalities about the alignment to gain a favorable vote, and did all this behind closed doors in secret meetings. This hypocrisy took place before the EIS process was completed! To add insult to injury promises and commitments were made and certain routes eliminated with no regard to the real question about which route would be best for the environment. Voices of citizens took a back seat, at best, and many citizens were not informed or misinformed in the planning stages. Sadly, those most affected by the poor choice of route, including those who may lose their homes, were kept out of the process. We believe they were deliberately kept out.

We are asking that the following questions be answered:

Questions:

- Will the various municipalities involved in the SWLRT project be taking a final vote on this project after the EIS process is complete?
- What alternative route plans were available for review at the time of the vote to approve the current SWLRT alignment?
- If there is not another review and vote by municipalities should one conclude the project is already rubber stamped for approval without municipalities having up to date information on alternatives routes and environmental impacts?

SWLRT Alternatives Routes

Governmental bodies did not seriously explore other viable routes, alternatives to the current SWLRT preferred plan. Light rail projects need to be built in high density population areas. The preferred SWLRT route plans and data were much more detailed than the other viable alternative routes; these plans were inadequate and not explored in depth with supporting data.

The plan was driven by the fact that money was available, instead of the other way around (seeking money for a good plan). As a result so much money is already invested that going over budget (by a lot) becomes a selling point, instead of a detaining point. In other words, cutting some of the excess off the bloated budget is portrayed as a "saving" rather than admit the entire plan is flawed.

Please explain why the following alternative SWLRT routes were not seriously considered by providing comprehensive plans and detailed data equivalent to the current preferred SWLRT planned route to support rejecting the following viable alternative routes; where there is high density of population and significantly less potential for environmental damage.

- The Mid-Town Greenway an existing trail that runs east to west for many miles
- Lake Street connects the cities of Minneapolis and St. Paul and serves a high density population neighborhoods
- Using Lagoon Ave, 31st Street, 28th and 26th Streets in conjunction with the Lake Street option
- Cedar Lake Trail an existing train route that runs east and west for many miles from downtown Minneapolis to western suburbs
- Highway 55
- Highway 394
- Highway 100

Environmental concerns surrounding Cedar Lake and Lake of the Isles

The groundwater in the area of Cedar Lake is very shallow. It appears as though the deciding government bodies for this project doesn't remember what recently happened at 1800 Lake Street Apartments in Minneapolis. Millions of gallons of groundwater spewed into the garage area of the apartments for many months then it was redirected into the channel of Lake of the Isles. After lawsuits were settled the developer was instructed to fix the groundwater issue. Please provide information on what preventative steps will be taken to ensure the groundwater in the area of SWLRT project will be protected and not abused. Further, the Chain of Lakes has taken serious hits in the past, starting with the selling of the spring that feeds Cedar Lake to Prudential. The cumulative effects of this, the Ewing Wetland "compromise" granting permission to destroy a working wetland based on false facts presented to agencies and the current plan must be considered. An "acceptable" environmental impact should consider a starting point where our lakes were healthy. Instead, past damage is touted as a lower bar for impact evaluation.

Questions:

- How will the SWLRT construction process protect groundwater and the lakes from pollution?
- How many gallons of groundwater will be pumped and redirected?
- Will this project send recharged groundwater back into the aquifer?
- Is there money in the SWLRT **budget** for mitigating groundwater intrusion? If so how much?
- Will groundwater be wasted and diverted into our lakes, creeks, streams, wetlands?
- How will construction around Cedar Lake effect subterranean species?
- What endangered species, flora, fauna have been found and studied? Were experts in the specific areas of these individual species consulted? How will these species be protected?
- Will there be any penalties for sudden realizations that the impacts were greater than predicted (which they usually are).

Effect on property owners and condemnation of properties in the path of project

Questions:

- How will the project negatively impact or compromise adjacent homeowners property?

- Where are the specific plans of what homes will be impacted? Include addresses.
- Are there plans to compensate homeowners for damages to their properties, if so how will this be done?
- How much money is in the SWLRT **budget** for homeowner repairs and condemnation of properties in the path of project?
- How will homeowners who will be displaced be compensated?
- How and who will actually determine the net worth of the displaced homeowners' home values and relocation expenses?
- Who will be the governing body to pay displaced homeowners and how will that complete process work from beginning to end?

My neighbors and I are vehemently opposed to building the SWLRT in the Cedar Lake corridor. The environmental risks with destroying this pristine urban forest are surely going to be much more than predicted by a biased group of proponents. There is a lawsuit still pending about the flawed process, and as usual, citizens are being taxed to pay for attorneys fighting against us. In addition we have to chip in our own money to pay our lawyers.

Furthermore, aside from environmental risks the alignment is (forgive my bluntness) stupid. There will be virtually no ridership here.

Please send me an immediate confirmation that you have received my comments.

Thank you for reading and responding to these comments.
Lynn Levine

From: [Gail Freedman](#)
To: [swlrt](#)
Subject: SWLRT through Kenilworth
Date: Monday, July 20, 2015 12:52:12 PM

Hi,

I'm writing to beg you to redirect this route to save our precious natural resources.
Put the rail somewhere else, not through our beautiful biking/walking paths.

I appreciate it!

Thank you.

Gail Freedman
Bryn Mawr neighborhood of Minneapolis, MN

From:
To: [swlrt](#)
Subject: SWLRT
Date: Monday, July 20, 2015 10:11:57 AM

I live in Harrison neighborhood and am still in favor of building a light-rail line to the southwest suburbs.

William McGaughey

From: [Erin Cosgrove](#)
To: [swlrt](#)
Subject: Comment to the SDEIS
Date: Tuesday, July 21, 2015 11:59:02 AM

My comments to the SDEIS are the same as Safety in the Park (attached):

Regarding co-location options omitted from the SDEIS (why is a mystery to all common-sense folks):

Add the most simple solution back into the SDEIS: Move the bike trail out of the corridor!

Save money by doing this too.

At least one of the co-location options that do not involve tunnels should remain in the list of viable options and/or all relocation options should be removed from contention after the step one evaluation. Due to the signed 1998 City of Minneapolis agreement with the Hennepin County Regional Rail Authority (HCRRA) to move the bike trail when the Kenilworth Corridor is needed for transit the most likely option to retain would be relocation of the bike trail.

Thank you,

Erin Cosgrove

From: [robert carney](#)
To: [swlrt](#)
Subject: Public Comment for Southwest LRT SDEIS
Date: Tuesday, July 21, 2015 7:24:20 AM
Attachments: [public comment -- Southwest LRT SDEIS -- FINAL.pdf](#)

My public comment is the attached .pdf file.

Please confirm that this submission has been received. Thank you.

Bob "Again" (bobagain) Carney Jr.

Public Comment submitted by Bob “Again” (bobagain) Carney Jr., -- re: Supplemental Draft
Environmental Impact Statement for the proposed Southwest Light Rail Line

Preface –

My focus in this public comment is to highlight and explicate what I regard as four fundamental facts.

First, there are alternative alignments available that would be far preferable to the current plan being advanced by the Metropolitan Council. For this reason, the Southwest LRT project should be sent back to the scoping phase – alternatives need to be considered, and one needs to emerge as a real Locally Preferred Alternative. Referring to the current Alignment as a “Locally Preferred Alternative” is laughable – if only for the fact that co-location was not an element of the design when it was chosen.

Second, the so-called “no-build” option is also a reasonable alternative. For this point, I want to emphasize that “no-build” should not be seen as “doing nothing.” Rather, it should be seen as a preference for study and careful consideration of all of the options available to us in Minnesota, and the Twin Cities.

Third, I think the whole idea of focusing on a “corridor” is a fatal flaw in the entire planning process. We need to view transportation, and Transit, as a **system**. In my presentation of what I see as a preferable alternative alignment and plan, I persistently emphasize how what I am suggesting makes sense in the broader context of a Transit and transportation **system** that is optimal for our Twin Cities. I see this perspective as being essentially absent from the SWLRT planning process – that is very unfortunate.

Fourth, the current Southwest LRT plan has -- in effect – been given a “vote of no confidence” by the Legislature. If the Metropolitan Council persists with their current funding scheme, the inevitable result will be a confrontation with the Legislature next session – one that the Council can’t possibly win, but with the potential to disrupt an opportunity for Minnesota to fully provide for our roads and bridges needs for the next decade. This is covered in more detail shortly – presented in my most recent Star Tribune Editorial Counterpoint article.

If Light Rail is to be introduced at all in this corridor, I would prefer to develop a plan that would be eligible for Federal funding. But let me be blunt: I think the current plan is **so bad** that it may be better to implement a LRT solution that represents the best overall solution in the context of a Transit and transportation **system** for the Twin Cities, even if the plan turns out **not** to be eligible for Federal

funding, according to current formulas. Our main priority can and must be doing what is best for the Twin Cities and Minnesota – not making what really amount to a whole series of bad choices because they “qualify” us for Federal dollars. Unfortunately, I think that is a good summary of the whole history of the SWLRT project. If it emerges that the best plan from a Transit and Equity perspective is ineligible for Federal funding, we should challenge the current formulas, both through the political process, but also in court. If the current formula can be shown to result in sub-equitable LRT systems, that is unacceptable and unjust. Let’s not be afraid to speak that truth.

I am especially concerned – frankly both upset and angry – about the idea of using what either is -- or should be -- park land, because it is seen as a “cheap” or “convenient” option. I have studied the history of Minneapolis and our Park System extensively; it is truly a unique and amazing history. As an example of this study, I encourage you to visit my web site, www.bobagain.com, and view my featured video on the history of our park system.

We have traditionally thought ahead a hundred years, and have been successful in coordinating both good stewardship – an idea rooted in and derived from our Judeo-Christian values -- and economic and business interests. The current SWLRT plan, and the whole history of the project, is nothing short of an assault on that history. The Kenilworth corridor is – on a “de facto” basis – a park. **GO LOOK AT IT!** Walk or bike through it! Throughout our history, our approach to this situation would be to concentrate on acquiring this land as park land, and developing it as part of our park system. That’s what we should do now. I think there is an area near the proposed Penn Station that could and should be developed as a combination of residential and commercial development, and that can be linked to downtown with outstanding transit resources. Running Light Rail through the Kenilworth Corridor is NOT the way to do this!

An assessment of Minnesota’s current situation regarding roads and bridges, and transit

Below is the text of my most recent Star Tribune op-ed article – published July 13th in the print edition – it includes in summary form the outline of the Alternative Alignment that comprises most of this Public Comment:

TITLE OF STAR TRIBUNE ARTICLE: Southwest light-rail plans unrealistic

In two recent editorials this paper lamented the 2015 Legislature’s failure to meet Minnesota’s transportation challenges and celebrated the latest not-dead-yet Southwest light-rail plan,

wrapped in shiny new duct tape (“Minnesota sputters in roads, transit race,” July 6; “Civic sacrifice keeps Southwest on track,” July 8).

Those editorials are unrealistic. Let’s survey what the Legislature and Gov. Mark Dayton could agree to next year — and what is out of reach.

Fortunately our state transportation commissioner — self-described “old bus guy” Charlie Zelle — is respected and trusted by all.

Zelle told the House Transportation Committee in January that without reliable funding he could not responsibly choose more expensive but also more cost-effective options. When a budget is too tight, only short-term band-aid solutions are possible. DFL Rep. Ron Erhardt — a former Republican Transportation Committee Chair — took Zelle’s cue, proposing a constitutional amendment to permanently dedicate new funding. Expanded bonding authority could be included in that amendment.

Zelle’s prudence, reliable management and realistic numbers are the foundation for the real lead story from this year’s session: Dayton and House Republicans agree about the billions needed for a decade of adequate and effective spending on roads and bridges.

All things considered, this represents real progress — it’s not a “giant step backward.” Next year our Legislature and governor can, should and might agree to fund roads and bridges for one year, followed by a November constitutional vote to provide the decade of reliable funding Zelle insists on.

As a registered lobbyist for “We the People,” I promoted the Legislature’s decision to cancel an earlier \$30 million Southwest LRT appropriation — repurposing those dollars for Metro Transit operations. That plan — the best available option as the session wound down — ensured that Metro Transit could avoid service or job cuts.

At the special session House Speaker Kurt Dauterive confirmed to me that with only \$15 million of state money now appropriated (\$150 million less than planned), there will be no more state Southwest LRT money in 2016.

This brings me to the bad news. Based on my lobbying work with dozens of legislators, it’s clear that Minnesota’s transit challenge simply cannot be solved next year.

The current transit sales tax system — now heavily favoring Hennepin County — is losing support from other counties. The Chamber of Commerce supported the new quarter-percent transit sales tax in 2008; today they oppose any increase. And that was before the most recent Southwest LRT planning disasters.

This paper's editorials implicitly acknowledged these transit obstacles — noting that when the DFL controlled both Houses and the governor's office, no transit sales tax increase was approved.

If light rail is to go forward at all, a new framework is needed, possibly including public-private partnership elements and light-rail tax districts.

Unfortunately, the Met Council is choosing to ignore our elected governor and Legislature. Their Southwest LRT finance plan now includes "Certificates of Participation" — backed by anticipated tax revenue — to be sold if (make that when) the Legislature doesn't provide more money next year.

Fortunately, we have alternatives.

One Southwest LRT option could start in Hopkins (supplemented beyond by buses), follow the Greenway (below grade) — surfacing at a giant Interstate 35W Transit Hub linking with I-35W MNPass bus service and the Lake Street and Nicollet lines — and then (elevated) follow the freeway corridor to Franklin, a Convention Station, and finally to Royalston and Target Field Stations.

Light rail can and should make all Minneapolis stadiums and arenas — and the nearby U of M — extensions of our convention facility. Convention visitors quickly could go to the heart of our amazing park system, to the airport and to the Mall of America. Special Blue Line trains could continue along the same track to the Convention Station when major conventions are here.

Let's send Southwest LRT back to the drawing board, and take an honest look at all our options — including bus-based alternatives. Let's not let a light-rail bureaucratic steamroller crush Minnesota's opportunity to fully fund our needed road and bridge work for the next decade.

Bob "Again" Carney Jr. is a transit advocate in Minneapolis.

Proposed Alternative Alignment for Southwest LRT

Briefly, as outlined in the above op-ed article, I am suggesting the following be considered, as **one** example of an alternative alignment that is clearly so far preferable to the current plan that the current plan simply **must** be scrapped:

Part A: Core elements integral to the Alternative Alignment SWLRT project:

1. Stop the line at either Shady Oak, or Downtown Hopkins – preferably at Shady Oak.
2. Link the current Southwest Station, and an Eden Prairie Center Transit Hub, including a system of shopping and extended stay traveler routes, with direct, point-to-point bus service to the last Hopkins LRT station.
3. Provide high frequency (five minutes or better) commuter bus service from the last Hopkins LRT station to job sites throughout the Golden Triangle.
4. For Hopkins, Saint Louis Park and the Golden Triangle, provide subsidized Car2Go service.
5. Provide radically better reverse commuter service to the entire Southwest quadrant (roughly defined by I-35W and I-394), with greatly improved links to low income neighborhoods having high concentrations of people of color -- in both North Minneapolis and the near South side of Minneapolis.
6. Build a Transit Hub linking Highway 100, Highway 7, and the LRT, and including a large and expandable park and ride facility (this can be excluded or deferred based on budget considerations).
7. Build a Transit Hub linking Highway 169 and the LRT, and including a large and expandable park and ride facility (this can be excluded or deferred based on budget considerations).
8. As an equity element integral to this system, provide high-frequency service (five minutes or better) on the entire length of West Broadway in North Minneapolis, and high frequency (five minutes or better) one-stop freeway service from West Broadway and I-94 to the Greenway & I-35W Hub (the one stop is at the 12th Street and Hennepin Station, to link to reverse commuter routes in the Southwest quadrant).
9. The overall plan includes a series of Transit Hubs; although all of the Uptown and North Hubs, and part or all of the Convention Hub and the Greenway & I-35W Hub should be part of the LRT project's budget, the other hubs should not be part of this project's budget. The series of Transit Hubs will be linked with elevated bus-only transit ways and freeways, and will include park-and-ride ramps. These are designed to link LRT service with both bus service and... gasp...

people who drive cars. The four Hubs nearest downtown are also designed as points from which people can board small vehicles dispatched at very high frequency (2-3 minutes during rush hour, five minutes other times) to make all points in downtown an easy walk (in most cases 1/8 of a mile or less, never more than a quarter mile).

10. The Twin Cities is known for providing excellent biking resources, including trails, bike racks on all buses, the ability to roll on and off light rail, and most recently the Nice Ride system.

However, the ability to shop using transit is severely limited, due to the difficulty of bringing shopping carts on buses. The current design of LRT vehicles -- with roll-on-roll-off ability -- can and should be combined with specially designed and equipped shopping buses, with scheduled runs planned around LRT corridors, and designed to greatly expand shopping opportunities, especially for transit-dependent communities – again, North Minneapolis and the near South side of Minneapolis. This is also fundamentally an equity issue, and should be treated as such, including for budget and ridership purposes.

11. An elevated, all season bicycle “sky-bi” system. Because the LRT is elevated from the Greenway & I-35W Hub to downtown, it will be easy to add an elevated, all-season bicycle “sky-by” route on top. This will be connected to similar elevated, all-season “sky-bi” routes on top of the elevated bus transit ways that connect the Transit Hubs that circle downtown. It might make sense to add a canopy above the Greenway bike path, allowing it to be enclosed with sides installed like storm windows during winter months. Of course because bikes can so easily be rolled on and off LRT, the result will be an integrated bike-and LRT system. Additional “sky-bi” only grid elements can be added within the downtown Transit Hub “sky-bi” perimeter – and of course, Nice Ride bikes can be made available year round throughout the system. The result will be greatly increased year-round mobility within a system having a backbone comprising the LRT routes.

12. From West Lake to Downtown, use a modified version of the “3C” alignment, considered earlier in the SWLRT process, but dropped partly because “a tunnel under Nicollet would be too expensive” (the tunnel is now proposed for Kenilworth). Several additional elements not detailed here are included as integral to the Alternative Alignment plan – one example is a Transit Hub linking LRT with BRT service on I-35W. This part of my proposed Alternative Alignment will be considered following the Part B summary.

13. Cancel the proposed Bottineau LRT – instead, provide guaranteed congestion-free service with an elevated bus transit way above Broadway, following the Bottineau corridor to Highway 100.

Beyond Hwy 100 we can ensure a congestion-free system by using MNPass lanes and/or a variant of dedicated bus shoulders. This is included as an element in the current plan, because the Blue Line can then be extended along the alternative “3C” alignment, providing five minute service from the Downtown East station to at least the Uptown Transit Hub, or beyond – possibly all the way to Shady Oak.

Part B: Additional transit and transportation elements and considerations

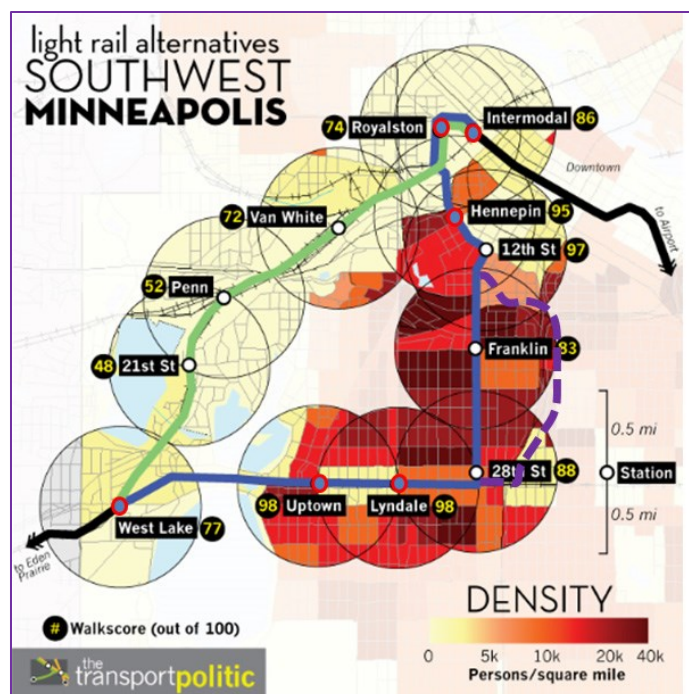
14. **Additional element** – As noted, a series of Transit Hubs; the cost of the Convention Hub and the Greenway & I-35W Hub may be partially outside of this project’s budget, the other Hubs should be entirely outside of the budget. The series of Transit Hubs will be linked with elevated bus-only transit ways and freeways, and will include park-and-ride ramps. These are designed to link LRT service with both bus service and... gasp... people who drive cars.
15. **Additional element** – High frequency (five minute or better) small bus service (Metro Mobility size vehicles) on the entire Greenway, from the Hiawatha/Lake Street Blue Line Station to Uptown, and continuing West using Lake Street, Excelsior Boulevard and Highway 7. This one-seat ride route will be available for both frequent stop and express service, because the LRT will be in a tunnel from the Uptown Transit Hub to I-35W -- it will surface just West of I-35W, and will be elevated along the I-35W corridor to Downtown Minneapolis. This small bus service will be linked with Lake Street bus service at six major intersections, representing the six stops for the express service. The frequent stop service will stop approximately every full city block (1/8th of a mile), including at all other North-South bus intersections. All bus intersections will include elevator service linking the below-grade Greenway with the surface North-South routes.
16. **Additional element** – As with the Lake Street/Greenway lines, the Nicollet line will be linked with freeway-speed express service on I-35W. Initially, the links will be at the Convention Hub, Lake Street, and 46th Street – this can and should be expanded further South to a frequent-service route that turns West on 66th Street to link with I-35W at 66th Street Station. Because Lyndale and I-35W continue parallel, and are relatively close, and due to significant commercial development out to 98th Street, the Nicollet Link line could take I-35W to 76th Street, then run a loop (in both directions, clockwise & counter-) including Lyndale and I-35W, switching at the 98th Street Bloomington Transit Center. The improved access to jobs along this corridor makes it an Equity issue – an argument could be made for including this as a core element of the Alternative “3C” plan.

17. **Additional element** – A general bus service plan to introduce high frequency service (every five minutes or better) on the Lake Street, Franklin and Nicollet bus routes, and on other North-South routes as soon as this becomes practical. The basic idea is simple: when service frequency is five minutes or less, people are much more willing to transfer, and don't worry about schedules. The result will be a virtuous cycle: better service and higher use.
18. **Additional consideration** – In 2013 I published a book-length presentation of what such a five minute service system might comprise for all of Minneapolis. Presenting this option in greater detail is beyond the scope of this comment, but should be noted.
19. **Additional consideration** – A potential Metro-wide alternative to both Light Rail and “Corridors of Commerce”/BRT systems might be a grid system of high-frequency Freeway bus service provided throughout the I-494/I-694 beltway. Presenting such an option in greater detail is beyond the scope of this comment, but should be noted.
20. **Additional consideration** – We are in the century of automated everything, including automated driving. However, while there's currently a lot of buzz about cars, little attention has been given to the significance for transit. Automated driving will make it possible to provide “last mile” vehicles, greatly expanding the reach of all forms of transit, including LRT routes. This reality is a huge consideration in considering the reasonableness of the so-called “no build” option – which is really more of a choice to wait a little while and “keep our powder dry.”

Part C: Focus on the modified “3C”

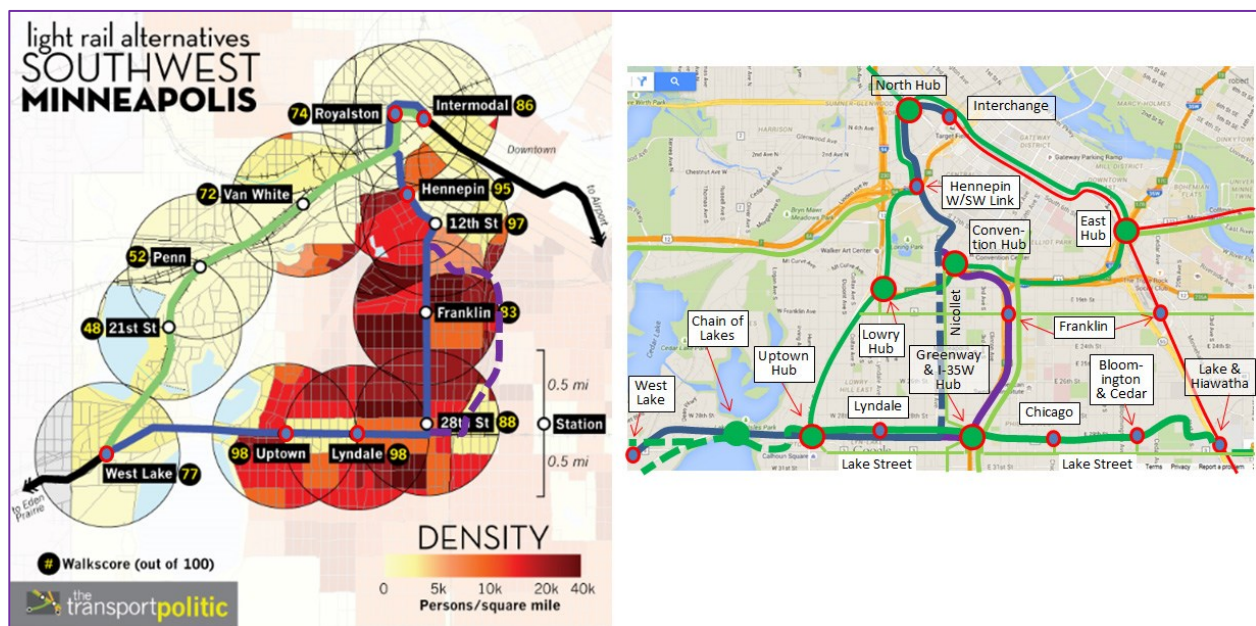
Alignment

The first map (at right) shows the “3C” alignment, but **with my proposed modification to that route shown as a dashed purple line**. Instead of tunneling North-South at Nicollet, the modified alignment would proceed to a Greenway & I-35W Transit Hub, then to a Franklin Station and a new Convention Hub (in effect replacing the “3C” 12th St. Station), before linking again with the “3C” alignment. Although the alternative route is a little



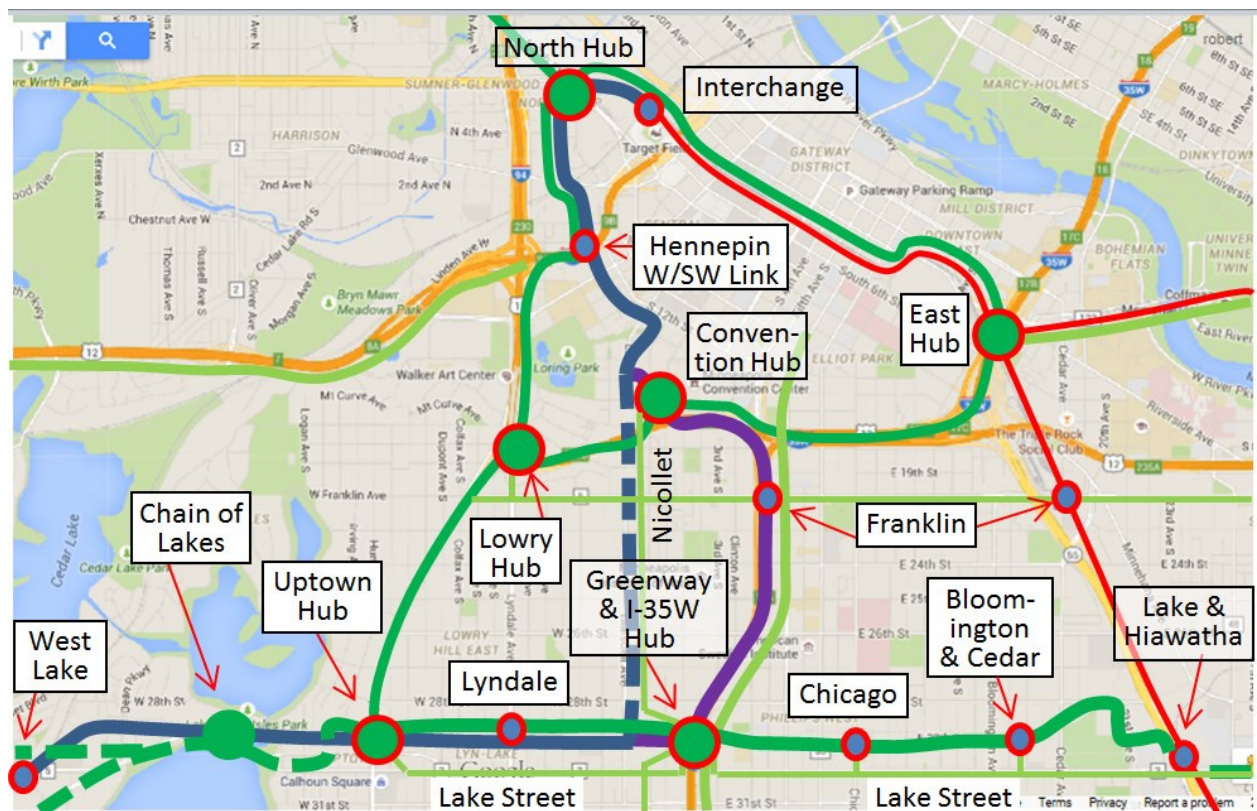
longer, it can probably proceed at higher speed along the freeway corridor – the length of the trip would not be likely to increase by more than a minute (if that) compared to the current “3C” alignment. For the alternative purple section of the route, there is no net change in the number of stations compared to the “3C” alignment.

The next maps (below) show a side-by-side illustration of the first map and a new rendering of the Alternative for “3C”, including several new features that will be detailed. The two side-by-side illustrations are approximately to scale.



Looking ahead to the next page, and to a larger view of the Alternative alignment map, let’s focus on the individual features. The Greenway & I-35W Hub is a major addition, and emphasizes the importance of integrating this LRT line into our overall transit system, which of course includes both established city street routes, and freeways. I-35W is emerging as a major, if not the most important, transit corridor in the entire Twin Cities. It features center MnPass lanes from downtown Minneapolis to Burnsville, ensuring congestion-free bus commuting. Here’s another crucial point: there is already a 46th Street Transit Station connecting to the center MnPass lanes (thank you Mayor Rybak!) Buses pull into this station, and people can transfer from 46th Street to the buses, which then continue in the center MnPass lanes. These buses can and will stop at the Greenway & I-35W Hub, but with a major additional advantage – the freeway BRT routes are now linking to both an LRT line, and to two of the most important and heavily used street bus routes in the Metro Transit system – the Nicollet line (18) and the

Lake Street line (21, there is also a 53 express route on Lake Street). Those buses will go on dedicated ramps to a special hub platform above the LRT platform, which itself will be above the I-35W right of way. Nicollet is about 800 or 900 feet from I-35W – however, Nicollet buses are currently already detouring around the K-Mart site at Nicollet. With new, dedicated ramps optimized for an efficient transfer, there will be either no increase, or a very negligible increase, in the trip length. The Lake Street buses will also move on dedicated ramps optimized for an efficient transfer – their detour is one city block (660 feet). As noted, the LRT will be in a tunnel from just West of the Uptown Hub, surfacing and rising to an elevation above I-35W. This will accommodate another key feature of the entire system – a right of way for high-frequency Metro Mobility size buses running the entire length of the Greenway from a link to the Blue Line on the East, to just beyond the Uptown hub, where they will be routed to Lake Street to continue further West.



The elevators at the Greenway & I-35W Hub will thus have four levels. Level 1 links to the below-grade small bus service, and to bikers and walkers using the Greenway. Level 2 links to buses on I-35W. Level 3 links to the LRT, and level 4 links to the “sky-bi” route above the LRT. Of course the elevation of the

entire structure changes when approaching bridges and other multi-level sections along the freeway corridor.

It certainly makes sense to plan for a park-and-ride facility, which would add at least a level 5. We can and should integrate transit and car use to the fullest extent possible. After all, when people are willing to use their cars for part of a trip, and transit for the rest of the trip, the net effect will be to reduce congestion, but also, to increase the level of population density that is sustainable without transportation congestion. This will have the effect of increasing the economic value of all existing housing stock, and more generally of all real estate.

Regarding the budget, it is appropriate to include at least part, and possibly most or all, of the cost of the Greenway & I-35W Hub as part of the LRT project. One reason is that the LRT route is so closely integrated with the other features that this should be viewed as a “package deal”. But beyond this, the Equity issue is crucial – this Hub will greatly improve the usefulness and value of the entire Transit system for people of color and low income people.

The **Franklin Station** is a simple link between the LRT and users of Franklin Avenue, including transit riders, people driving, bikers, pedestrians, skateboarders... let’s just stop there.

The LRT route then proceeds to a new **Convention Hub**, which will also link with the Nicollet line (18), a number of other city street routes, with other Transit Hubs surrounding downtown, and with express bus commuter and reverse commuter routes coming into and out of downtown. This Hub will also provide small vehicles dispatched at very high frequency (2-3 minutes during rush hour, five minutes other times) to make all points in downtown an easy walk (in most cases 1/8 of a mile or less, never more than a quarter mile).

Because reverse commuting service will be such a big element of the Convention Hub, and because this is an equity issue, for this reason alone, the cost of the Convention Hub should be entirely within the LRT project budget.

The exact location, dimensions, and scope of this Hub are to be determined – it might make sense to build it above the I-94 corridor, including as part of a large, extended open plaza area, or combined Park-and-Plaza area, to the rear of the Convention Center – such an area could be configured as either a park-like setting, or as space for outside exhibits, depending on the specific Convention event.

The overriding idea driving what the Convention Hub should be is to greatly expand the features and attractiveness of Minneapolis as a Convention site, and more specifically, to use Transit to integrate the Convention Center with the Airport, lodging locations, other near-by facilities, including all our Stadiums, Arenas, and Auditoriums, and with academic institutions including the University of Minnesota, the University of Saint Thomas, Augsburg College, and MCTC. Finally, since Minnesota is such an important location for Medical technology, we need to consider how best to link the Mayo Clinic with future Convention and Conference events.

As noted in the summary, if the Bottineau corridor is served by an elevated, congestion-free BRT and frequent stop bus transit, the Blue Line can easily be extended to the Convention Center, and beyond, to at least the Chain of Lakes Station, but possibly all the way out to Shady Oak. If this is done, LRT trains would cross Hennepin at 12th Street an average of every 2.5 minutes – for this reason it will be necessary to either elevate over Hennepin or tunnel underneath Hennepin. However, after accepting this added costs, one advantage of the proposed Alternative LRT alignment is that there is no barrier to having five minute service, or even more frequent service, to at least the Chain of Lakes Station – for this entire distance the LRT route does not cross any other transportation right of way at grade. Of course the advantage of this service frequency is obvious – people simply don't have to worry about schedules -- or about waiting any significant amount of time, when transferring.

Leaving the proposed Transit Hubs circling downtown aside for the moment, an LRT system including a Blue Line extension to at least Uptown (or beyond) will accomplish the goal of linking all the stadium and arena venues, the academic institutions, and the Airport to the Convention Center, as one large if somewhat extended facility. This alone will greatly increase the attractiveness of the Twin Cities as a Convention venue. Beyond that, convention goers will also have quick Transit access to the heart of our amazing Park System – stopping at the Chain of Lakes Station.

At least a brief comment about Chain of Lakes Station is in order. One of the most unique (and best) aspects of the Minneapolis Park System is that it offers almost a total escape from commercialism. On the map, the Chain of Lakes Station is deliberately illustrated as a simple green circle. The Station itself must be devoid of all commercial signage, except for the kind of informational displays the Minneapolis Park Board discretely and artfully supplies – directions about how to rent bikes, boats, and so forth, and a “you are here” map. This is an essential element of our Park experience in Minneapolis.

Of course, convention goers can also get off at the Downtown East Station, where it's a short walk to the equally interesting and historic Milling District.

In short, Minneapolis is a fantastic place to have conventions already – the addition of the LRT line, and LRT service linking all the elements of our “Chain of Conventions” facilities will be a huge step forward.

From the Convention Hub people can of course also go to downtown Saint Paul, with its many attractions, including the Ordway, the Excel Center, and the new Saints Stadium, and to all the amenities and lodging facilities in Saint Paul and along the Green Line route.

And let's not forget the Mall of America, at the end of the Blue Line – this will be an attractive end-of-day destination for many conventioners – not just people who are lodging at or near the MOA, or along that route.

Finally, Mystic Lake will of course want to have high-frequency, non-stop express buses running to and from the Convention Hub – Canterbury Park and ValleyFair will probably want to work cooperatively with Mystic Lake to also offer their amenities.

The Convention Hub will also include a giant park-and-ride ramp – directly accessible from I-35W MnPass lanes. There's no reason why that ramp shouldn't include both “traditional” car rental facilities, and also services like “Hour Car” and Car2Go, both active participants in the Twin Cities transit scene. There will also be a giant “Nice Ride” bike rental facility (note: the number one Segway rental facility in the U.S. is located in the Milling District, accessed from the Downtown East Station).

From the Convention Hub the “3C” Alternative Alignment returns to the proposed “3C” route, and next reaches the **Hennepin Station** at 12th Street. As noted, assuming the Blue Line extension and five minute service, this must be above or below grade. We should note here that this location is a crucial link to many Southwest and West Commuter bus routes, which can and should all serve as reverse commuter routes. This is again a major Equity issue.

I presented an overview of a plan for greatly expanded reverse commuting service in a recent Star Tribune Commentary article: “A solution to affordable housing lies in creative busing”

Here is a link to the article, published 3/15/15:

<http://www.startribune.com/a-solution-to-affordable-housing-lies-in-creative-busing/297300831/>

Here is an extended excerpt (most of the entire article), focusing on the reverse commuting aspect:

Fortunately, there is something we can do immediately to achieve a kind of instant transit-to-work equity. This proposed improvement also will establish needed transit links for future low-income residents of suburban affordable housing.

Here are some relevant facts:

About 40 percent of workers in downtown Minneapolis commute using transit. Every weekday morning, 711 buses roll down Marquette or 2nd avenues, bringing in tens of thousands of suburban express commuters. This does not include Minneapolis day-and-evening city routes.

Those 711 buses are on 104 express routes — most are shiny and new, and many sport free onboard Wi-Fi. All travel partly or mostly on a freeway. The average express route has seven buses coming in each morning.

However, only 90 of those 711 incoming buses are on a reverse-commute route. The other 621 buses often deadhead back for another run.

To be conservative, let's start by assuming that half of the disparity between incoming buses and outgoing buses — about 300 bus runs — could and should be used for more reverse commuting.

But let's not think "routes" — let's think in terms of trips to work. Instead of deadheading, each trip should have its own published, online schedule — for one point-to-point bus run at freeway speed — to one of 300 top employment locations throughout the Twin Cities.

Here's where the instant transit-to-work equity part comes in: Minneapolis neighborhoods with high concentrations of poverty are within a 20-minute morning city street bus run to link up with these proposed trip-to-work buses. All 300 of these job destinations would be accessible.

In the afternoons, we'd just run it all backward.

This transit-to-work system wouldn't be based on income. Anyone near downtown could commute to these major job destinations in the Twin Cities. Your job moves? Different job? No problem.

Many enhancements merit study. Each bus could stop twice (oh, all right, a few times), resulting in two morning and two afternoon runs to the 300 (or more) point-to-point jobs destinations. We

could add a third stop on the Interstate 494-694 beltway — and a beltway loop route — so people could short-circuit the hub-and-spoke system.

The difference between commuter buses and reverse-commute runs is a disparity in transit access to jobs. Of course, we don't want to take away transit from suburban commuters. But, as a matter of justice, we can and should provide transit-to-work equity — the same number of commuting and reverse-commuting trips. For efficiency, some trips could be with Metro Mobility buses, vans or even taxis. (Uber? Humm.)

In this century, we can and should make hub-and-spoke commuting — and transit-to-work equity — a two-way street.

Bob (Again) Carney Jr. is a registered lobbyist for We the People, an informal association.

I have since compiled a spreadsheet, looking at all the commuter express routes (both Metro Transit and the so-called “opt-outs” like Southwest Transit) going into downtown Minneapolis each morning. Of the 700+ buses going in, about 400 have enough time to travel the same route in reverse, with ten minutes to spare, before beginning the final in-bound commuting run.

Very simply, this means we have an opportunity to provide an extensive, revolutionary increase in reverse commuting bus service from Downtown Minneapolis to job locations throughout the Metro area, but more particularly, to the entire job-rich quadrant bounded by I-35W and I-394.

Here's a crucial point, all of the reverse commute routes for this quadrant come in on either I-35W, which will be routed directly to the Convention Hub, or I-394, which already crosses Hennepin at 12th Street – and both of these Freeways have MnPass lanes. Therefore, all of the reverse commuter runs can be routed to freeway entrances at two points: the Convention Hub, and the Hennepin Station at 12th Street. Of course with the proposed Alternative “3C” Alignment, LRT trains from the North Hub will reach both the Hennepin & 12th Street Station and the Convention Hub every five minutes.

We'll turn next to the North Hub (“Royalston” in the “3C” plan) – significantly and necessarily expended in the Alternative Alignment plan. For now, here is the crucial point: the Alternative Alignment is a huge step forward in Transit equity, because it links all the city street bus service on both the North Side, and the near South Side, to what will be a greatly expanded network of reverse commuting runs reaching jobs at freeway speed throughout the Southwest quadrant of the Twin Cities, and more generally, throughout the entire metro area.

As we now consider the **North Hub** in more detail, we'll see why the Equity issue requires it to be fully funded by the current proposed LRT budget.

North Minneapolis and the near South Side of Minneapolis are the two areas of the city with the highest concentrations of poverty; both these areas also have high concentrations of people of color. This is why Transit equity is such an important issue.

Fortunately, North Minneapolis is well served by North-South bus routes, and here's some really good news: with two exceptions, all of these routes – the 9 (Glenwood/Cedar Lake), the 19 (Penn), the 5 (Emerson/Fremont) and the 22 (Lyndale) already *all converge* at or very near the North Hub. The convergence of these routes alone is what makes the location of the North Hub obvious. The remaining two routes – 14 (Broadway) and 7 (Plymouth) -- head into downtown a quarter mile and 3/8 mile from the North Hub. Although this isn't a perfect solution (there isn't one), as with the Nicollet and Lake Street lines, dedicated, elevated bus transit ways can be built and optimized to quickly bring 14 and 7 buses to the North Hub, and then quickly return them to their current routes.

Of course one advantage follows immediately – all LRT riders (all lines) can take any of the North Minneapolis routes from the North Hub. But uniting all the North Minneapolis routes at the North Hub offers several other advantages. One is that there is now 5 minute LRT service to all of the reverse commuter routes reaching the entire Southwest quadrant of the Twin Cities – via the 12th and Hennepin Station and the Convention Hub. Another is that this 5 minute services extends directly and quickly to bus service on Franklin, Lake Street, and to Uptown, including all the I-35W, Nicollet and Lyndale North-South routes, and all the routes heading South and West from Uptown.

This leads to a further point – the current plan includes as a core element high frequency service (five minutes or better) on West Broadway, linking all North-South bus routes on the North side, and also linking to high frequency service (five minute service or better) providing a direct, one-stop freeway link from Broadway and I-94 to the Greenway & I-35W Hub – and that one stop is at the 12th & Hennepin Station. This provides even faster service for North side commuters to all of the commuting opportunities offered by the proposed Alternative version of the “3C” alignment – including all reverse commuter service in the Southwest quadrant.

The North Hub will also include a large park-and-ride facility – to accommodate people who are better served if they can drive part of the trip, and then use one or more of the Transit services available from the North Hub. As with people driving to the large ramps at the downtown end of I-394, car pooling

should be encouraged. This additional parking, with access that can be managed to bring people in who are not driving through downtown, will also serve sports events at Target Field, the Target Center, and Vikings games, and of course will bring in revenue doing so. As with other Hubs, there will be high frequency small vehicles bring people to a 1/8 mile walk from most downtown destinations – never more than a quarter mile. This service will be coordinated with the LRT and bus routes converging at the North Hub, which already are reaching many areas of downtown.

In short, the proposed Alternative “3C” alignment, when combined with a North Hub, is such a major advance in Transit Equity that based on this issue alone it’s full cost must be included in the proposed LRT budget.

But even considering only the impact on residents of North Minneapolis, the Equity issue really extends further. The overall increase in Transit Equity resulting from this Alternative version of the “3C” alignment is so great that it must be weighed carefully when considering any Federal funding formula that fails to provide Federal money for such a plan. Very simply, a Federal formula that fails to give due weight to the Equity advantages of a plan such as this plan is probably grounds for a lawsuit challenging the formula as itself fundamentally unjust.

Let’s turn now to South Minneapolis, with a focus on the near South side – and giving special attention to the area East of I-35W.

Looking forward, it is essential to put LRT in a tunnel from just West of Uptown to when it surfaces at I-35W – even if high-frequency (five minute or better) “one seat ride” Metro Mobility don’t immediately run the full length of the Greenway, we need to be sure this service is possible as part of the plan.

More immediately, even without that service on the Greenway East of I-35W, the Lake Street bus service is now linked with the Greenway & I-35W Hub. The weekday rush hour travel time from the Blue Line Lake Street Station to the Greenway & I-35W Station will be about 15 minutes – from Uptown to I-35W it’s about 12 minutes. On Franklin, the times from the Hennepin and Blue Line ends to the I-35W Station will be a little less. Very simply, this means that with fast and five minute service from the Greenway & I-35W Hub to both the Convention Hub and the 12th and Hennepin Station, the proposed Alternative “3C” Alignment will provide excellent access to all the reverse commute routes in the Southwest quadrant, and more generally throughout the Metro area. Again, this is a crucial, compelling, Equity issue – the proposed plan does much more for Transit Equity than the current, so-called “Locally Preferred Alternative” running through Kenilworth.

Now, let's add in "Additional Element 15" from our list – this is NOT included in the current plan or budget, but it is enabled by the proposed plan and budget. Very simply, the plan is to grade, pave, and use the Greenway, from the Blue Line West, continuing along Lake Street after Uptown, with spurs along Excelsior Boulevard, Highway 7, and Lake Street. There will be both high frequency (five minute or better) express service, and high frequency (five minute or better) frequent stop service. In addition, special one-block ramps, optimized for fast transfers, will be built for two of the express stops: at Chicago and Bloomington-Cedar – as with the Greenway & I-35W Hub, Lake Street buses will link with the Greenway stops at these intersections. Lyndale will probably not have such a ramp, but the Westbound Lake Street buses may simply be routed to the Greenway, proceeding on 29th Street instead of Lake Street to the Uptown Transit Station (all the busses already go North half a block to Lagoon at Dupont). Regarding Bloomington and Cedar – these two North-South routes are five blocks apart – it makes sense to also include special ramps meeting at a central transfer point above the Greenway. Because these routes are so close, meeting there will add only a minute or two to the trip time, but will offer significant advantages – easy transfers between the two routes, and a common stop on the Greenway, promoting faster express service.

One major advantage offered by this system is the high frequency (five minutes or better) fast, "one-seat", guaranteed congestion-free express service along the entire Greenway. Very simply, with this system it will be *faster* to use transit rather than a car to traverse significant East-West distances. The links with Lake Street are frequent enough so that people can, in a reasonable amount of time, get from any address along Lake Street or the Greenway, to any other address along Lake Street or the Greenway. Because this high-frequency one-seat service will extend both East (towards/to Saint Paul) and West (towards/to Hopkins/Eden Prairie/Minnetonka) and will reach all points on both Excelsior Boulevard and Highway 7 (the parallel routes nearest the LRT), the overall East/West Transit service will be incredibly good. Of course, one predictable result from this system will be a solid row of large apartment complexes along the entire length of the Greenway – that feature is already largely complete between Hennepin and Lyndale

And again, returning to our crucial point about Equity – this level of service will be of the greatest benefit to people living in the middle – in the near South Side neighborhoods with high concentrations of poverty and of people of color.

With this additional element factored in, the Equity case for the proposed Alternative "3C" Alignment, when combined with this supplemental feature, is simply overwhelming.

Two additional Hubs: Lowry and East, comprise the system of Hubs encircling downtown Minneapolis. Both of these are not directly associated with the Southwest LRT project, and thus do not merit inclusion in the budget. However, because the encircling system of downtown Hubs will promote more transit use to and from downtown, and because the system supports enhanced and all-season biking, which is also closely integrated with Transit, these aspects merits further comment.

The Lowry Hub is important as a connecting point for I-394 to I-35W and I-94, for multiple city street bus connections (routes 2, 4, 6, 12 and 25), and for its ability to relieve a lot of congestion by providing a park-and-ride facility for all the neighborhoods South and West of Hennepin and Franklin. Because the Lowry Hub can be quickly reached from the North Hub, it provides fast bus commuting access to these many city street routes. An elevated Transit way, also open to MnPass drivers, should be considered from Hennepin directly to the Lowry Hub – this can both produce revenue and relieve congestion by also bringing in cars from South of Lake Street and West of Hennepin – including of course, reverse commuters and car poolers. Restrictions on car use on Hennepin during rush hours should also be considered, as another way to relieve congestion and facilitate faster service for the 6, 12 and 17 routes (17 turns East at 24th Street). Finally, because a “sky-bi” can be included above an elevated Transit way, this will significantly increase all-season bike commuting and riding – the Uptown area already has a high concentration of bike commuters and riders, with excellent bike connections to downtown, including the Bryant bike boulevard.

The East Hub is also important as a connecting point for freeways: I-35W, I-94, and I-394 all reach the Hub. Because this is the point where the two LRT lines diverge, all the freeways can be linked here to both lines. The 7 and 22 lines – both North-South routes in South Minneapolis, head directly to the East Hub, as does the 94 express service to Saint Paul, and the 3 route, a high frequency route that also runs to downtown Saint Paul. However, to best coordinate and integrate North-South service for South Minneapolis, a dedicated, elevated Transit way must extend to as far as 9th Street and Portland Avenue – this will link in the 5, 9 and 14 routes, all providing North-South service. The result is that all the downtown to South Minneapolis North-South lines from Chicago to the Mississippi River will be integrated and coordinated at the East Hub – that justifies the slightly longer trip times for the 5, 9 and 14 routes. Note that all reverse commuter routes that don’t go through either 12th and Hennepin or the Convention Hub will go through the East Hub or the North Hub. As with the other Hubs, there will be a giant park-and-ride ramp above this Hub, making major elements of the entire Transit system accessible to people who are driving to Minneapolis from all points East and Northeast. This ramp will also serve

Downtown East, and will provide added parking for sporting and other events, again producing more revenue in the process.

We have already noted that all reverse commuter routes will pass through either one of the Hubs, or will be reached by the 12th Street and Hennepin station, which is also looped in to the Hub system with an elevated Transit way. However, several city street routes remain unaccounted for. To complete this part of the puzzle, Routes 10, 11 and 17, all providing North-South service to NorthEast Minneapolis, will all reach and be linked in to the Convention Hub. Route 61, serving near NorthEast Minneapolis before heading to Saint Paul, will be linked in to the North Hub.

An encircling system of dedicated, elevated Transit ways directly connects the three downtown Hubs (Lowry is a separate case) and the 12th and Hennepin link to both LRT lines and to South and West reverse commute busses. The overall result is that all city street routes, all commuter routes, and all reverse commuter routes reaching downtown can be accessed at one or more of these Hubs. Because shuttle bus service connecting the hubs is both direct and very frequent (2-3 minute service during rush hours, never less frequent than five minutes except owl hours), the result is quick and easy connections among all the city street, commuter, and reverse commuter routes. People can also access this entire system using the giant park-and-ride ramps, gaining all the benefits of the entire Transit system without ever entering downtown in their cars. And all the Hubs provide very high frequency (2-3 minutes during rush hours) small vehicle connections to the entire downtown area, typically with a walk of an eighth of a mile or less, never more than a quarter mile.

Finally, let's keep in mind that this perimeter of elevated Transit ways is the backbone of a system of "sky-bi" routes providing all-weather, year round bike access to and within downtown. As an inner grid of "sky-bi" routes is built, and with Nice Ride bikes available everywhere in the system, all kinds of trips within and near downtown – anywhere from a few blocks to a couple of miles – can be completed by bike. Of course this includes courier and food delivery services.

The effect of bike commuting, and of bike use in general, on reducing congestion in Minneapolis is already significant – and will only grow in years to come. The key to accelerating this growth is to establish an all season, all weather core of routes, and to tightly link bike use with Transit – we're already doing both of these things.

Let's next briefly consider one of the greatest barriers to the ability of people, and households, to reduce or eliminate the need for owning and using cars: shopping.

Simply put, it is typically very inconvenient to shop using Transit. However, the roll-on-roll-off design of LRT cars, and the large number of square feet available on each train, has the potential to radically change this. The missing element is a system of shopping buses and routes. These can be added, and scheduled intermittently – for example, several hours a day one or two days a week can be designated as “shopping bus times” for various specific routes that link with LRT. During these times, connections to several major shopping venues can be provided, along with specially configured buses that provide the same roll-on-roll-off capability for full size shopping carts that LRT already provides. These could be Metro Mobility buses designed with the ability to quickly switch out multiple interior configurations. The point is simply to allow people to roll their own full-size shopping cart to and from their home and a wide variety of shopping destinations. The carts can be designed with larger tires, to accommodate winter. They can be power-assisted – they can even allow people to stand on a platform at the “push” end and drive them.

The Eden Prairie Center and surrounding shopping venues are currently accessible only by car – they’re simply too spread out. However, the Alternative “3C” Alignment, supplemented by Shopping Bus service, can completely change this situation.

Let’s start by assuming direct high frequency (five minutes or less) bus service from the Hopkins end of the LRT line to **Prairie Central Station**, using buses configured for roll-on-roll-off shopping carts.

The map at the right shows **Prairie Central Station**, which supports two shopping routes, a third route for travelers who want to avoid renting a car, and a fourth route shuttling back and forth between Flying Cloud Airport (this can be expanded to an MSP shuttle loop). The shopping routes are designed to make a range of general retail and home-oriented shopping



venues available to people **who don't or can't drive**. As noted, if you don't drive, this group of retailers tends to be too spread out to make bus shopping practical. We can and should do *at least as much* for people who shop using transit as we do for people who combine biking with transit. This is yet another fundamental transit Equity issue. A major increase in Transit ridership, using the proposed Alternative "3C" Alignment – for shopping – by people in all income groups, throughout the transit areas linked by LRT, should be an expected result from implementing this plan.

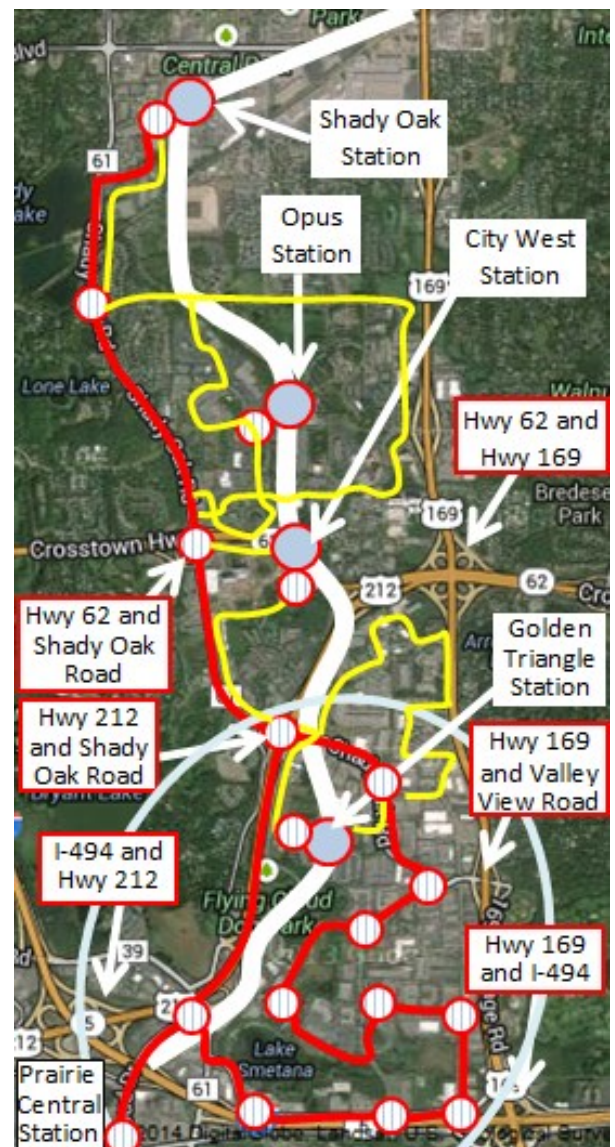
Notice how many of these venues (Home Depot, Costco, Menards come immediately to mind) typically are not conveniently accessible to people living in urban cores who don't drive. This plan ends that disparity – yet another powerful argument that the overall Equity provided is an impelling reason for Federal funding – with a modified formula if necessary – achieved by a lawsuit if necessary.

We should note that there are also seven major lodging establishments in a concentrated area near **Prairie Central Station**. Better shopping options will make longer stays for business employees and contractors more economical. Let's figure out a way to pass the savings from not needing a car to the **people** who won't need them. That should be a fringe benefit for contractors and people on extended business trips.

From Shady Oak Station to Eden Prairie Center – and Southwest Station.

Let's assume that the Alternative "3C" Alignment ends at Shady Oak Station rather than Hopkins Station.

First, a high frequency (five minute or better) direct run should be provided from Shady Oak Station to Southwest Station. This will accommodate many people, including some who car-share to Southwest Station, and U of M students and employees, with a link to the LRT line, and therefore to all the Transit options it provides. Many people may want to take the Southwest Transit commuter



bus to downtown in the morning, but have all Transit options available to them before they return to their car at Southwest Station later in the day or evening. These people can and should be accommodated – but *without* the enormous expense of running an LRT line through the Golden Triangle.

For the map on the previous page, the currently proposed LRT Alignment (the one that runs through Kenilworth), with four stations, is shown with the thick white line. Shady Oak Road is in red – the red West side of the loop at the bottom is Hwy 212. It's about three miles from Shady Oak Station to Golden Triangle Station, and about another mile and a half to my proposed new **Prairie Central Station**, in the middle of Eden Prairie Center. When you consider these distances, here's the reality that emerges: the proposed Light Rail stations are *not* walking distance apart. However, when you're in a vehicle, a mile is nothing. Therefore, we need to add some additional ingredients to the mix. First, since we're replacing the proposed Southwest Light Rail right of way with Shady Oak Road, we'll add a **Golden Triangle Loop** – circled in light blue -- running South of the Shady Oak/212 intersection, with **Five Minute Service** frequency, and closer stops. A spur runs to **Prairie Central Station**. The **Golden Triangle Loop** brings about 20,000 jobs within *real* walking distance of a Transit stop. The meandering Northern **Shady Oak Loop** is another yellow brick road --highlighted with a yellow line -- and also with **Five Minute Service** frequency -- connecting the Shady Oak/Hwy 212 stop on the South with Shady Oak Station on the North. The longer path, with on-demand stops along the way, is necessary to reach all major buildings, including Super Value Headquarters and a new United Healthcare facility with 6,000 jobs, and to accommodate one way streets in Minnetonka. There are three intermediate stops, including Hwy 62.

Next, let's consider the "last mile" challenge for Hopkins, Saint Louis Park, and the Golden Triangle – and a simple solution: subsidized Car2Go service for those areas. Car2Go is already operating in Minneapolis and Saint Paul. The cost is about \$.50 a minute, typically with about a \$1 per trip surcharge. Users can reserve a Car2Go for half an hour (there will always be enough at LRT stops to make that part unnecessary), then drive to their destination, get out, and just leave the vehicle. It can be put "on hold" at a charge – or people can simply take a chance – it might be there when they're ready to go back, or it might not – if it isn't, just look at the on-line map half an hour before the return trip, pick the nearest Car2Go, reserve it, and go back to the nearest LRT station – or somewhere else.

Because Car2Go already has their infrastructure operating in the Twin Cities, they are a logical candidate for a contract providing for subsidized service for qualified Transit riders. Admittedly, there is an Equity issue here – some Transit riders, due to bad driving records and/or other reasons, may not be accepted as Car2Go customers. It seems clear that Car2Go must be given the option, using objective criteria, to

decline to accept some customers. If this issue doesn't emerge as a "show-stopper" obstacle, the next step is to work out a contract with Car2Go that will provide an effective "last mile" solution to people using LRT to travel (probably to a business or store) in Hopkins or Saint Louis Park – or to reach a site in the Golden Triangle. Of course, Car2Go users can also end their trip anywhere in Minneapolis where Car2Go drop offs are allowed (only a few areas, such as parts of Uptown, are excluded as drop-off areas). Assuming that this feature makes the overall "Transit deal" attractive for many people who otherwise wouldn't use it, the subsidy is justified for that reason alone – over time, these people are likely to increase their Transit use. Many people living in Southwest Minneapolis would probably find this an attractive option – even if one they use only occasionally. They can complete a trip by driving directly to their house, and then just leaving the car outside.

Our final element for consideration is adding two Hubs, linking the LRT line with Highway 169, and with Highway 7 and Highway 100. The basic idea of the Greenway & I-35W Hub applies, buses go directly from the freeways to the hub, people get on and off, and a park-and-ride facility is provided. Due to cost, this element of the plan may be delayed, but planning should ensure it can be added later in an optimal way.

Two final and concluding points: First, I suggested at the beginning that studying a transit "corridor", rather than considering an entire Transit and transportation system, is almost a fatal flaw to this entire process. Without going further, I simply want to reemphasize that throughout this presentation I have tried to emphasize the system elements.

Second, at the beginning I suggested "no built" must also be considered as an option.

For more elaboration on this point, below is the title and text of another of my op-ed articles, published by the Star Tribune 2/18/14:

TITLE: For Transit, smaller vehicles and lots more trips

In recent weeks, transit has been a recurring topic on this page. An editorial documented a woeful future that threatens, due to worn out roads and bridges ('State's in a jam on transportation funds,' Jan. 11). A commentary article followed, from Republican legislators, indicting the economics of streetcars ('Why the Legislature should put brakes on streetcar dreams,' Jan. 18). Minneapolis officials responded with a challenge ('Streetcars, yes, and buses

and more,” Jan. 29), saying the lawmakers should offer up “... a BRT-only, no-rail transit system. Then we could have a real debate.”

A “real debate” is welcome. But let’s expand our scope to a comprehensive vision of what we can truly do with transit. Let’s think and plan using our knowledge of current and emerging technology. Let’s plan on the scale — with the 100-year time frame and public-private coordination — that founded our Minneapolis park system.

And let’s start with a Southwest light-rail alternative — shaped by three future-focused considerations: vehicle size, service frequency and automated driving.

My proposed “Transit Revolution” approach uses Metro Mobility-size vehicles — 24 passengers and one lift. These cost about \$70,000 new, compared with \$3 million per light-rail car. I’ve run the numbers for a plan that would move the same number of people on the Southwest Corridor as light rail.

The light-rail plan features about 200 weekday trips, with about 100 people on each train. The Transit Revolution alternative averages about 10 people a trip, with about 2,400 trips a day.

Here’s your obvious thought: “Bob, you’re crazy! Economies of scale — it’s a slam dunk — light rail is the way to go!”

Well, let me sit you down for a shocking fact: I ran the numbers for part-time drivers (we’ll need almost 700) at \$17 per hour. Even with about 10 times as many discrete daily trips, the \$35 million annual operating cost is about the same as the Met Council’s \$32.7 million light-rail operating cost estimate.

Let’s now consider the advantages of having 10 times as many discrete trips. The service frequency could be much higher — every five minutes or better — even including variants and supplements built into the route. We could tailor express runs for speed, with specialty runs and door-to-door shuttles to bring people to a much finer grid of destinations. Over decades, we could tailor a small-vehicle system for both speed and access in ways that those behemoth light-rail whales can’t possibly match.

In the short term (decades), what I’m proposing is a giant jobs program — and today this is desperately needed. But automated driving is coming. When that happens — when drivers are

the equivalent of elevator operators — the cost per driver (\$0) will become the same for a Metro Mobility-size bus and light rail. Which system do we want our children and grandchildren to have when the switch over begins? That's the decision we're making today.

Next, let's consider capital costs.

Here's the key formula: "existing" equals "zero capital cost."

Transit Revolution vehicles could use the existing Shady Oak Road to roll through the Golden Triangle to Eden Prairie Center.

From Shady Oak Road to downtown our slogan is: "Grade it ... Pave it ... Use it." We could use the existing right of way proposed for the Southwest line from Shady Oak Road to west of Lake Calhoun. But from there, let's go down the existing Midtown Greenway — under three at-grade cross streets just east of Calhoun — with stops at the existing Uptown Station and Lyndale and Nicollet Avenues — all linked by elevator to existing north-south bus routes.

Our Transit Revolution vehicles could go up a ramp at a new Greenway/Lake Street transit station on Interstate 35W, and roll to and from downtown using existing MnPass lanes that are guaranteed congestion-free.

Let's demand a Transit Revolution. Let's build for future generations, instead of rebuilding the past.

Let me suggest that a very significant amount of the overall benefit I've been presenting for the Alternative "3C" alignment can be achieved without LRT – simply by putting high-frequency small buses in the corridor – and please note – the plan already connects the Convention Hub, the North Hub and the Hennepin and 12th Station using elevated bus Transit ways. As you can see, the nub of this approach was outlined in the February 2014 article above. No further elaboration of the "no build" option will be provided in this public comment – beyond noting that a modified and entirely bus-based version of the proposed plan can be developed and studied as an additional reasonable alternative. But I do want to emphasize one additional point made in the article: in the short run (decades) my entire approach is deliberately designed to be a giant jobs program. A radical expansion of Transit service, using thousands of smaller, Metro Mobility size vehicles – and even integrating service with existing taxi fleets, can be and should be the WPA for our time. Our society currently has a desperate need to produce more jobs for people. The approach to Transit I am advocating for will do that directly, by providing thousands of

new jobs for drivers – with the explicit understanding that many if not all of these jobs will be less than full time, that new employees will be coming in at a lower pay scale than the current union drivers, (an approach taken by many large unions with other employers), and with the further explicit understanding that when (not if, when) automated driving becomes a reality, these jobs will be phased out.

To conclude and wrap up: the current plan should be rejected. Per the original Draft Environmental Impact Statement, co-location alone makes it an unacceptable alternative. When you factor in the subsequent enormous cost increases, and now the slashed-back character of the current plan – which would require hundreds of millions of future dollars (with no Federal match) to get it into decent shape – the time is long since past to stop suppressing reasonable alternatives, and to send this back to the drawing board, and to the scoping process.

From: [Becca Vargo Daggett](#)
To:
Cc: [swlrt](#)
Subject: SWLRT
Date: Tuesday, July 21, 2015 3:38:43 AM

Dear Councilor Mavity,

I have been reading recent emails and Next Door commentary on the question of replacing the wye in Elmwood with a new bridge to accommodate both light and freight rail, or just putting in a bridge for the LRT.

In light of the cost concerns, I am stunned that the project potentially includes a bridge that will benefit private companies at the public's expense (both in terms of the cost of replacing the wye and the additional traffic it would allow).

I encourage the Council to support a less expensive LRT bridge over the existing wye. If freight rail is included in the bridge, at public expense, the rail companies should be required to compensate the community in proportion to their gains from easier traffic flow.

Thank you for your time,
Becca Vargo Daggett

Sent from my iPhone

From: [George Puzak](#)
To: [swlrt](#)
Cc: [Duininck, Adam](#); [Cunningham, Gary](#); [Dorfman, Gail](#); [Elkins, Steve](#)
Subject: SWLRT--Comments on SDEIS
Date: Tuesday, July 21, 2015 11:45:48 AM
Attachments: [Comments on SWLRT SDEIS July 21 2015.pdf](#)

Dear Ms. Jacobson and SWLRT Project Office staff,

Please accept these comments on the Supplemental Draft Environmental Impact Statement (SDEIS) for SWLRT.

The SDEIS does not adequately address alternatives for SWLRT, nor does it adequately address the impacts of freight rail in the Kenilworth Corridor. The SDEIS cannot fix this project's fundamental flaw—**Hennepin County's failure to include freight rail in the project's original "scoping process."** Hennepin County explicitly omitted freight rail from the project when it selected the SWLRT alignment in 2009, yet added freight rail to the project in 2011. The flaw is that when Hennepin County added freight rail (a new mode) after selecting the route, it failed to re-open scoping and re-examine all alternatives and alignments. The new mode fundamentally changed all aspects of the project.

Required by the National Environmental Policy Act (NEPA), scoping is the first step in environmental review. It identifies the issues, alternatives, locations, and modes of transport to be studied in a transit project's environmental impact statement (EIS). But Hennepin County, in both its 2009 Scoping Report and 2010 Locally Preferred Alternative (LPA), failed to include freight rail as part of SWLRT. Five cities then proceeded to vote and approve the 2010 LPA. In 2011, despite receiving notice from the Federal Transit Administration (FTA) that freight rail is part of SWLRT, Hennepin County failed to amend the scoping report and re-open scoping for public comment, and thus violated NEPA.

Compounding the problem, in summer 2014, the Met Council imposed yet another, fundamentally different plan to be approved, this time through municipal consent: while the 2010 LPA approved by five cities had omitted freight rail in Minneapolis' Kenilworth corridor, the 2014 plan included it. Yet, the Met Council provided no Draft EIS on freight rail, LRT tunnels, and soil conditions before the vote. Citizens lacked critical information and officials from Minneapolis and four other cities were forced to vote on municipal consent.

The current plan would run electric-sparking LRT trains as close as 15 feet from freight trains (carrying as many as 100 cars of ethanol — an explosive whose flash point is below that of oil) through residential neighborhoods, over the Chain of Lakes Kenilworth Channel, and through downtown next to Target Field. *But this arrangement was never included in the original scoping phase. This omission limited the choice of transit options*

and alignments that citizens and decision makers considered. Further, neither citizens nor public officials had information about the 2014 plan's environmental and public safety risks before the vote. Thus, the cities gave blind consent, not informed consent. The government's own errors in following legally-required processes have now caused a conflict—the 2014 municipal consent plan includes freight rail, but the 2010 Locally Preferred Alternative (LPA) does not. The Met Council must update the LPA—triggering a new round of public hearings and municipal votes. The government's own studies also contradict the current plan. According to the December 2012 DEIS, co-location of freight rail and light rail in Kenilworth would not adequately preserve the environment and quality of life in the surrounding area. What has changed since 2012?

Contrary to law, the Met Council has limited the choice of reasonable alternatives and alignments. Reducing costs, studying freight rail in the Supplemental DEIS, and repeating municipal consent are not sufficient remedies. There are only two remedies:

1. Eliminate co-location of freight and LRT by re-locating freight rail out Kenilworth and build the plan approved in 2010; or
2. Re-open and include freight rail in SWLRT's original scoping process. This remedy will allow government and citizens to study all reasonable alternatives for LRT alignments, while acknowledging freight rail's routing, costs, and impacts.

Thank you for your consideration.

George Puzak

July 21, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
via email: swlrt@metrotransit.org

Dear Ms. Jacobson and SWLRT Project Office staff,

Please accept these comments on the Supplemental Draft Environmental Impact Statement (SDEIS) for SWLRT.

The SDEIS does not adequately address alternatives for SWLRT, nor does it adequately address the impacts of freight rail in the Kenilworth Corridor. The SDEIS cannot fix this project's fundamental flaw—**Hennepin County's failure to include freight rail in the project's original "scoping process."** Hennepin County explicitly omitted freight rail from the project when it selected the SWLRT alignment in 2009, yet added freight rail to the project in 2011. The flaw is that when Hennepin County added freight rail (a new mode) after selecting the route, it failed to re-open scoping and re-examine all alternatives and alignments. The new mode fundamentally changed all aspects of the project.

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The government's own errors in following legally-required processes have now caused a conflict—the 2014 municipal consent plan includes freight rail, but the 2010 Locally Preferred Alternative (LPA) does not. The Met Council must update the LPA—triggering a new round of public hearings and municipal votes. The government's own studies also contradict the current plan. According to the December 2012 DEIS, co-location of freight rail and light rail in Kenilworth would not adequately preserve the environment and quality of life in the surrounding area. What has changed since 2012?

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1. Eliminate co-location of freight and LRT by re-locating freight rail out Kenilworth and build the plan approved in 2010; or
2. Re-open and include freight rail in SWLRT's original scoping process. This remedy will allow government and citizens to study all reasonable alternatives for LRT alignments, while acknowledging freight rail's routing, costs, and impacts.

Thank you for your consideration.

A handwritten signature in black ink that reads "George Puzak". The signature is written in a cursive, slightly slanted style.

George Puzak

From: [Kevin Kuemmel](#)
To: [swlrt](#)
Date: Tuesday, July 21, 2015 2:24:31 PM

Being a resident in Todd Park and close to Brookside, I'm extremely concerned about the increase in freight traffic. I am opposed to using public light rail money to increase train traffic in our neighborhoods. Seems ridiculous to use our money to decrease our quality of life. Thanks.

Best Regards,
Kevin O. Kuemmel



Our commitment to providing quality products and services is demonstrated by our achievement of ISO 9001:2008 certification. Grow your business and maximize your budget with proven IT solutions from WDPI. Visit www.wdpi.com for more information.



From:
To: [swlrt](#)
Cc: ;
Subject: Agreement with LRT Done Right
Date: Tuesday, July 21, 2015 2:21:17 PM

I endorse the response submitted today by the organization LRT Done Right in addition to comments I have personally submitted previously.
Angela Erdrich

Sent by Angie Erdrich

From: [Steven Goldsmith](#)
To: [swlrt](#)
Subject: Comment on SWLRT SDEIS
Date: Tuesday, July 21, 2015 3:32:05 PM

I fully endorse the comments submitted by LRT DONE RIGHT

There are many very serious matters raised in the SDEIS. To really address them will be complicated and very expensive. The project is already over budget and the proposed cuts to reduce cost also reduce value and may fatally compromise ridership/cost estimates. You will do the ultimate success of this project grave and likely fatal harm by submitting it to the fTA before all key feasibility issues are resolved and the final true costs of running the line partially at grade with co- located freight are known.

Sent from my iPad

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

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

Best,
Cathy Konat

--

Cathy Konat

From:
To: [swlrt](#)
Subject: comments
Date: Tuesday, July 21, 2015 3:47:42 PM

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

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

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

Allen & Shirley Blumenthal

From:

To: [swlrt](#)

Cc:

Subject: Endorsement of Light Rail Transit Done Right Comments on SDEIS

Date: Tuesday, July 21, 2015 2:53:23 PM

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

Steve Quinlivan

From: [Jennifer Labovitz](#)
To: [swlrt](#)
Subject: Endorsement of LRT Done Right's comments to the SDEIS
Date: Tuesday, July 21, 2015 11:32:41 PM

Dear Met Council,

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

Best,

Jennifer

Jennifer Labovitz

From: [Kathleen Fix](#)
To: [swlrt](#)
Cc:
Subject: Endorsement of LRT-Done Right's comment on the SDEIS for the SWLRT
Date: Tuesday, July 21, 2015 10:19:25 PM

To the Met Council:

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

Kathleen Fix

From:
To: [swlrt](#)
Subject: I endorse the comments by LRT done right!
Date: Tuesday, July 21, 2015 8:20:48 PM

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

Stephen Bullard

From: [Brian Gaiser](#)
To: [swlrt](#)
Subject: Just don't do it
Date: Tuesday, July 21, 2015 2:27:40 PM

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

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

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

Brian Gaiser

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

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

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

Thank You,

John H Harvey

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

J.H.

This email has been checked for viruses by Avast antivirus software.

<https://www.avast.com/antivirus>

From: John H Harvey

July 21st, 2015

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

Via email: swlrt@metrotransit.org

Dear Ms. Jacobson,

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

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

Sincerely,

John H Harvey

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

J.H.

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

J.H.

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

To Whom It May Concern,

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

Sincerely,

Jody Strakosch

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

Met council,

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

Sincerely
Heather Haakenson

Sent from my iPhone

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

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

Thank you for your attention to this matter,

Lisa Nankivil

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

Dear Ms. Jacobson,

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

Sincerely,

David M. Lilly, Jr.

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

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

Barb Rasmus

Sent from my iPad

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

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

Sincerely,
Marion Collins

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

We support the comments sent to your attention.

Chuck Gribble
Edith Black

Sent from my iPad

From: [Shelley Fitzmaurice](#)
To: [swlrt](#)
Subject: LRT Done Right's Comments to the SDEIS
Date: Tuesday, July 21, 2015 11:01:58 PM

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

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

Shelley Fitzmaurice

Sent from my iPad

From:
To: [swlrt](#)
Subject: LRT-Done Right comments on the SDEIS
Date: Tuesday, July 21, 2015 3:11:50 PM

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

From: [amy.sheldon](#)
To: [swlrt](#)
Cc: [Amy Sheldon](#)
Subject: Objections to SWLRT plan. Support of the SDEIS response document from LRT-Done Right.
Date: Tuesday, July 21, 2015 3:02:57 PM

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

I write to add my whole-hearted support of the SDEIS response document to the current SWLRT plan that was submitted by Mary Pattock on behalf of the LRT-Done Right organization on July 21, 2015.

A comprehensive and sobering set of environmental and other objections to the co-location route through the Kenilworth corridor have been carefully documented in that letter and are beyond question.

Therefore, please give this well-research document your careful consideration. The environmental impact of the current SWLRT has not been sufficiently thought through. We have not reached convincing, sustainable and effective solutions to real potential environmental damage and runaway financial costs due to poor (inappropriate) location of the SWLRT in the Kenilworth corridor. The hidden costs and environmental dangers of co-location on this particular route will be far greater than acknowledged, into the foreseeable future. The ridership will be lower than projected because of the existence of Southwest transit buses that already meet the need for faster, wi-fi enabled, commuter service into Minneapolis. The expected jobs have not materialized, so we do not know what parts of the local population will benefit or if jobs will materialize in proportion to the expense of LRT. There are numerous other objections to the current SWLRT plan that make a convincing case that it is premature, environmentally hazardous, too costly, and in the end, an ineffective pipe dream.

It is, frankly, an embarrassment to the reputation of the Twin Cities that the *possibility* (not even guarantee) of federal money is driving the decision to go with a plan with such clear dangers and unsolved problems. This is poor, short-sighted public policy.

Instead, let's take time to thoroughly and convincingly compare the benefits of safer, more equitable locations for a SWLRT route. Let's make a better decision for the future of people and neighborhoods that will really benefit from a light rail extension, without the current heavy, unnecessary, and rueful environmental cost.

We want light rail, but not at these costs. Please do not support the Kenilworth route for SWLRT; consider better alternatives, such as the Brunswick route.

Sincerely,
Amy Sheldon
Bryn Mawr resident, citizen, tax payer, voter, grandparent, educator.

From:
To: [swlrt](#)
Subject: Proposed SWLRT
Date: Tuesday, July 21, 2015 4:23:18 PM

Friends---

We strongly endorse the comments and extensive research on the proposed Southwest Light Rail system done by LRT-Done Right. Please take all elements of their report into serious consideration.

Thank you,

Bryce and Donna Hamilton

From: [Patricia Benn](#)
To: [swlrt](#)
Subject: questions about route
Date: Tuesday, July 21, 2015 4:37:31 PM

Dear Nani Jacobson, SWLRTPProject Office,

As you are taking public comments on the project, I would like to know why the route does not follow Highway 100 from a Beltline Station to downtown, thereby serving a lot of new high density housing at 36th St. & 100 and a vibrant business and housing area at 100 & 394. From there the route might follow the rail line into Minneapolis, although there may be the same environmental difficulty between Cedar and Brownie Lakes.

I protest strongly the co-location of freight and light rail by Cedar Lake on the Kenilworth Trail. I understood the use of the rail bed there if the freight line had been relocated as promised. It would have been an improvement for the neighborhood, in my opinion. However for serving more population it did not make sense. To run somewhere between Lake St and Lyndale to serve more high density population seemed to be ruled out because of the cost. The present plan has a higher cost of serious environmental impact and should be ruled out for that reason.

Sincerely,

Patricia Benn

From: [Sally Rousse](#)
To: [swlrt](#)
Subject: SDEIS comments
Date: Tuesday, July 21, 2015 2:11:27 PM
Attachments: [LRT Done Right SDEIS Response .docx](#)

Attached please find my comments to the SDEIS.

Sally Rousse

July 21, 2015

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

Dear Ms. Jacobson:

I am a Bryn Mawr resident, living within the “Blast Zone” of freight along the Cedar Lake Trail and Junction and the proposed SWLRT route. I have been following the SWLRT project for over 13 years, having first lived on Burham Road, also near freight. I have attended almost all of the public and community forums for this project. I have also lived the other half of my 51 year life in NYC, Chicago and Europe where mass transit is of course present. I support mass transit for Minneapolis but not this plan. I expect the Met Council to be respectful and accountable for my comments and others that they receive.

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

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

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

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

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

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

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

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

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

Sally Rousse

LRT-Done Right

Minneapolis, MN 55416

July 21, 2015

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

Dear Ms. Jacobson:

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

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

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

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

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

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

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements

B. Potential Acquisitions and Displacements Impacts

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

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

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

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

3.4.1.3 Cultural Resources

B. Potential Cultural Resources Impacts

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

Long-Term Direct and Indirect Cultural Resources Impacts.

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

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

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

² See <https://gis.hennepin.us/property/map/default.aspx>

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

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

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

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

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

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

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.
- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.
- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

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

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

<http://www.swlrtccommunityworks.org/explore-corridor/stations/21st-street-station>

See also

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

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

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

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

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

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

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

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

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

Section 3.4.1.5 Visual Quality and Aesthetics

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

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

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

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

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

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

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

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

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

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

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

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

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

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

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

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

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

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

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

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

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

Economic costs:

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

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

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

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

Environmental:

Noise:

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

Vibration:

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

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

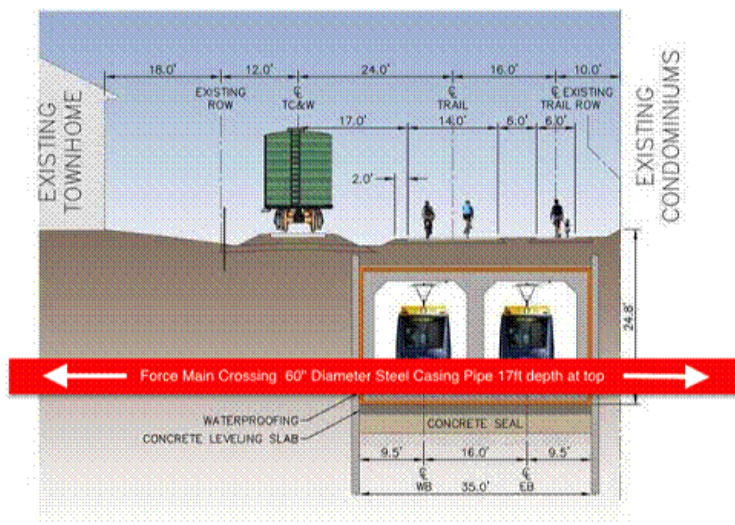


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

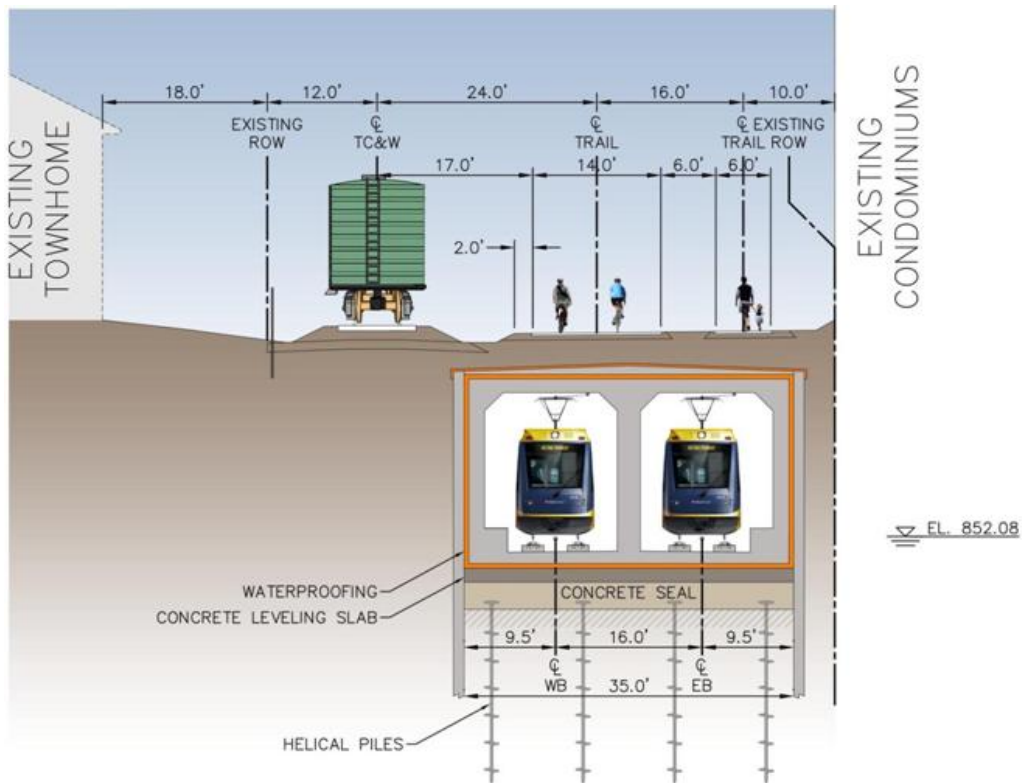
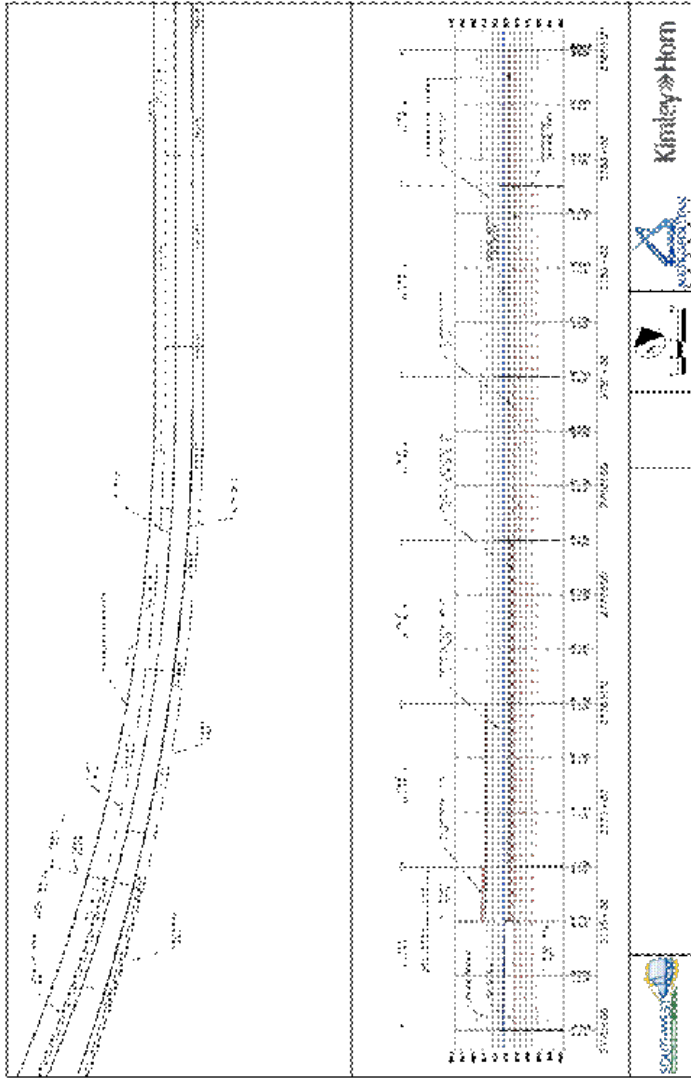


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

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

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train*. However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating “the result of adjustments to the design of the Southwest LRT Project since the publication of the [Draft EIS](#) in 2012.”³ *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*
- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.
- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

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

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

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

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

³ <http://metro council.org/swlrt/sdeis>

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

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

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

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

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

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

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

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

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

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

11 PM – 12AM

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

Very early morning 12 AM – 2 AM

- ~~1 to~~ 2 trains per hour ~~equals~~ 2 to 4 trains per day ~~between~~ 12 AM and ~~2~~ AM
- ~~This means~~ 1 SWLRT train every 30 ~~to~~ 60 minutes
- ~~Would entail~~ 25-~~plus~~ seconds of bell noise (5 seconds ~~at~~ 88 dBA ~~plus~~ 20 seconds ~~at~~ 106 dBA ~~plus~~ unspecified seconds of bell noise as train enters and exits the station) every 30 ~~to~~ 60 minutes

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Very early morning 2 AM – 4 AM

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

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Total = equals 211-220 SWLRT three-3-car trains per weekday

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WEEKENDS**Early morning 4:30 AM ~~to~~ 9 AM**

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

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Morning to evening 9 AM – 7 PM

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

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Evening 7 PM to 9 PM

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

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Late evening 9 PM – 11 PM

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

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Late evening 11 PM – 12 AM

- ~~4~~ trains per hour ~~equals~~ 4 trains per day ~~between~~ 11 PM and ~~12~~ AM
- ~~This means~~ 1 SWLRT train every 15 minutes
- 11 PM ~~to~~ 12 AM weekend train frequency is double ~~the~~ weekday frequency ~~of~~ 11 AM ~~to~~ 12 AM

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- ~~Would entail 25-plus~~ seconds of bell noise (5 seconds 88 dBA, ~~plus~~ + 20 seconds at 106 dBA, ~~plus~~ + unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

~~Very early morning 12 AM to 2 AM~~

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

~~Very early morning 2 AM – 4 AM~~

- ~~No trains~~ ~~=~~ ~~equals~~ current existing conditions

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

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

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

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

The article continues:

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

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as “soft fascination”⁶— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such

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

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

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opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.*

A. Existing Conditions (p. 3-180)

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

Fundamental defect with baseline noise measurements

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

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

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

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

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

B. Potential Noise Impacts

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

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

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of

⁷ <http://metro council.org/swlrt/sdeis>

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

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

Tunnel Swaps Noise for Vibration

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

Analysis of Table 3.4-12

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

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

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

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

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

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

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

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

SWLRT Violates the System of Minneapolis Parks: Horace Cleveland’s visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis*, proposed a park system of connecting sites of beauty and natural interest

throughout the city, rather than a series of detached open areas or public squares. The vision of a park “system” has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

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

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

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

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

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

LRT Horns are Likely: According to the federal Train Horn Rule⁸, locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a “severe” noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

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

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate “almost all noise impacts within that segment of the corridor.” However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation “building” planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a

ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

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

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

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

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

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

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

The SDEIS says that 54 residences¹⁰ in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

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

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

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

⁹ Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9

¹⁰ All of them are Category 2 receivers: "residences and buildings where people normally sleep."

¹¹ Chapter 7: Basic Ground-Borne Vibration Concepts, 7-6

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

SHORT-TERM VIBRATION IMPACTS

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

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

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

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

MITIGATION

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

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

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

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

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel

storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

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

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

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

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

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

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

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

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

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

We believe the negative economic impact on the entire “brand” of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of “The City of Lakes” park area will forever have a negative

impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

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

- *\$1 million to \$5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?
- *\$5 million to \$10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.
- *Unknown millions*: For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?
- *\$3 million to \$5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.
- *\$4 million annually*: In lost property tax revenues. Approximately \$2 billion of the City of Minneapolis' net \$35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this \$2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about \$80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of \$4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden geese that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

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

3.4.4.2 Roadway and Traffic

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

3.4.4.3 Parking

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

3.4.4.4 Freight Rail

A. Existing Conditions

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

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

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

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

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

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

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

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



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

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



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

- THIS IS THE BLAST ZONE -

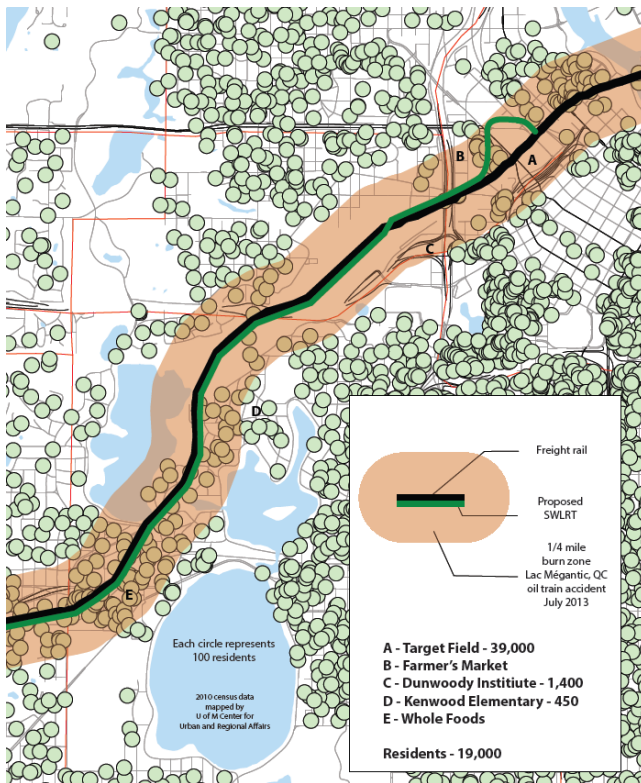
SWLRT co-location with high hazard freight trains
in the Kenilworth corridor



Ethanol and Oil Train Disasters:



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



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

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

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

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

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

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

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

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

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

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

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

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

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Short-Term Freight Rail Impacts

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Mitigation Measures

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

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

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

3.4.4.5 Bicycle and Pedestrian

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

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



3.4.4.6 Safety and Security

LONG-TERM IMPACTS

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

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

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

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

SHORT-TERM IMPACTS

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

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

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

3.5 Draft Section Evaluation Update

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

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

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

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

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

The Kenilworth Channel/Lagoon

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

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

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

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

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

Visual Impact

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

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

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

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

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

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

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

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

Noise Impact

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

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

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

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

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

Not Mentioned

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

Minneapolis Park and Recreation Board

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

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

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

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

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

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

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

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

No-Build or Bus Rapid Transit Alternative

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

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

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

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

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

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

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

The Tunnel

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

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

Conclusion

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

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

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

Adopted July 1, 2013

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

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

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

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

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

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

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

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

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

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

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

Notes

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

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

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

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

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

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

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

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

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

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

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

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

From: LRT-Done Right

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

INTRODUCTION AND BACKGROUND

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

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

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

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

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

RULE ANALYSIS

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

Rail Routing -

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

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

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

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

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

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

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

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

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

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

Notification to State Emergency Response Commissions (SERCs)-

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

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

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

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

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

Tank Car Specifications -

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Allocating the liability from risks between the freight railroad and the transit agency
2. Managing the additional risk by developing a prudent insurance strategy
3. Ensuring the safety of passengers in mixed freight and transit operations
4. The willingness of freight railroads to grant access to their ROW for transit operations
5. Providing satisfactory conditions for continuing service to freight customers
requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

Without adequate

RECOMMENDATIONS

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

1. Modify the definition of a high-hazard flammable train provided in Section 171.8 to read as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.
2. The PHMSA and FRA rules must apply to all trains conveying Class 3 flammable liquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.
3. The PHMSA and FRA safety rules should apply equally to HHFTs that are conveying oil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.
4. Ban the use of DOT-111 tank cars now for transporting any amount of hazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.
5. DOT-111 cars should not be used for the transport of any crude oil or fossil fuels, regardless of classification.
6. Retrofitting a car that fails to meet every standard of the most protective new tank car design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Require that any and all railroads/shippers conveying one car load or more of Class 3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.
8. Enforcement of PHMSA/FRA/FRA rules and inspections do not happen regularly due to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.
9. Implement federal standards and rules that would minimize the occurrence of the key causes of train derailments resulting in spills: namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.
10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.
11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.
12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.
13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.
14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).
15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.
16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., Class I -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

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From: [Christine Scott](#)
To: [swlrt](#)
Subject: SDEIS Comments
Date: Tuesday, July 21, 2015 4:22:45 PM

To the SWLRT commission,

I am writing to let you that I **support the position of the LRT Done Right (LRTDR) organization.**

Below is the full position from LRT Done Right:

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

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

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

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

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

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

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

live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires,

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its Handbook on Departmental Review of Section 4(f) Evaluations: “Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable.... Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.” Such general promises are not acceptable to the federal government, and they are not acceptable to us, either.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residence, to name but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would total between \$13 million and \$33 million.

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

The current planned route is not acceptable and this project needs to be suspended now. The risks are too high.

Regards,
Christine Scott
Minneapolis, MN

From: [Amy Rock](#)
To: [swlrt](#)
Subject: SDEIS Response
Date: Tuesday, July 21, 2015 3:22:44 PM

I endorse the response to the SWLRT SDEIS submitted today by the organization LRT Done Right.

Amy Rock
Minneapolis

From:
To: [swlrt](#)
Subject: SDEIS response
Date: Tuesday, July 21, 2015 2:54:04 PM

I endorse the response submitted today by the organization LRT Done Right in regard to the SDEIS. Please show this response the respect it deserves by reading it thoroughly.

Georgianna Ludcke

From: [Jeanette Colby](#)
To: [swlrt](#)
Subject: SDEIS Response
Date: Tuesday, July 21, 2015 4:45:16 PM
Attachments: [Comments on the SW LRT SDEIS3.docx](#)

Dear SWLRT Team,

I have had some trouble sending you my personal response to the SDEIS, and I hope you have received a copy. Attached please find a more limited version.

Thank you,

Jeanette Colby

Comments on the Southwest LRT Supplementary Draft Environmental Impact Statement July 20, 2015

Submitted by Jeanette Colby

To the Metropolitan Council:

As you know, the process that led us to the Supplementary DEIS for the SWLRT has been riddled with political and technical problems and, sadly, the 2015 SDEIS continues in this vein.

In addition to downplaying or ignoring critical environmental issues with the latest iteration of LRT in the Kenilworth Corridor, it completely overlooks the fact that the temporary freight rail is being transformed into permanent infrastructure.

I will comment here on just a few of the most pressing specific issues:

1) Visual Impacts will be substantial throughout the Kenilworth Corridor



The Kenilworth Trail, where green space and trees are highly valued

The 2012 DEIS correctly stated that SWLRT visual impacts would be substantial throughout the corridor. This statement included the premise that freight rail would be removed. Now, the

2015 SDEIS states that only about half of the corridor will be substantially impacted by the introduction of LRT and its infrastructure, as well as the introduction of permanent freight rail and its infrastructure. The SDEIS deems the area north of the Burnham Bridge as “not substantially impacted.”

Regardless of the methodology used (and well-articulated in the SDEIS attachments), this is an absurd statement. Freight and LRT tracks, overhead catenaries, 220 daily LRT trains, and an increasing number of freight trains will replace open space, green space and trees. It should be clear to anyone who has walked, bicycled, or otherwise found peace and recreation in the beauty of the Kenilworth Corridor that the visual impact throughout the corridor will be substantial and must receive the highest, most thoughtful level of mitigation.

Also absurd is the idea that an LRT station would be a positive visual addition to the area at 21st Street, currently a green space at the edge of Cedar Lake Park. Even with the smallest of the proposed station types, the replacement of trees with metal, wires, cement, and fencing will clearly have a negative visual impact in this park-like environment.

2) Noise impacts are underestimated in the SDEIS

The Kenilworth Corridor is quiet. When I’m working in my yard, I can often hear trail users conversing. Last summer, I heard a cyclist fall hard and was able to call 911 and help her.

Adding 220 LRT trains per day to this quiet, tree-lined recreational and bicycle commuting trail area will be a major environmental disruption, critically increasing noise even if moving LRT trains were the only noise source. However, train braking, crossing and station bells, mechanized announcements, and other activity at the proposed 21st Street Station will add to the noise impact. The corridor will be permanently changed from a uniquely tranquil area to one in which many neighborhood residents – not just those few in properties identified in the SDEIS – will have only two hours (between 2:00 a.m. and 4:00 a.m.) of uninterrupted quiet. This impact is substantially worse with co-location at grade, with freight bringing its own set of noise impacts.

The 2012 DEIS identified 96 moderate and 406 severe neighborhood noise impacts with co-location at grade between the proposed West Lake station and the proposed Penn Avenue station. More specifically, between 21st Street and Penn Avenue the DEIS identified 67 moderate noise impacts and 7 severe impacts with co-location at grade. The 2015 SDEIS, however, says there would be only 28 moderate and two severe impacts in all of Kenilworth with LRT and freight rail co-location at grade. The SDEIS states that the tunnel will address many noise impacts, especially on the adjacent townhouses and condos south of Cedar Lake Parkway. However, north of the Kenilworth channel freight and light rail run would together at grade per the SDEIS. The SDEIS does not explain, nor did the Southwest Project Office explain when I requested information on June 12, 2015, why 55 of the 67 moderate impacts and six of the severe impacts north of 21st Street have been downgraded or eliminated in the SDEIS. The discrepancy between the DEIS and the SDEIS, when both looked at co-location at grade between the Kenilworth Channel and the Penn Avenue station, remains a mystery.

3) SDEIS overlooks public safety issues

The proposed SWLRT 21st Street Station is situated in very close proximity to the beautiful Cedar Beach East (Hidden Beach). While this beach is used by hundreds of law-abiding sunbathers and swimmers in the summer, it is also known by some as a place to use drugs and alcohol. This beach annually generates among the most citations of any park in the state, and most violators come from cities other than Minneapolis according to police reports. An SWLRT station at this location will have particular public safety issues and needs. The Met Council must be responsible for designing a station area that won't exacerbate problems that the neighborhood has fought for many years.

Further, the SDEIS does not consider the infrastructure or access needs of emergency responders should a fire, police, or medical emergency occur in or near the Kenilworth Trail area, at Cedar Beach East, Cedar Lake Park, or Upton Avenue South if LRT and freight rail occupy the corridor.

Kenilworth: Firefighters unable to access a fire in Cedar Lake Park because of a passing freight train

4) Making freight rail permanent is a new project

When freight rail was reintroduced into the Kenilworth Corridor, it was done so on a temporary basis. Until 2013, all studies and plans for LRT in the Kenilworth Corridor assumed that freight would be moved to make way for LRT. The Met Council now proposes to upgrade and make permanent the freight infrastructure used by one private company, even claiming in the SDEIS that doing so is a Metropolitan-area need that the SWLRT project should meet (page 1-1).

The myriad environmental impacts of this new, permanent freight project – which will transport hazardous materials in a narrow urban corridor next to passenger trains and trails – must be completely and thoroughly studied. The current SDEIS does not do so, and in fact barely touches on the co-location element of the revised SWLRT plan. This is especially surprising given the extensive feedback on freight rail safety issues that the Met Council received on the 2012 DEIS from the City of St. Louis Park and its residents.

From: [Kathy Low](#)
To: [swlrt](#)
Subject: SDEIS
Date: Tuesday, July 21, 2015 4:32:12 PM

Comment on Section 3.4.4.2

Please detail increased risks for people and property from locating freight rail carrying hazardous materials next to electrified LRT trains, within a distance that is less than recommended by AREMA and FTA guidelines.

Katherine Low

From:
To: [swlrt](#)
Cc:
Subject: SEIS in St. Louis Park
Date: Tuesday, July 21, 2015 8:53:45 PM

In the documents you refer to Jorvig Park and the Depot as two separate things. I think there should be a reference that states that the depot is located in this park. According to your report if you are going to put in the south connection to the MNS from the Bass Lake spur wouldn't it be easier to leave the freight rail on the south side of the right of way instead of switching the freight rail to the north and the LRT to the south. This would be the most cost effective. I would like to know why Mpls. and St. Louis Park are put together in all the sections while all the other cities are referred to separately. This made it a little more difficult to find out how it would affect St. Louis Park. The Peavey-Haglin grain elevator on the NordicWare property could be refer to as the NordicWare Sign Tower.

Sent from my iPad

From: [Kathy Grose](#)
To: [swlrt](#)
Subject: Southwest Light Rail
Date: Tuesday, July 21, 2015 5:21:23 PM

Hi Nani,

I would like to add my comments of not installing the southwest light rail project. It's too expensive and won't even pay for itself once built and installed. I'm not for spending money unnecessarily. I would propose other options like improving bus service which is already in place. There must be cheaper options than this expensive light rail system.

Kathy Grose

From: [Kim Bartmann](#)
To: [swlrt](#)
Subject: SW LRT comment
Date: Tuesday, July 21, 2015 5:25:46 PM
Attachments: [image001.png](#)
[Executed - SDEIS Response .pdf](#)

I am writing today to express my support of the comments attached made by the LRT Done Right organization. I have been a passionate supporter of Minnesota's environment. I opened Minnesota's first LEED-certified restaurant. I recently won an "excellence in Development" award from the Minnehaha Watershed District and a Sustainable Business award from Environment Minnesota. I am terrified that not enough thought has gone into the ramifications of trying to co-locate these trains in the Kenilworth Corridor, and one of the most important nature preserves and parks in our city limits will be irrevocably damaged.

Beyond wanting to be on the public record as supporting these comments made by Mary Paddock on behalf of the LRT Done Right organization, I also want to point out that as an owner of two businesses within 1/2 block of the 29th Street corridor, it is extremely disappointing to me that the train isn't being planned to run along Lake Street through Minneapolis before turning north to meet up with downtown. That would serve residents of ,for example, the Phillips far better than pretending that they're going to take a bus all the way over to a 21st Street station in order to get downtown or to North Minneapolis. Not to mention that it would serve the densest neighborhoods; something I thought was supposed to be the goal of public transit.

kim bartmann

'fall seven times, stand up eight' — Japanese proverb



LRT-Done Right

July 21, 2015

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

Dear Ms. Jacobson:

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

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

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

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

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

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

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

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

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

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

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements

B. Potential Acquisitions and Displacements Impacts

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

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

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council’s agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see:

<http://metro council.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf>

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

3.4.1.3 Cultural Resources

B. Potential Cultural Resources Impacts

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

Long-Term Direct and Indirect Cultural Resources Impacts.

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

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

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

² See <https://gis.hennepin.us/property/map/default.aspx>

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

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

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

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

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

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

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.
- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.
- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

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

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

<http://www.swlrtccommunityworks.org/explore-corridor/stations/21st-street-station>

See also

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

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

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

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

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

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

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

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

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

Section 3.4.1.5 Visual Quality and Aesthetics

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

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

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

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

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

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

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

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

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

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

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

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

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

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

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

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

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

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

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

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

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

Economic costs:

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

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

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

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

Environmental:

Noise:

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

Vibration:

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

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

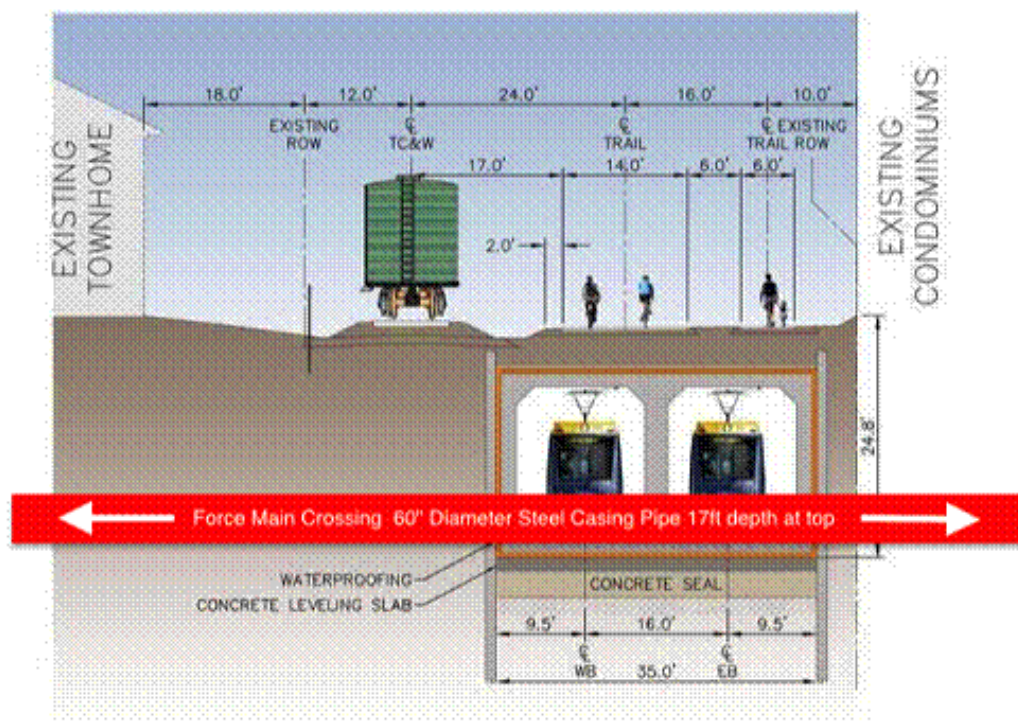


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

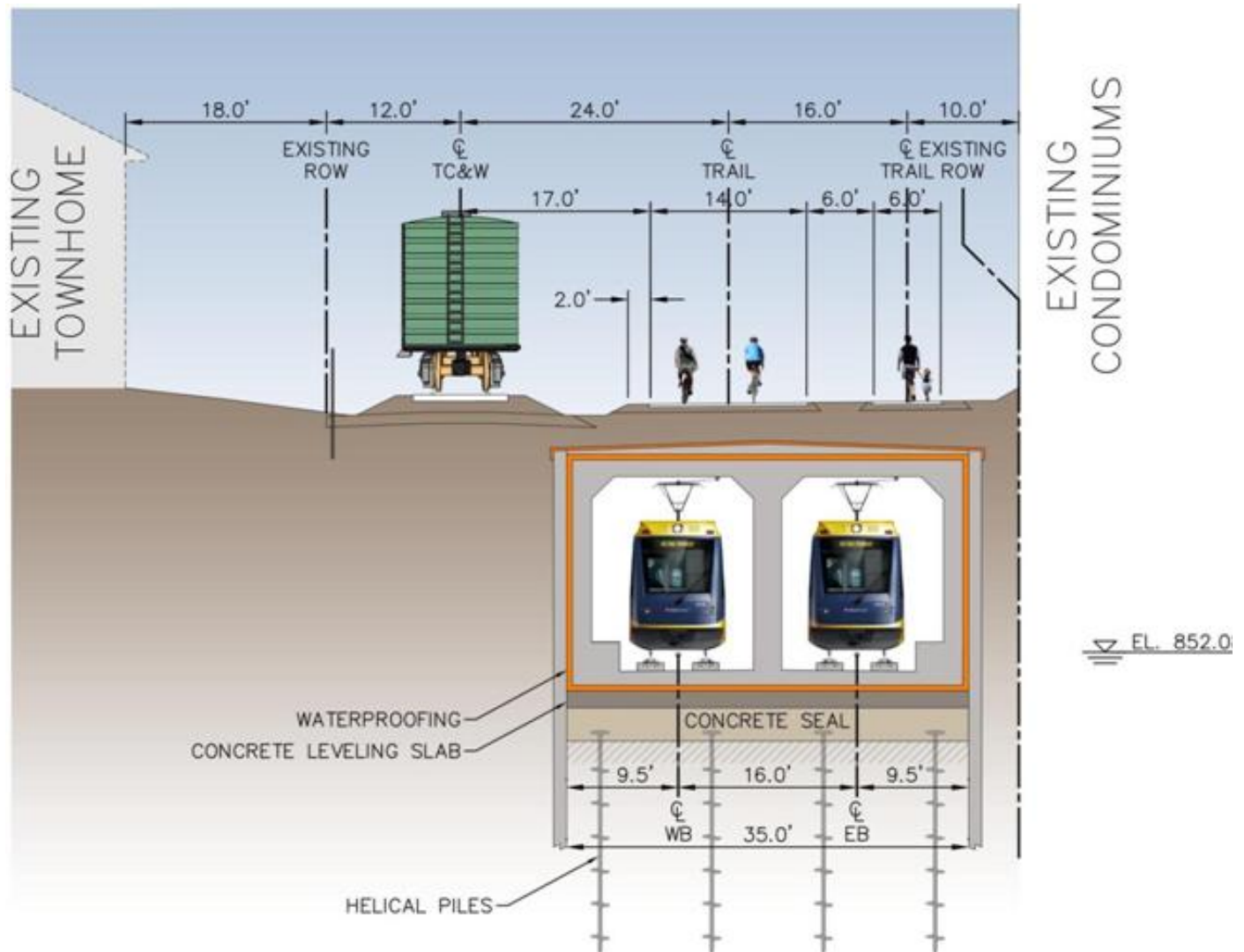
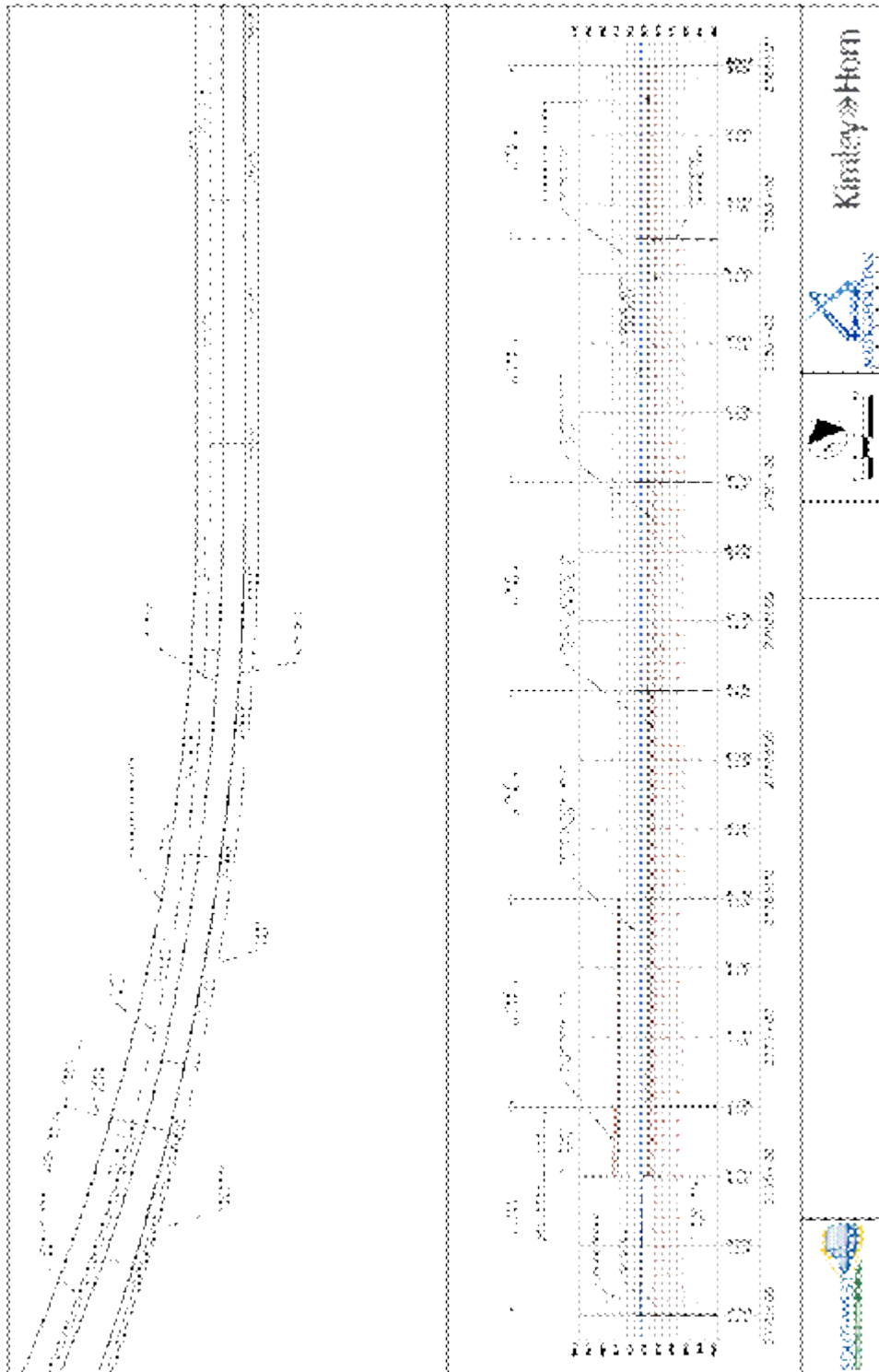


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

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

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train*. However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating “the result of adjustments to the design of the Southwest LRT Project since the publication of the [Draft EIS](#) in 2012.”³ *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*
- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.
- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

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

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

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

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

³ <http://metro council.org/swlrt/sdeis>

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

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

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

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

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

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

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

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

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

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

11 PM – 12AM

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

Very early morning 12 AM – 2 AM

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

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

Very early morning 2 AM – 4 AM

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

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

WEEKENDS

Early morning 4:30 AM to 9 AM

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

Morning to evening 9 AM – 7 PM

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

Evening 7 PM to 9 PM

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

Late evening 9 PM – 11 PM

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

Late evening 11 PM – 12 AM

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

Very early morning 12 AM to 2 AM

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

Very early morning 2 AM – 4 AM

- No trains — equals current existing conditions

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

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

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

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

The article continues:

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

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

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

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

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

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

A. Existing Conditions (p. 3-180)

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

Fundamental defect with baseline noise measurements

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

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

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

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

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

B. Potential Noise Impacts

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

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

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

⁷ <http://metro council.org/swlrt/sdeis>

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

Tunnel Swaps Noise for Vibration

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

Analysis of Table 3.4-12

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LRT Horns are Likely: According to the federal Train Horn Rule⁸, locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a “severe” noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

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

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

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

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

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

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

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

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

The SDEIS says that 54 residences¹⁰ in the “St. Louis Park/Minneapolis” segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

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

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

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

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

⁹ Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9

¹⁰ All of them are Category 2 receivers: “residences and buildings where people normally sleep.”

¹¹ Chapter 7: Basic Ground-Borne Vibration Concepts, 7-6

SHORT-TERM VIBRATION IMPACTS

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

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

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

Further study is needed of:

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

MITIGATION

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

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

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

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

SHORT TERM

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

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

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

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

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

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

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

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

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

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

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

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

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

- *\$1 million to \$5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?
- *\$5 million to \$10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.
- *Unknown millions*: For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?
- *\$3 million to \$5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.
- *\$4 million annually*: In lost property tax revenues. Approximately \$2 billion of the City of Minneapolis' net \$35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this \$2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about \$80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of \$4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden geese that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

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

3.4.4.2 Roadway and Traffic

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

3.4.4.3 Parking

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

3.4.4.4 Freight Rail

A. Existing Conditions

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

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

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

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

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

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

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

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



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

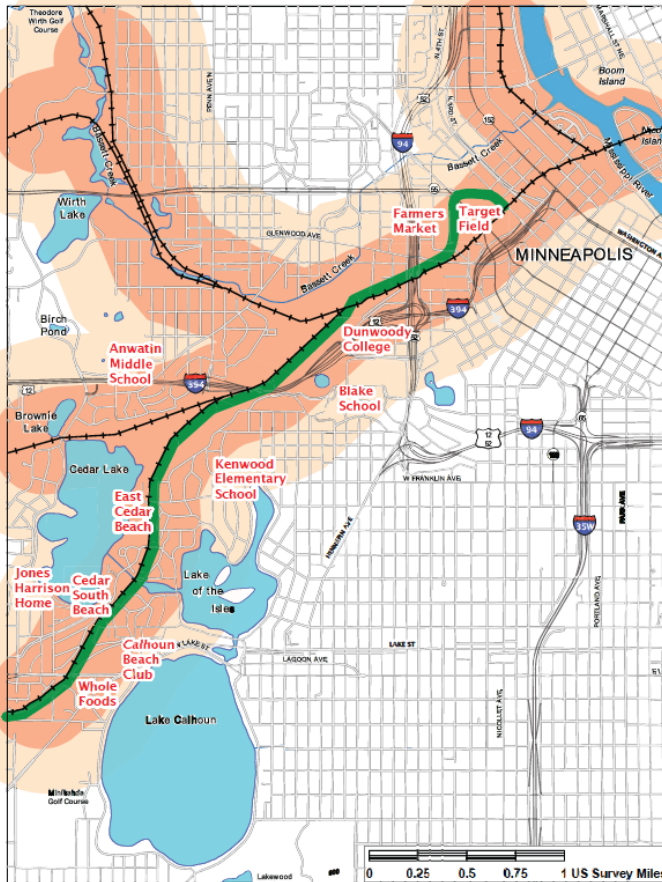
The Kenilworth corridor is a high-risk evacuation blast zone.



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

- THIS IS THE BLAST ZONE -

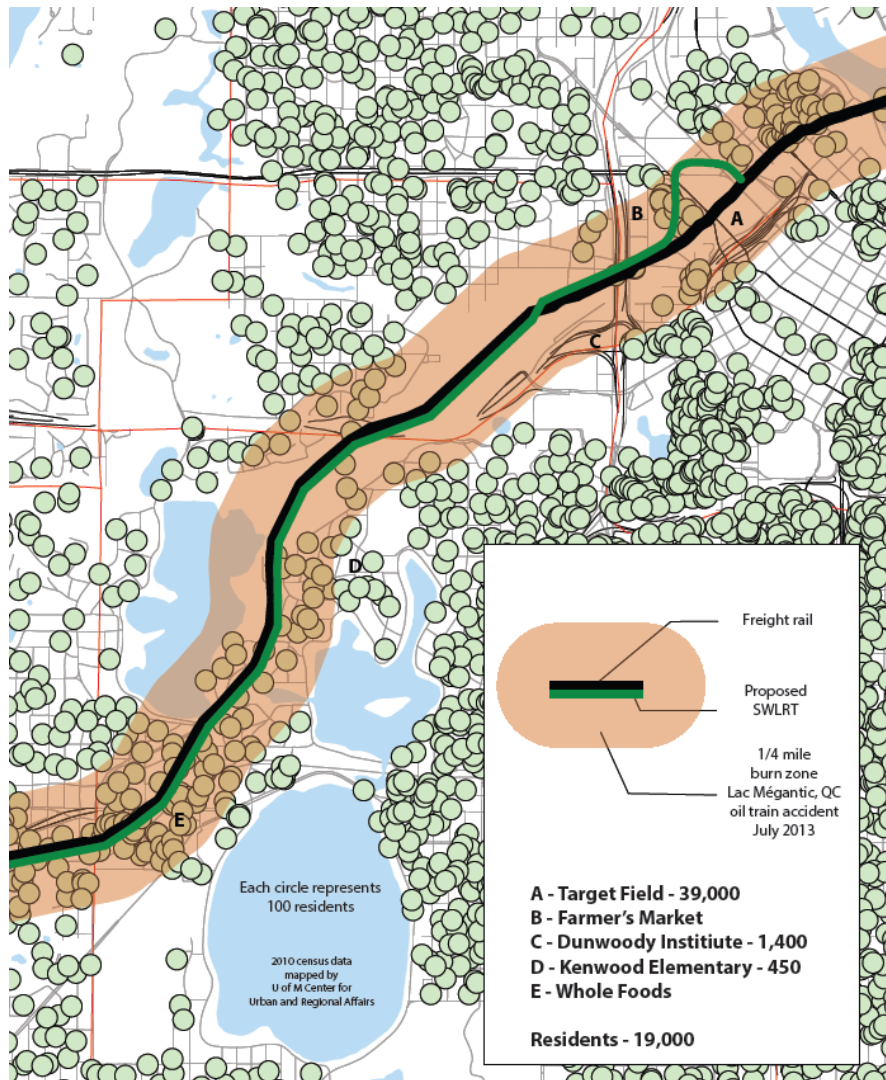
**SWLRT co-location with high hazard freight trains
in the Kenilworth corridor**



Ethanol and Oil Train Disasters:



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



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

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

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

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

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

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

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

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

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

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

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

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

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Short-Term Freight Rail Impacts

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Mitigation Measures

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

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

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

3.4.4.5 Bicycle and Pedestrian

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

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



3.4.4.6 Safety and Security

LONG-TERM IMPACTS

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

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

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

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

SHORT-TERM IMPACTS

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

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

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

3.5 Draft Section Evaluation Update

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

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

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

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

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

The Kenilworth Channel/Lagoon

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

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

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

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

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

Visual Impact

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

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

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

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

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

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

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

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

Noise Impact

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

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

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

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

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

Not Mentioned

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

Minneapolis Park and Recreation Board

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

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

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

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

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

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

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

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

No-Build or Bus Rapid Transit Alternative

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

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

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

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

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

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

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

The Tunnel

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

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

Conclusion

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

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

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

Adopted July 1, 2013

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

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

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

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

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

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

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

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

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

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

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

Notes

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

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

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

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

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

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

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

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

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

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

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

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

From: LRT-Done Right

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

INTRODUCTION AND BACKGROUND

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

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

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

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

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

RULE ANALYSIS

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

Rail Routing -

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

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

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

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

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

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

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

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

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

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

Notification to State Emergency Response Commissions (SERCs)-

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

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

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

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

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

Tank Car Specifications -

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Allocating the liability from risks between the freight railroad and the transit agency
2. Managing the additional risk by developing a prudent insurance strategy
3. Ensuring the safety of passengers in mixed freight and transit operations
4. The willingness of freight railroads to grant access to their ROW for transit operations
5. Providing satisfactory conditions for continuing service to freight customers. Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

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

1. Modify the definition of a high-hazard flammable train provided in Section 171.8 to read as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.
2. The PHMSA and FRA rules must apply to all trains conveying Class 3 flammable liquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.
3. The PHMSA and FRA safety rules should apply equally to HHFTs that are conveying oil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.
4. Ban the use of DOT-111 tank cars now for transporting any amount of hazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.
5. DOT-111 cars should not be used for the transport of any crude oils or fossil fuels, regardless of classification.
6. Retrofitted cars that fail to meet every standard of the most protective new tank car design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Require that any and all railroads/shippers conveying one carload or more of Class 3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.
8. Enforcement of PHMSA/FRA/FRA rules and inspections do not happen regularly due to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.
9. Implement federal standards and rules that would minimize the occurrence of the key causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.
10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.
11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.
12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.
13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.
14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).
15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.
16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., Class I -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

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From: [Kim Bartmann](#)
To: [swlrt](#)
Subject: SW LRT comment
Date: Tuesday, July 21, 2015 5:28:06 PM
Attachments: [image001.png](#)
[Executed - SDEIS Response .pdf](#)

I am writing today to express my support of the comments attached made by the LRT Done Right organization. I have been a passionate supporter of Minnesota's environment. I opened Minnesota's first LEED-certified restaurant. I recently won an "excellence in Development" award from the Minnehaha Watershed District and a Sustainable Business award from Environment Minnesota. I am terrified that not enough thought has gone into the ramifications of trying to co-locate these trains in the Kenilworth Corridor, and one of the most important nature preserves and parks in our city limits will be irrevocably damaged.

Beyond wanting to be on the public record as supporting these comments made by Mary Paddock on behalf of the LRT Done Right organization, I also want to point out that as an owner of two businesses within 1/2 block of the 29th Street corridor, it is extremely disappointing to me that the train isn't being planned to run along Lake Street through Minneapolis before turning north to meet up with downtown. That would serve residents of ,for example, the Phillips far better than pretending that they're going to take a bus all the way over to a 21st Street station in order to get downtown or to North Minneapolis. Not to mention that it would serve the densest neighborhoods; something I thought was supposed to be the goal of public transit.

kim bartmann

'fall seven times, stand up eight' — Japanese proverb



LRT-Done Right

July 21, 2015

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

Dear Ms. Jacobson:

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

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

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

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

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

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

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

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

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

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

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements

B. Potential Acquisitions and Displacements Impacts

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

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

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council’s agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see:

<http://metro council.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf>

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

3.4.1.3 Cultural Resources

B. Potential Cultural Resources Impacts

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

Long-Term Direct and Indirect Cultural Resources Impacts.

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

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

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

² See <https://gis.hennepin.us/property/map/default.aspx>

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

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

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

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

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

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

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.
- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.
- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

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

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

<http://www.swlrtccommunityworks.org/explore-corridor/stations/21st-street-station>

See also

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

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

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

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

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

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

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

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

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

Section 3.4.1.5 Visual Quality and Aesthetics

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

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

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

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

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

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

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

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

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

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

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

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

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

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

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

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

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

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

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

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

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

Economic costs:

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

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

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

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

Environmental:

Noise:

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

Vibration:

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

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

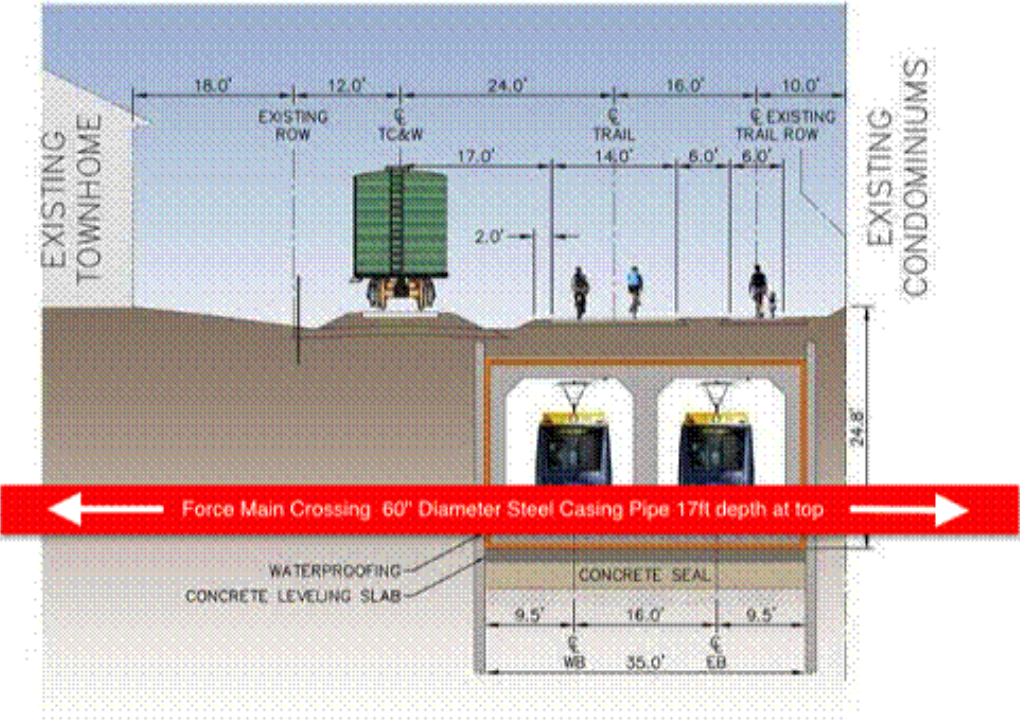
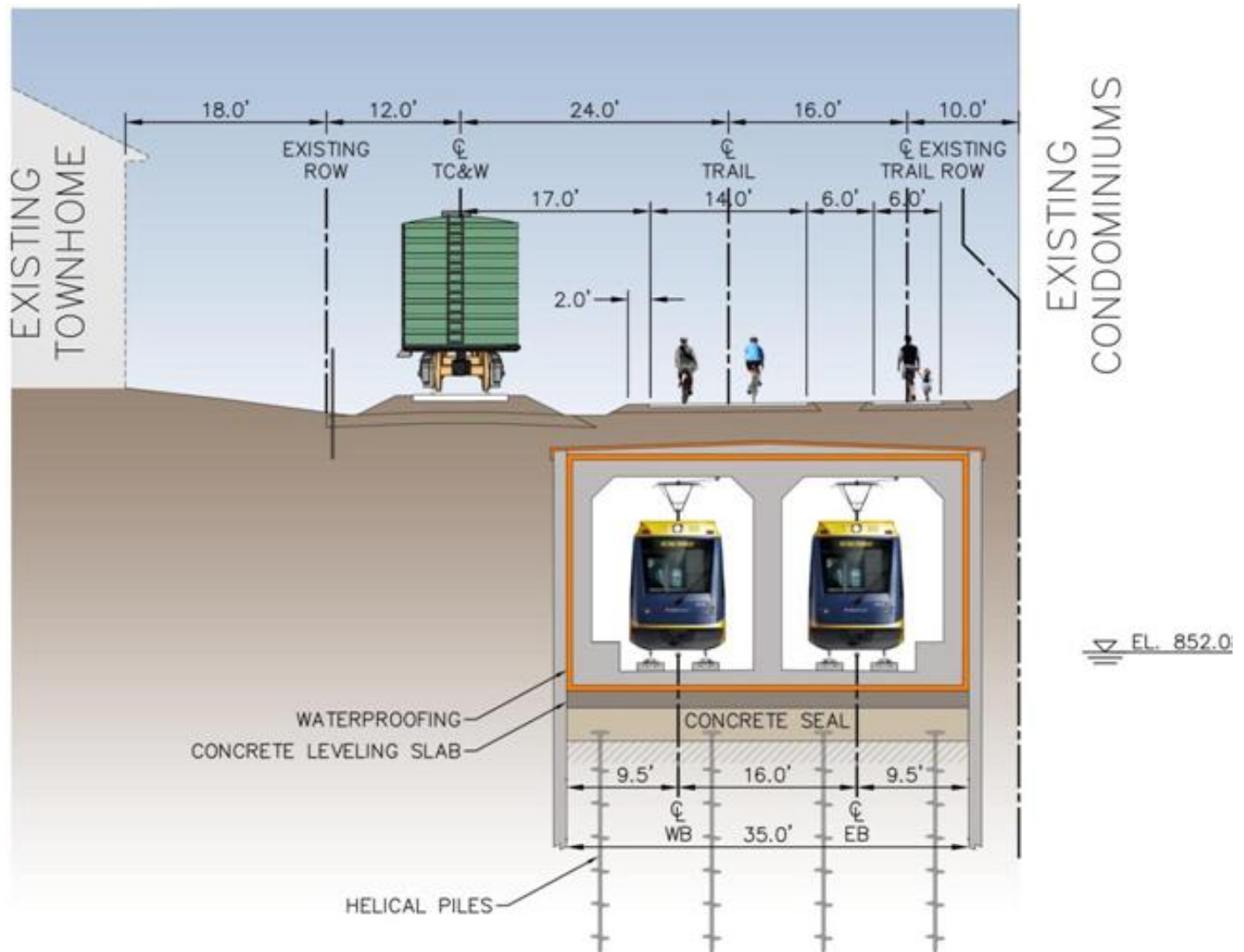


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

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

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train*. However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating “the result of adjustments to the design of the Southwest LRT Project since the publication of the [Draft EIS](#) in 2012.”³ *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*
- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.
- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

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

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

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

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

³ <http://metro council.org/swlrt/sdeis>

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

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

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

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

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

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

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

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

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

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

11 PM – 12AM

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

Very early morning 12 AM – 2 AM

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

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

Very early morning 2 AM – 4 AM

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

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

WEEKENDS

Early morning 4:30 AM to 9 AM

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

Morning to evening 9 AM – 7 PM

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

Evening 7 PM to 9 PM

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

Late evening 9 PM – 11 PM

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

Late evening 11 PM – 12 AM

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

Very early morning 12 AM to 2 AM

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

Very early morning 2 AM – 4 AM

- No trains — equals current existing conditions

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

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

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

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

The article continues:

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

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

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

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

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

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

A. Existing Conditions (p. 3-180)

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

Fundamental defect with baseline noise measurements

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

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

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

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

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

B. Potential Noise Impacts

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

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

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

⁷ <http://metro council.org/swlrt/sdeis>

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

Tunnel Swaps Noise for Vibration

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

Analysis of Table 3.4-12

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

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

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

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

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

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

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

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

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

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

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

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

We believe that the residences with noise impacts deemed “moderate” in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a “moderate impact without mitigation” as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule⁸, locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a “severe” noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate “almost all noise impacts within that segment of the corridor.” However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation “building” planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, “There are no vibration impacts in this segment [of the SWLRT route]” This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment*, the FTA’s own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating.”⁹

The SDEIS says that 54 residences¹⁰ in the “St. Louis Park/Minneapolis” segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a “Residential Annoyance” in the tables in Appendix H, the fact that these “annoyances” will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered “severe”. This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: ¹¹

...the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

⁹ Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9

¹⁰ All of them are Category 2 receivers: “residences and buildings where people normally sleep.”

¹¹ Chapter 7: Basic Ground-Borne Vibration Concepts, 7-6

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: “Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used.” Within weeks of this writing, impact pile-driving on the former Tryg’s restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the “expected” range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a “contingency” line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.

Further study is needed of:

- 1) The effects of various pile-driving alternatives on the many at-risk structures
- 2) The costs involved with each of those alternatives;
- 3) The geology of the area, and its ability to support the construction process.

MITIGATION

The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It’s hard to imagine a retrofit of the residences impacted by the vibration affects utilizing “floating floors.” If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is “reasonable to expect that previously undocumented soil or

groundwater contamination may be encountered during construction.” It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from \$1.65 billion to \$1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council’s 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire “brand” of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of “The City of Lakes” park area will forever have a negative impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least \$13 million to \$24 million of investment above and beyond the projected \$1.65 billion budget goal, and additional costs in perpetuity.

- *\$1 million to \$5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?
- *\$5 million to \$10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.
- *Unknown millions*: For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?
- *\$3 million to \$5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.
- *\$4 million annually*: In lost property tax revenues. Approximately \$2 billion of the City of Minneapolis' net \$35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this \$2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about \$80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of \$4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden geese that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately \$200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that “freight would be relocated to make way for light rail.” Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs’ transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, “Freight Rail is independent of the Study.” Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project’s elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the “Blast Zone.”



Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as “bomb trains” — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a “blast zone,” running 1/4-1/2 mile on either side of the track.

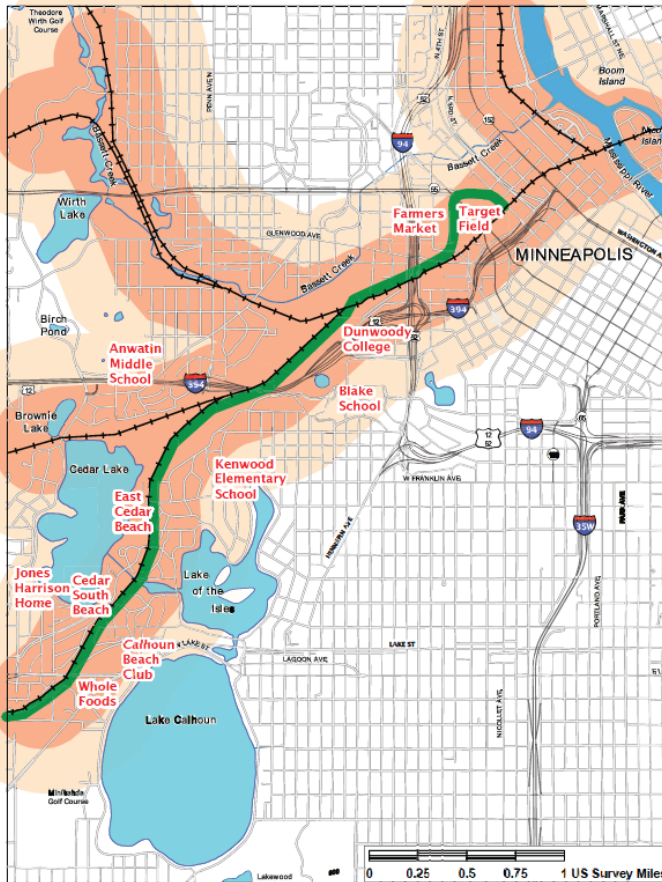
The Kenilworth corridor is a high-risk evacuation blast zone.



Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.

- THIS IS THE BLAST ZONE -

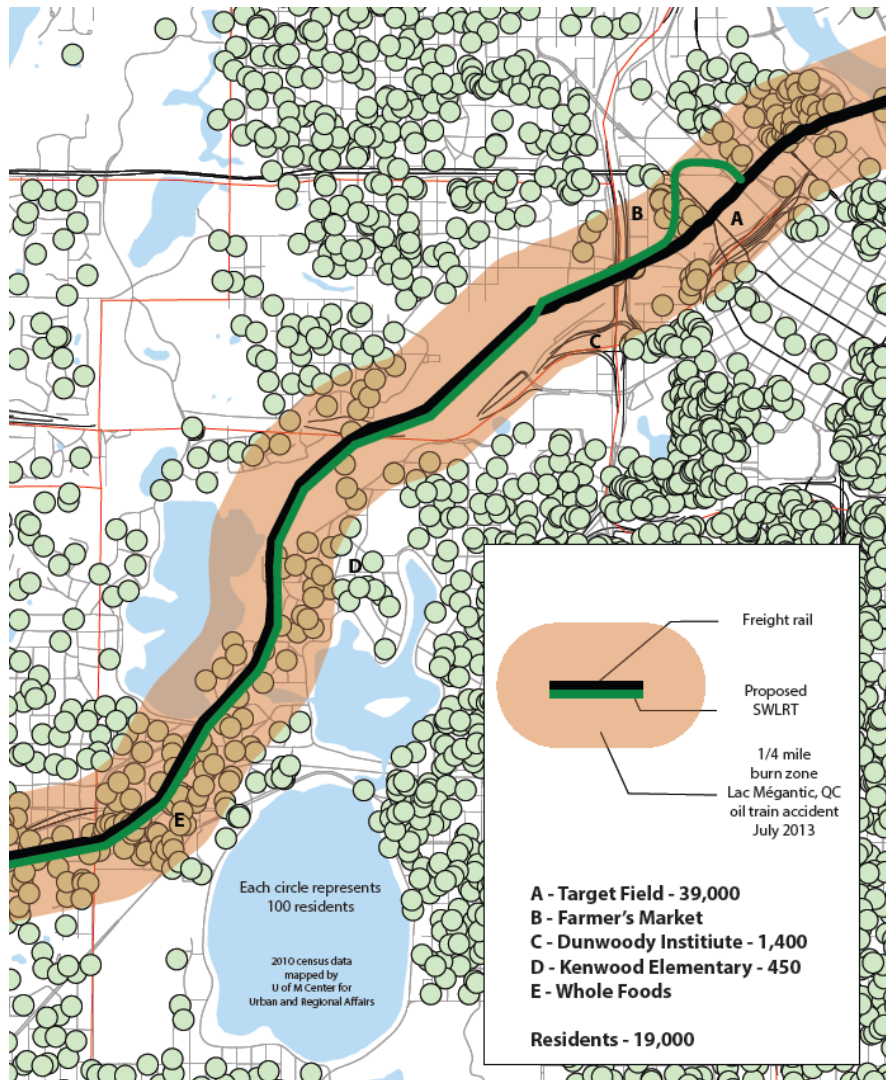
**SWLRT co-location with high hazard freight trains
in the Kenilworth corridor**



Ethanol and Oil Train Disasters:



Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,¹² "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables*. Exposure to even small amounts of anhydrous ammonia

¹² *Economic Impact of TC&W Railroad's Freight Operations*, September 2013; <http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final>.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, “customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities.” That number continues to expand annually, with “the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010.” As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they “have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states.” Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads*, such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. ***Please see LRT Done Right’s prior correspondence on this matter at the end of this response, starting on page 38.***

However, TC&W, which is a Class III rail carrier (a short line with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in DOT-111s and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from two-person crews to one- or two-person crews. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not even apply to TC&W due to their Class III status*. Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with approximately 30 percent of TC&W’s freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol*, a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rail* in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment*, especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-

hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.¹³ Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth*. There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project*.

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor, *this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

¹³ Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there had only been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current “north woods” feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.



3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is “within a 3 hour distance” of the corridor. We believe that the potential harm during that “3 hour window” along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as “minor”; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

“Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required.”

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. “No Build” and “Enhanced Bus Service” were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis*.

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis*.

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

“Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimis*. This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

"horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view". But, the document goes on to reassure –

"[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimis* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

"The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria.*"

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

"Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

"The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.*" (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

"Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut \$3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

"Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

“No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project’s purpose and need.”

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimis*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and “are “...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes.” (Citizens to Preserve Overton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn’t have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that “all possible planning to minimize harm will be conducted and implemented”

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be “inconsistent with local and regional comprehensive plans.” Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties. [emphasis added]*

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as “co-location.”**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for “co-location” despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The southwesttransitway.org has stated since its inception that:

Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions. During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brotsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean that this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based on its revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. These important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency
2. Managing the additional risk by developing a prudent insurance strategy
3. Ensuring the safety of passengers in mixed freight and transit operations
4. The willingness of freight railroads to grant access to their ROW for transit operations
5. Providing satisfactory conditions for continuing service to freight customers Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modify the definition of a high-hazard flammable train provided in Section 171.8 to read as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.
2. The PHMSA and FRA rules must apply to all trains conveying Class 3 flammable liquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.
3. The PHMSA and FRA safety rules should apply equally to HHFTs that are conveying oil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.
4. Ban the use of DOT-111 tank cars now for transporting any amount of hazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.
5. DOT-111 cars should not be used for the transport of any crude oils or fossil fuels, regardless of classification.
6. Retrofitted cars that fail to meet every standard of the most protective new tank car design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Require that any and all railroads/shippers conveying one car load or more of Class 3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.
8. Enforcement of PHMSA/FRA/FRA rules and inspections do not happen regularly due to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.
9. Implement federal standards and rules that would minimize the occurrence of the key causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.
10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.
11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.
12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.
13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.
14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).
15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.
16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., Class I -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

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From: [Kristine Vitale](#)
To: [swlrt](#)
Subject: SWLRT Opposition Statement
Date: Tuesday, July 21, 2015 11:52:38 PM

Good evening -- I was unable to attend the public hearings and am happy that I am able to voice my opinion via email. Thank you in advance for your time.

In 1984, during my first visit to Minneapolis, I knew I needed to live here one day.

With all the lakes, biking and walking paths, great restaurants, shopping, etc., I knew Minneapolis would fit my lifestyle. My favorite area was/is anywhere around the Chain of Lakes. My heart belongs there and it's where I decided to move to in 1999.

I live on the north side of Cedar Lake and spend time almost everyday either in, on or around the Lakes. Every time I walk, run or bike down the very corridor you want to destroy, I thank God that I live where I live and for the beauty I am lucky enough to enjoy. I'll never understand how anyone could walk down that path, with all the glorious trees, and think "yup, we should put the SWLRT here".

I am terrified, infuriated, panicked and angry. How dare you destroy what makes Minneapolis the amazing city it is! The unrecoverable environmental impact, the dewatering of the Chain of Lake, the destruction of thousands of trees, the waste of money that should be going to our deteriorating roads and bridges -- how can these things all be overlooked?

Something to think about for those folks in the suburbs that want the SWLRT -- the lightrail will run both into the city and back out to the suburbs. The very reasons you don't live near downtown will now have 223 opportunities to make your home their home. Take a look at the Mall of America and what happened to that once the lightrail connected to it. Need I say more?

I am completely against the SWLRT going through the corridor between Lake of the Isles and Cedar Lake. Please, please, please stop this insanity and make the right choice for our city and our future.

Thank you!

Kristine Vitale

From:
To: [swlrt](#)
Subject: SWLRT- Please read and share with appropriate people Thanks.
Date: Tuesday, July 21, 2015 11:44:15 PM

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit — Southwest LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

Dear Nani Jacobson and To Whom it May concern;

*I, yet again, loudly voice my/our opposition to the current proposal regarding freight and Light Rail through Kenilworth Trail. This has got to stop!! This is a parkland and the environmental impact to the park and the "City of Lakes" will be irreversible. I/we are not a group of highly oppositional citizens with unreasonable requests. This objection comes from your MOST reasonable citizens in the city to say it is the WRONG location. We all support light rail for the metro completely.

*We CAN have light rail to downtown without sacrificing one of our "City of Lakes" most treasured areas! How about routing it along the Lake Harriet Parkway or along Minnehaha Falls or on the River Parkway? Why not? Because it is PARKLAND that is loved by Minneapolis citizens and many visitors to the city. Think Twin Cities Marathon or other events that have people talking about the beauty of our parks!! This is the same reason Kenilworth Trail is not the right location!!!

*Why can't we save the parkland and the peaceful areas that make us proud of our planning and of our city? We all know (and so do you) that we could find a route for the light rail that serves more of the needs of the citizens who will ride the light rail. This is possible. This takes leadership and courage.

*We will look back at this decision and either feel proud to have found a way to preserve both the parkland and to run the rail line to serve the needs of more of us. City and regional planners have been masterful (in the history of our area and in MN) in preserving the best of what we have. Why not make the decision to do the same expert planning?

*I/we know all the long history of the project, we know the gripes from other communities, etc.. This is the time to say NO to running this through Kenilworth. This truly will ruin an area that is treasured by bikers, nature lovers, swimmers, kids, boy scouts, girl scouts, elderly, running clubs, families, visitors, etc..

*I got to know a man from another country who stayed in a downtown hotel for 6 months. He ran the Kenilworth and Cedar Lake trails every morning. He could not get over the beauty and peacefulness that had been preserved in our city. One day he was running with 2 other men. He told me he was showing his friends from Europe how beautiful the area was. He was a good example of visitors who see and appreciate our good decisions about preserving the "jewels" of the area. He shared his love of Kenilworth with others which makes our city/area attractive in a business sense also.

Google Kenilworth and see how this area is described. Yes it was a long term plan to make this the light rail line. Now it needs to be altered for the good of the taxpayers and citizens. There are other ways to run light rail to downtown.

Please RERoute NOW!!! Its hard to do but it is the right thing to do.

Just one of many descriptions:

Kenilworth Regional Trail

Length: 1.5 miles

Rating: 4 ½ / 5

Surface: Asphalt

Short, yet satisfying, this convenient link will make a wonderful part of your bike ride. The Kenilworth Trail links the [Cedar Lake Trail](#) to the [Midtown Greenway](#) near the Saint Louis Park border, between [Cedar Lake](#) and [Lake of the Isles](#). Though your views of these lakes will be limited, the trail is cloaked in a wonderful thick woods. It is also a "bike freeway," with three separate lanes for walkers, north-going bikers, and south-going bikers.

(Last biked Saturday, October 4th, 2014, 1 PM to 2 PM)

Beth Stockinger and all of our family

Longterm Minneapolis residents and taxpayers

From: [Cathy Deikman](#)
To: [swlrt](#)
Subject: SWLRT SDEIS response
Date: Tuesday, July 21, 2015 11:52:12 PM

I endorse the SWLRT SDEIS response submitted today by the organization LRT Done Right.

Cathy Deikman
Minneapolis

From: [Jacobson, Nani](#)
To: [swlrt](#)
Subject: FW: SWLRT Supplemental DEIS
Date: Tuesday, July 21, 2015 11:21:12 PM

From:
Sent: Tuesday, July 21, 2015 10:54 PM
To: Jacobson, Nani
Subject: SWLRT Supplemental DEIS

Dear Ms. Jacobson,

After attending meetings too numerous to count, we hold little hope that anyone on the Metropolitan Council is paying attention to the "voice of the people," but we will add our comments for the record.

As Rep. Linda Runbeck (Mn. House of Representatives) has stated, "The proposed SWLRT poses a multitude of problems."

Unfortunately the SDEIS seems to gloss over many of these problems and does not address adequately the very large issue of public safety.

As Rep. Frank Hornstein (Mn. House of Representatives) so eloquently said when he listed the many safety issues surrounding this project, "We need more information in this SDEIS document." As you will remember, he urged the Council to delve into the dangers of hazardous materials zooming through the Kenilworth Corridor side by side with trains transporting people. He also emphasized that the dangers will increase during the construction period. Earlier in the year, he urged a "wake up call" for oil and transportation safety. In his remarks at the Dunwoody open house, he said the SDEIS "should emphasize the effects on houses and people." The SDEIS has not done so.

Many aspects of the project have changed since the original DEIS was published. However, the SDEIS virtually ignores issues like vibration and noise ("a moderate non-residential noise impact would occur at the Kenilworth Channel") pays scant attention to dewatering and deforesting, and from a perfunctory study, minimizes the potential damage to our Chain of Lakes. The construction alone poses severe threats to Cedar Lake and Lake of the Isles. The long-term damage could take years to make itself known, yet the document suggests that there will not be adverse effects. Though the SDEIS "evaluates visual and aesthetic impacts," the solutions to what are clearly man-made structures intruding on nature, are hardly in keeping with a peaceful green space. Perhaps further study would point out many more "substantial overall levels of impact." There is also the issue of railroad contamination during construction and the contamination inherent in the Cedar Lake Yards (Six potentially contaminated sites have been identified...) To what extent will mitigation be needed and what will it cost?

These and other important issues have been studied in depth and reviewed by the LRT Done Right Group. We support their comments and will add in closing, comments made by Rep. Jenifer Loon (Mn. House of Representatives.) "Overall, this project simply does not achieve the goals of connecting workers, shoppers and people in a cost effective manner."

You will note that the concerns voiced by our elected officials from both sides of the aisle, echo the concerns of the citizens they represent.

Why is it that we are not being heard by the Metropolitan Council? It is time to re-think, re-scope and re-route the SWLRT

Thank you,

Gretchen and Doug Gildner

From: [Julia](#)
To: [swlrt](#)
Subject: SWLRT
Date: Tuesday, July 21, 2015 7:24:38 PM

I am writing in support of the SWLRT. We just returned from Norway and Denmark, and we so impressed with the trains and mass transits options available to all people, everywhere. In the mountains, along the fjords, in the cities, and the outskirts. For the health of our city, ourselves, we need to make this line happen. We need another spoke in the transit system that will build this area into a real community that will last for generations.

Please do everything in your power to make this line happen, these trains run. And please keep the 21st station. I'm all for creativity. Put in a highline for bikes and walkers in the narrows of Kenilworth.

The other amazing thing about Copenhagen and Oslo and cities along the way, was how little car traffic there was. We are SO blind to cars, their noise and pollution. Ditto for highways. We've come to see them as the norm, so much so, that we don't even see them anymore. With 394 being worked on, the noise of engines, cars, is down significantly. I'm not sure any of my Kenwood neighbors will admit to noticing this, being so car dependent and anti-lightrail, but it is true.

I want Minneapolis to rank with the small European cities are so livable. I want the best Minneapolis possible. And that means SWLRT.

Sincerely,
Julia Singer

From: [George Puzak](#)
To: [swlrt](#)
Subject: SWLRT--Comments on SDEIS--Please acknowledge receipt
Date: Tuesday, July 21, 2015 5:42:40 PM
Attachments: [Comments on SWLRT SDEIS July 21 2015.pdf](#)

Dear SWLRT Project Office staff,

I submitted the attached comments by email today, July 21, 2015, at 11:46 am.

Please acknowledge receipt of them. Thank you.

[George Puzak](#)

From: George Puzak
Sent: Tuesday, July 21, 2015 11:46 AM
To: 'swlrt@metrotransit.org'
Cc: 'adam.duininck@metc.state.mn.us'; 'gary.cunningham@metc.state.mn.us';
'gail.dorfman@metc.state.mn.us'; 'steve.elkins@metc.state.mn.us'
Subject: SWLRT--Comments on SDEIS

Dear Ms. Jacobson and SWLRT Project Office staff,

Please accept these comments on the Supplemental Draft Environmental Impact Statement (SDEIS) for SWLRT.

The SDEIS does not adequately address alternatives for SWLRT, nor does it adequately address the impacts of freight rail in the Kenilworth Corridor. The SDEIS cannot fix this project's fundamental flaw—**Hennepin County's failure to include freight rail in the project's original "scoping process."** Hennepin County explicitly omitted freight rail from the project when it selected the SWLRT alignment in 2009, yet added freight rail to the project in 2011. The flaw is that when Hennepin County added freight rail (a new mode) after selecting the route, it failed to re-open scoping and re-examine all alternatives and alignments. The new mode fundamentally changed all aspects of the project.

Required by the National Environmental Policy Act (NEPA), scoping is the first step in environmental review. It identifies the issues, alternatives, locations, and modes of transport to be studied in a transit project's environmental impact statement (EIS). But Hennepin County, in both its 2009 Scoping Report and 2010 Locally Preferred Alternative (LPA), failed to include freight rail as part of SWLRT. Five cities then proceeded to vote and approve the 2010 LPA. In 2011, despite receiving notice from the Federal Transit Administration (FTA) that freight rail is part of SWLRT, Hennepin County failed to amend the scoping report and re-open scoping for public comment, and thus violated NEPA.

Compounding the problem, in summer 2014, the Met Council imposed yet another, fundamentally different plan to be approved, this time through municipal consent: while the 2010 LPA approved by five cities had omitted freight rail in Minneapolis' Kenilworth corridor, the 2014 plan included it. Yet, the Met Council provided no Draft EIS on freight rail, LRT tunnels, and soil conditions before the vote. Citizens lacked critical information and officials from Minneapolis and four other cities were forced to vote on municipal consent.

The current plan would run electric-sparking LRT trains as close as 15 feet from freight trains (carrying as many as 100 cars of ethanol — an explosive whose flash point is below that of oil) through residential neighborhoods, over the Chain of Lakes Kenilworth Channel, and through downtown next to Target Field. *But this arrangement was never included in the original scoping phase. This omission limited the choice of transit options and alignments that citizens and decision makers considered.* Further, neither citizens nor public officials had information about the 2014 plan's environmental and public safety risks before the vote. Thus, the cities gave blind consent, not informed consent. The government's own errors in following legally-required processes have now caused a conflict—the 2014 municipal consent plan includes freight rail, but the 2010 Locally Preferred Alternative (LPA) does not. The Met Council must update the LPA—triggering a new round of public hearings and municipal votes. The government's own studies also contradict the current plan. According to the December 2012 DEIS, co-location of freight rail and light rail in Kenilworth would not adequately preserve the environment and quality of life in the surrounding area. What has changed since 2012?

Contrary to law, the Met Council has limited the choice of reasonable alternatives and alignments. Reducing costs, studying freight rail in the Supplemental DEIS, and repeating municipal consent are not sufficient remedies. There are only two remedies:

1. Eliminate co-location of freight and LRT by re-locating freight rail out Kenilworth and build the plan approved in 2010; or
2. Re-open and include freight rail in SWLRT's original scoping process. This remedy will allow government and citizens to study all reasonable alternatives for LRT alignments, while acknowledging freight rail's routing, costs, and impacts.

Thank you for your consideration.

George Puzak

July 21, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
via email: swlrt@metrotransit.org

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Thank you for your consideration.

A handwritten signature in black ink that reads "George Puzak". The signature is written in a cursive, slightly stylized font.

George Puzak

From:
To: [swlrt](#)
Subject: The Plan
Date: Tuesday, July 21, 2015 3:20:54 PM

The biggest problem you have is that the choice for the route between Kenilworth and St. Louis Park was a false choice in the beginning.

Why not route the line through Uptown and South Minneapolis, where there's a multitude of potential passengers, instead of through Kenilworth!

--

[Lou Schoen](#)

From: [Fred Sewell](#)
To: [swlrt](#)
Subject: Light Rail Done Horribly Wrong
Date: Tuesday, July 21, 2015 4:34:45 PM

We have just spent literally over one hour reading the document: SouthWest Light Rail Supplemental DEIS. It is terribly important that each of you on the Metropolitan Transit Office take the time to study the findings contained therein. We are disturbed beyond belief with what we have learned. How in the world can you possibly let this project continue? IF THIS PROJECT IS ALLOWED TO PROCEED AS PLANNED, THE IMPACT ON OUR BEAUTIFUL CITY WILL BE BEYOND HORRIBLE.

Please, PLEASE think about the impact of this plan, as well as the things that you have not addressed, and STOP the project immediately until all of the issues outlined in the study have been satisfactorily addressed.

Sincerely,

Fred and Gloria Sewell

From: [Chris Johnson](#)
To: [swlrt](#)
Subject: SWLRT SDEIS
Date: Wednesday, July 22, 2015 10:30:12 PM

Dear Met Council,

I support LRT Done Right's response to the SDEIS.

Kenilworth is the wrong place to route SWLRT, and everyone knows it.

Co-location of freight, light rail, bicycle, and pedestrians in the narrow corridor is beyond absurd and totally unsafe.

The successful metro areas of the future will prioritize green space, walkability and bikeability in addition to mass transit. More bike paths, walking paths, and green spaces. More public transit options. Healthier citizens. Less cars. Therefore...

LRT should displace cars, not trees. New LRT infrastructure should take the place of automobile infrastructure, rather than bike paths, walking paths, parks and woods.

I have not seen any reasonable explanation for why the SWLRT can't be routed away from Kenilworth. Through Uptown, for example, or along existing freeway corridors.

Please do what is right, and change the route!

Christopher J. Johnson

From:
To: [swlrt](#)
Subject: decision making for the future
Date: Wednesday, July 22, 2015 8:01:18 AM

To one and all whose seats and power rest on unelected office

I am writing to ask those in power to reconsider your decisions about where to locate the SWLRT line here in Minneapolis.

Minneapolis is a beautiful and unique city. It is probably one of the few cities in the world, that still has so much wilderness and natural beauty left within its parks and borders. And then there are the unique lakes for the use of our citizens for pleasure from walking to playing to swimming and fishing.

I am asking you to consider this when you make use of your power to make your decisions about destroying these historic attributes. You may not even have the right to make these decisions to destroy the historic attributes of this city for the future. Once they are gone they are gone. Why should a few people have the right to make this decision for the future citizens of this city to destroy this historic beauty? We should be stewards of this beauty rather than destroyers. I am not even sure that these few unelected few have the right to do this. If they proceed they become tyrants, the few deciding for the many and the many having no rights or power to conserve.

Another reason to locate this rail line and trains across the street from a public swimming beach where there will be small excited children running across the line to get to the beach. This is an accident or death waiting to happen and then the tears will flow and hand wringing begin but it won't matter nor bring back lives. Right now all of you unelected decision makers have the opportunity to make this crossing safe. When was the last time you had the opportunity to prevent tragedy? Right now you do have that opportunity to do the right thing and locate the SWLRT line in a less dangerous, destructive, and I might add expensive location. There are so many reasons to not place this line in this spot as the recent ongoing controversies and lawsuits have pointed out so listen and do the right thing.

Minneapolis lover and citizen, Joyce Murphy

From:
To: [swlrt](#)
Subject: Endorsement of Done Right SWLRT comments
Date: Wednesday, July 22, 2015 9:15:04 AM

I fully concur with the DONE RIGHT organization's comments on the SWLRT. The project has been seriously flawed from the onset, contains many potential problems, and has been pushed through "to get the federal money" without careful consideration of many aspects of the project. There has been gross distortion of ridership at several of the Minneapolis stations, some political conflict of interest issues. The entire plan should be chucked.

I'm a strong advocate for light rail when it is carefully, thoroughly, and wisely done, none of which seems to be the case in the present plan.

With literally a hundred apartments buildings being built along the Greenway between Hennepin Ave and Lyndale (and beyond) with thousands of residents living there, why oh why is the SWLRT bypassing this Minneapolis population and going through 3 miles of relatively upopulated area in the Kenilworth area. This makes no sense. I thought the federal money was dependent upon "serving the populace of Minneapolis." The present plan does not.

Edith Black

From: [Laura Kinkead](#)
To: [swlrt](#)
Subject: I endorse LRT Done Right
Date: Wednesday, July 22, 2015 12:09:51 PM

I fully support the comments submitted to the Met Council by LRT Done Right regarding the SDEIS.

Let's do this right and not negatively impact a shared metro wide resource!

Laura A. Kinkead

From: [Louise Delagran](#)
To: [swlrt; peter.wagenius@minneapolismn.gov](mailto:swlrt;peter.wagenius@minneapolismn.gov)
Subject: I endorse LRT Done Right's statement
Date: Wednesday, July 22, 2015 9:33:10 AM

Dear Members of the Met Council:

Please read this thorough and careful analysis of the issues surrounding LRT in the Kenilworth corridor. As someone who lives a block from the tracks, a particular concern to me are the safety issues around freight rail carrying large volumes of flammable material and light rail electricity close by, not to mention concerns during construction of LRT. I strongly oppose changing oversight of this track from the FRA.

In addition, I would like you to get serious and specific about mitigation efforts to address the visual and auditory impact the LRT track and 21st station will have. To quote from the LRT Done Right response:

At Viewpoint 6, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point"—that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment." The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. **The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.**

This area is part of the greatly loved Chain of Lakes and Grand Rounds in Minneapolis, used by millions of bikers, walkers, skiers, bird watchers, fishermen, and canoeists each year. The focal point is the water, the green spaces, the trees, the birds and animal life--not a concrete station that we can see anywhere else in the city. Please keep it that way.

--

Louise Delagran

From: [Thad Spencer](#)
To: [swlrt](#)
Subject: LRT Done Right
Date: Wednesday, July 22, 2015 10:33:27 AM

Dear Ms. Jacobson,

I am writing you as a concerned resident of Minneapolis to tell you that am in complete agreement with the comments submitted by Light Rail Transit Done Right, (LRTDR).

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

Thad & Shiela Spencer

From: [Melissa Lally](#)
To: [swlrt](#)
Subject: LRT Done Right's comments to the SDEIS
Date: Wednesday, July 22, 2015 8:57:05 AM

ATTN: Met Council

I fully support LRT Done Right's comments to the SDEIS and hope you will take these concerns and conclusions to heart for the well being of our fine city.

Respectfully,

Melissa Lally

Melissa Lally

This message (including any attachments) contains confidential, proprietary or privileged information intended for a specific purpose and individual(s), and is protected by law. If you receive this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender. Any unauthorized disclosure, copying or distribution of any part of this message, or the taking of any unauthorized action based on it, is strictly prohibited.

From: [Laila Schirrmeister](#)
To: [swlrt](#)
Subject: LRT-Done Right comments
Date: Wednesday, July 22, 2015 7:52:58 AM

I am a Kenwood resident who **STRONGLY ENDORSES** the comments recently submitted by the LRT-Done Right Minneapolis residents organization.

You would do well to take advantage of the research done by this group since you have not been capable of doing this level and quality of research on your own.

Laila Schirrmeister

From:
To: [swlrt](#)
Cc:
Subject: SWLRT
Date: Wednesday, July 22, 2015 8:58:54 AM

Metropolitan Council

RE: SWLRT Comments (SDEIS)

I support all comments, concerns and recommendations regarding SWLRT as communicated in the Lakes & Parks Alliance / LRT Done Right letter which was forwarded to your offices yesterday. I would also hope that you consider the wide range of **non-LRT options for transit** originally requested by Governor Dayton and documented in the letter from Mr. Bob Carney to the Metropolitan Council.

Sincerely yours,

Harvey Ettinger
Chair, East Isles Residents Association Parks Committee

From: [herb.jones](#)
To: [swlrt](#)
Subject: SW LRT
Date: Wednesday, July 22, 2015 1:21:28 AM

I would like to see the project routed along 394 or lake street where there will be many more opportunities for use instead of thru a few miles of beautiful park/lake land that is used by thousands daily who enjoy the beauty and quietude of the Kenilworth Trail. I use the trail daily to bike to work at HCMC. While I do not live in close proximity to the line (3508 W. 28th street) I feel bad for the people who do and I think it could dramatically injure one of the most special commuting and recreational routes.

Thank you,

Herb Jones

Lebold, BillieJo

From: Susu
Sent: Thursday, July 23, 2015 9:30 AM
To: swlrt
Subject: Fw: Comments on the Southwest LRT SDEIS
Attachments: SWLRT Comments on the SDEIS 7-21-15.docx

Dear Ms. Jacobson,
I have not yet received a read receipt from this July 21st email.
Kindly acknowledge receipt of this message and the attachment sent in before the deadline expired.
Sincerely,
Susu Jeffrey

From: [Susu](#)
Sent: Tuesday, July 21, 2015 8:09 PM
To: [Nani Jacobson](#)
Subject: Comments on the Southwest LRT SDEIS

FRIENDS OF COLDWATER

1063 Antoinette Avenue Minneapolis MN 55405-2102 612-396-6966
www.friendsofcoldwater.org info@friendsofcoldwater.org

July 21, 2015

Nani Jacobson, Assistant Director
Environmental and Agreements
Metro Transit—Southwest Light Rail Transit Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park MN 55426
SWLRT@metrotransit.org

Dear Ms. Jacobson,

Please see the attached Comments on the Southwest LRT SDEIS.

Friends of Coldwater is a Minnesota non-profit, non-governmental organization founded in 2001 to educate citizens to protect our water commons.

Sincerely,
Susu Jeffrey

Attachment: Comments on the Southwest LRT SDEIS

FRIENDS OF COLDWATER

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www.friendsofcoldwater.org info@friendsofcoldwater.org

July 21, 2015

Nani Jacobson, Assistant Director
Environmental and Agreements
Metro Transit—Southwest Light Rail Transit Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park MN 55426
SWLRT@metrotransit.org

Comments on the Southwest Light Rail Transit Project SDEIS

The Southwest Light Rail Transit (SWLRT) public process by Hennepin County Commission and Metropolitan Council has been an exercise in pretend democracy. From the beginning the LRT was presented by elected and appointed government officials as a fait accompli.

Although design plans have morphed since 2014 no new municipal consent procedure appears to be planned. With an estimated cost approaching \$2-billion, half the funds from federal sources, SWLRT is the most expensive tax-payer program ever imagined for Minnesota.

Co-Location

The off and on again co-location of heavy and light rail traffic was a bait-&-switch tactic. To illustrate the intent to deceive the public about the safety of co-location no "blast zone" map of ethanol rail cars next to the SWLRT was produced for citizen inspection and comment.

From St. Louis Park to the baseball stadium, through the Chain of Lakes, the half mile wide residential and park land remains menaced. The manipulation of promises and threats reifies citizen mistrust of government powers.

The "Equity Train"

The "equity" argument for the SWLRT was a brilliant public relations maneuver to silence guilt-prone white people. Equity is P.C. The pitch was that underserved black

Northsiders would get transportation to jobs in the southwest suburbs. Like the promise to move heavy freight with dangerous ethanol traffic out of the urban zone, the equity promise lapsed.

SWLRT was never planned to move the densely populated Minneapolis black Northside or white Uptown populations. In addition to being a construction jobs program the SWLRT was apparently designed as infrastructure for workers to get to suburban cubical factories.

Urban vs. Suburban

The wealthy southwest suburbs pitted their financial clout against urban public parklands and people—and money won. Furthermore the outcome was assured ahead of time since the elected Hennepin County Commission and the appointed Metropolitan Council are dominated by white suburbanites. Apparently black economic lives do not matter here.

Reducing Cars and Auto Emissions

The Draft EIS predicted no reduction in automobile greenhouse gas emissions with SWLRT until after 2050.

Water

Destruction of parkland is the hallmark of recent transportation development in Minneapolis. Our famous parks, the only undeveloped urban land, are actually lakes, creeks and wetlands previously too wet for development

The Great Medicine Spring and Glenwood Spring

The Interstate-394 corridor is dewatered daily at the rate of 2.5-million gallons. Plastic drain tile pipes with little holes where groundwater infiltrates funnel the water into a series of ponds from the Highway 394/100 intersection to Sweeney Lake and out Bassett Creek, under downtown Minneapolis, to the Mississippi. A sign at the mouth of Bassett Creek used to warn pregnant women and children under six not to eat fish caught there.

Two springs dried up with Highway 394 permanent dewatering: Glenwood Spring, formerly sold as commercial spring (now well) water and the Great Medicine Spring in Theodore Wirth Park. Indian people "came hundreds of miles to get the benefit of its medicinal qualities" Col. John H. Stevens, first white Minneapolis resident, said of the Great Medicine Spring in 1874.

The place is still there but no water runs. Treated city water is now piped into Wirth Park. The Minneapolis Park and Recreation Board waited 10-years for the spring to recharge. In 1999 a 150-foot well was drilled with negligible results.

Coldwater Springs

The Hiawatha LRT project reduced the flow to Coldwater by more than 35-percent. Coldwater is the last natural spring in Hennepin County, is a federally recognized Dakota sacred site, it furnished water to Fort Snelling 1820-1920, and is considered the birthplace of Minnesota where the first Euro-American community developed to service the fort.

MnDOT offered to pump treated city water into the Coldwater reservoir before it was forced to redesign the Hwy 55/62 interchange. Nevertheless Hiawatha LRT and Highway 55 reroute construction resulted in the loss of 46,000 gal/day—from 130,000 down to 84,000. The Hwy 55/62 interchange pipes out 27,500 gal/day but a mysterious 18,500 gallons is simply gone.

“How could your professionals be so far off in their hydrology? What facts were not available to you,” Judge Franklin Knoll asked MnDOT attorneys in Hennepin County court 9/13/01. “MnDOT is one of the largest and most well-staffed departments in Minnesota. Your engineers, geologists and water specialists all signed off on this design,” Knoll said.

MnDOT attorney Lisa Crum said “MnDOT (design) standards were based on reasonable estimates.” Coldwater supporters were repeatedly told that the groundwater would “just flow around” sunken highways built into the water table. The inference was that the water would just flow around and return to its former paths. It did not.

Removing groundwater results in dirty water and dry land. The land dries out when groundwater is prohibited from running through nature's slower filtration system. The water gets dumped into the lakes, creeks and the Mississippi with contaminants adhering to dirt particles. Think of mercury poisoning from fish taken in our northern lakes far from the coal-fired power plants that vented into the air.

Dry soil does not easily absorb the increasingly heavy storms events experienced with climate change. Storm water runs off quickly with top soil, fertilizers, air and road impurities, and goose and duck poop.

Tunnel Through the Chain of Lakes

A half-mile tunnel would be inserted (after tree removal) between Cedar, Lake of the Isles and Calhoun. Solid steel walls would be sunken 55-feet down for the length of the tunnel to anchor the 35-foot wide structure. Otherwise it would float up or down with fluctuating underground water levels.

According to the Burns and McDonnell Engineering Company water study for the Metropolitan Council as much as 24,000 gallons per day from inside and around the tunnel would be pumped out. Less groundwater flow into and out of the lakes would

allow more contaminants and particulate matter to fill in and remain in our public waters, our water commons.

Again citizens are being assured that the groundwater will "just flow around" a half mile long "shallow" tunnel—built into the already saturated land between the lakes. In fact the very same expert consultants in hydrology and geology are employing the very same language to assure Metropolitan Council appointees, Hennepin County Commissioners, Minnehaha Creek Watershed District staff and managers, and concerned citizens that groundwater will "just flow around" a huge underground tunnel in the land between the Minneapolis Chain of Lakes.

The idea that people can "manage" water is being sold like comfort food. Hydrologists, geologists, architects and engineers are hired to plan waterproof structures. Sure—in a virtual world. In our world infrastructure is I-35W falling into the Mississippi or a brain-eating amoeba in Lake Minnewaska.

The US business model did not evolve to plan sustainably. Public works programs are funded on a formula of minimum cost because cost is somehow limited to the cost of construction.

Although SWLRT is the most expensive public works program ever proposed in Minnesota wet soil conditions along the proposed route would multiply costs. "Reasonable estimates" versus digging down into a saturated landscape will become obvious if this project makes it through the legal hurdles set up to protect citizens from government-business collusion.

Conflict of Interest

The last hurdle before golden shovels break the soil is normally a permit from the Minnehaha Creek Watershed District (MCWD). The district purchased 17-acres of land across the street from the proposed SWLRT station at Blake Road with a \$15-million tax payer bond.

Odds are the appointed MCWD Board of Managers would vote to permit SWLRT.

When developers take over a watershed the mandate to protect the water commons is compromised. So ownership of a \$15-million parcel of land at the proposed SWLRT Blake station appears to have influenced MCWD's favorable study of the proposed shallow tunnel plan.

Below are transcribed legal audio minutes of the May 8, 2014 regular meeting of the Minnehaha Creek Watershed District Board of Managers (appointed by the Hennepin and Carver County Board of Commissioners).

The discussion centers on the SWLRT and 17-acres at Blake Road and West Lake Street, south of Knollwood Mall, in Hopkins, across the street from the proposed Blake

SWLRT station. The station location is now part of a strip mall, just south of the railroad tracks and Pizza Luce at 210 North Blake Road.

The parcel includes a large cold food storage warehouse, and borders Minnehaha Creek and the Cedar Lake bike trail which is next to the RR tracks. The land was purchased about four years ago for \$15-million for redevelopment investment, for storm water ponds (water storage) and Minnehaha Creek restoration.

At a MCWD Board of Managers meeting the question of interest payments on the \$15-million bond was posed by SWLRT opponent Bob Carney. Managers skirted the question. Approximately \$100,000 per year in interest payments would be expected.

The players in this 2014 audio transcription include MCWD Board of Managers:

- Sherry Davis White, president, Orono, term expired 3/15 (wife of former Orono mayor, Jim White who organizes housing developments), reappointed until 3/18
- Brian Shekleton, vice president, St. Louis Park, term expires 3//16 (works for Hennepin County Commissioner Peter McLaughlin)
- Richard Miller, treasurer, Edina, 3/17 (former Wells Fargo employee who arranged bonding, government finance)
- Jeff Casale, secretary., Shorewood, 3/15 (realtor) Kurt Rogness of Minneapolis, architect, was appointed for a three-year term replacing Casale. Minor felony charges against Casale for using MCWD staff in his private real estate business were dropped because "the alleged embezzlement occurred outside the statute of limitations."

Three managers were absent:

- Jim Calkins, Minnetonka, 3/16 (PhD, professor Horticultural Science UMN)
- Pamela Blixt, Minneapolis, 3/17 (MA public administration, City of Minneapolis emergency services)
- Bill Olson, Victoria, 3/16 (engineer Rockwell International)

--Richard Miller "...the worst could be that LRT didn't get approved...we've got to do a quiet plan if LRT doesn't go through and it (the land) doesn't have its commercial value at its highest and best use as a train station site....We've got to build in our budget someplace (for) the losses we're going to absorb on disposing of that site, because we always know [sic] we've got more in it than we'll get from it but the benefits of the (Minnehaha) creek frontage, and the (storm water) storage capacity, etc. you know it had certain value to us and so that could cover the, but you know, if we do have a problem in 2 or 3 years or 4 years you know let's not have it in a situation where we're in a disaster with no plan. And I don't think it would take much of an effort to plan it out, you know, how we're going to pay for the costs.

[The bonding loan to be paid back with tax money comes due in 2017]

--James Wisker, MCWD staff Director of Planning, Projects & Land Conservation: "By the end of July we should have a lot more clarity...worst case scenario planning we should revisit like, July 24th by then all municipal consent should have occurred."

[In a 6/16/14 email Wisker wrote to the author: "Regarding (SWLRT) dewatering. I referenced that there would be no system in place to perpetually dewater following construction completion."

--Richard Miller: "We can't be naked when that \$15-million comes due (in) 2017....We're planning for the best but we're ready for the worst".

--unidentified male voice: "When we started on this...we had very strong interest in senior housing...there's no question it's going to be more valuable with light rail..."

--Brian Shekleton: "And I will offer that light rail will happen..."

--Jeff Casale: (interrupts) "That's going in the minutes I think."

-- (laugh)

--Brian Shekleton continues: "and by every indication I get that commitment from (Minneapolis) city council members."

Jeff Casale: If we're going to have this on the record...disaster is nothing like I would have considered it as. I think the property has been improved significantly from the work that we've done surrounding it...whether or not LRT goes in that property will have significant real estate value and I would not characterize it at all as disaster planning.

Richard Miller: "Well, you can call it what you want but it will be (a disaster) when the note comes due and we got a third of the value of the note."

The rhetorical questions are: who's watching out for the water and is this land purchase a conflict of interest for MCWD managers who would be voting to permit the SWLRT?

It appears that citizens, not officials or paid experts or politicians or white suburban developers, care about the sustainability of keeping Minneapolis waters clean enough for human recreation.

Clearly the voting managers of a permitting agency should be leery of the appearance of a conflict of interest regarding public money and political power. It certainly appears to be conflict of interest, legally actionable or not.

The Minnehaha Creek Watershed District deciders have violated public trust with their ambitious financial scheme that supersedes the preservation and protection of the water commons.

Water Standards Enforcement

Neither the MCWD nor the state Department of Natural Resources (DNR) has enforcement powers. The state legislature did not grant permitting agencies police powers.

It took the DNR three years to win a court order to stop illegal pumping of groundwater from 1800 West Lake Street into the lagoon. Some 240,000 gallons per day of water from a sub-sub basement parking garage was piped into a city sewer emptying into the lagoon between Lake of the Isles and Calhoun.

Two kinds of pollution flowed into the lagoon and Calhoun and down the chain: a temperature differential and garage drippings including grains of heavy metals from cars mixed with oil products. The temperature change was noticed by Loppett organizers when parts of the lagoon failed to freeze which could have allowed skiers to fall through rotten ice.

The problem was "solved" by moving the discharge pipe. Before the 1800 West Lake Street upscale apartment construction the Minneapolis Park Board spent a quarter million dollars on Lake Calhoun clean up.

Calhoun and Cedar lakes have six of the city's dozen swimming beaches. Lake Hiawatha at the butt end of Minnehaha Creek accumulates all the flowing pollutants from much of Hennepin County and most of Minneapolis since water obeys gravity.

The Park Board plans to close the beach at Hiawatha, remove the sand and build an "open pavilion." While the beach is a neighborhood treasure the shallow lake is a pollution catch basin. A new \$7-million natural filtration public swimming pool at Webber Park in north Minneapolis seems to be the future of safe swimming.

Small Scale Flexibility

Nobody is disputing the need for transportation.

LRT is 20th century technology—big, clunky, really pricey and fixed. We need to have smaller, more numerous and flexible transport choices. The greater Twin Cities are growing in an expanding circumference with multiple "centers." People commute from a 27-county radius.

The push to build big rather than to decentralize is less efficient in both time and money, does not provide jobs and sabotages our water. The current SWLRT proposal is a dinosaur.

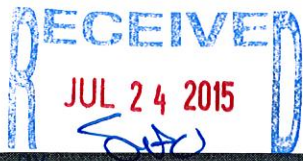
Sincerely,
Susu Jeffrey
for Friends of Coldwater

From: Jerry Van Amerongen
Sent: Thursday, July 23, 2015 9:11 AM
To: swlrt
Subject: LRTDR Draft

I am writing to state that I fully support the LRTDR draft submission. I've lived within a few hundred yards of the channel crossing for the last 25yrs., and I particularly support section 3.4.1.3 of the document. Present plans will massively impact the channel area rendering the area unrecognizable, and dangerous. Freight rail traffic has been allow to increase over the last 12 to 24 mo.'s, large "long haul" engines, pulling heavier longer trains often carrying Bakken crude oil and ethonal is an accident waiting to happen.

Thank you,

Jerry Van Amerongen



Tell us what you think!

will
I ride this route(s) most often: _____ } First, thank-you for your work, keeping hope
I live in this city: St. Louis Park } alive. Now let's have it become reality!
Thanks for observing cultural resources, like
historical bldgs.

How well do you think the plan addresses the five types of bus improvement identified:

- routes that serve new areas
- routes that begin operating earlier and end later
- routes that have more frequent trips
- faster travel time
- reverse commute service

Re parks & historical bldgs., it would have been better to mention

☒ Very well. I like the plan; Move ahead!

☒ It's okay. It needs work in these areas: (check all that apply)

- ☒ Serving new areas
- ☐ Routes operating earlier and later
- ☐ More frequent trips

- ☐ Faster travel
- ☐ Reverse commute service

grouped together. This took more time to get through materials to find what directly affects each.

☐ Not at all. I do not like the plan for these reason(s): (check all that apply)

- ☐ Serving new areas
- ☐ Routes operating earlier and later
- ☐ More frequent trips

- ☐ Faster travel
- ☐ Reverse commute service

☐ No strong opinion.

Other comments: I still am confused as to the later-included but maybe now budget cuts-affected "swap" in central St. L. Pk., & whether a wye in the area will be changed w. a South rte. Hope there'll be a further clarification & a chance to voice support, changes, or opposition.

Thanks for keeping the 21st St. Station. It's good for Native Americans to get to jobs. I'm glad there can be mitigations in Kenilworth.

Thank-you for keeping heavy rail out of St. L. Pk.'s neighborhoods & business areas. The rail operators didn't want relocation. The bike trail through Kenilworth was the option that could be moved elsewhere if a crunch came/comes.

To return your completed form, fold it in thirds and attach tape where marked.

Comments must be postmarked by **Nov. 29, 2014**. Jul. 21, 2015

You may also provide comments at public meetings Nov. 5-18, by phone at 651-602-1500 or by email at sip@metrotransit.org.

Learn more at metrotransit.org/sip.

Yours, Diane Steen-Hinderlip
(v. address label)



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MS Diane Steen-Hinderlie

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Lebold, BillieJo

From: Jean Thomson
Sent: Friday, July 24, 2015 10:59 PM
To: swlrt
Subject: Support of LRT Done Right

My husband and I endorse the comments on the SDEIS in the report "LRT-Done Right", which comments have just been submitted by email to the Met Council.

Thank you,
Jean Thomson and John Sandbo

Jean Thomson