

Metropolitan Council

St. Louis Park City Hall, 5005 Minnetonka Blvd., St. Louis Park, MN 55416

Meeting of the Southwest Corridor Management Committee

June 1, 2016

Members Present	Chair Adam Duininck Jan Callison Steve Elkins Jason Gadd James Hovland Brian Lamb	Matt Look Scott McBride Peter McLaughlin Jennifer Munt Will Roach Jake Spano	Terry Schneider Nancy Tyra-Lukens Molly Cummings (Alt) Marion Greene (Alt) Peter Wagenius (Alt)
Members Absent	Russ Adams Asad Aliweyd	Keith Bogut Linda Higgins	Betsy Hodges Denetrick Powers

1. CALL TO ORDER

Chair Adam Duininck called the June 1, 2016 meeting of the Southwest Corridor Management Committee to order at 10:00 a.m. at the St. Louis Park City Hall. Chair Duininck will be leaving today's meeting early to meet with the Governor. Commissioner Callison will take over the meeting when the Chair leaves.

2. APPROVAL OF MINUTES

Chair Duininck presented the May 4, 2016 SWLRT Corridor Management Committee meeting minutes for approval. Mayor Jake Spano made a motion to accept the minutes, Mayor Terry Schneider seconded it, and the motion was then unanimously approved.

3. CHAIR UPDATE

Chair Duininck reported that the legislative session adjourned without a clear picture of how to move forward on funding SWLRT. A lot of effort went into passing a comprehensive bill and the Chair thanked everyone for their efforts, and stated we need everyone to continue showing their support in the coming weeks. The legislature did not pass a bonding bill, and if a special session is held, a supplemental budget bill and tax bill may be discussed further. Chair Duininck feels very confident that this project will happen.

Commissioner Peter McLaughlin also thanked everyone for their efforts and mentioned there is still an opportunity to craft a solution as a part of a comprehensive transportation package. There is still a great desire for a bonding bill to happen, along with a lot of support for the SWLRT project. We also have the support of the 45 Chambers of Commerce that recently signed a letter of support, along with the support of the CEOs of major corporations from around the state of Minnesota. We need to continue to advocate for this project. Chair Duininck mentioned that we need a push for a transportation bill that includes a solution for the entire transportation for the region.

4. COMMUNITY AND BUSINESS ADVISORY COMMITTEE REPORTS

Mr. Will Roach reported that the Business Advisory Committee (BAC) met last week, which included an overview of the FEIS and a legislative update. Mr. Roach stated that Mayor Tyra Lukens helped host a business and political panel session which had good discussions and showed a lot of continued support for the project.

Ms. Jennifer Munt reported that the Community Advisory Committee (CAC) also met last week. Members remain optimistic that this project will move forward. Staff provided an overview of the FEIS. Commissioner Munt thanked Nani Jacobson and her team for this work.

5. FINAL ENVIRONMENTAL IMPACT STATEMENT UPDATE

Ms. Nani Jacobson, Assistant Director of Environmental and Agreements, provided an overview of the Final Environmental Impact Statement (FEIS). Studies started in 2005, which included an Alternatives Analysis; Scoping; Draft Environmental Impact Statement (DEIS); and the Supplemental DEIS (SDEIS).

The DEIS was published late 2012. There were several public hearings held. Comments received were then reviewed, followed by design adjustments, as appropriate. A Supplemental DEIS was then published in May 2015. This focused on changes driven by the comments received on the DEIS. The SDEIS focused on three main areas: portions of Eden Prairie where the alignment was shifted; the proposed operations and maintenance facility in Hopkins; and the freight rail co-location in St. Louis Park and Minneapolis. The FEIS was then released on May 13, 2016. Slides were shown on the purpose and need for the FEIS.

The FEIS alternatives focus the project into two categories, which are the Southwest LRT project and the No Build alternative. The Locally Preferred Alternative (LPA) is along the Kenilworth-Opus-Golden Triangle alignment, with the co-location of freight rail and light rail in the Kenilworth Corridor.

Ms. Jacobson reviewed the chapters in the FEIS. The analysis chapters are organized by identifying the impacts caused by the project, along with mitigation measures and commitments. An overview of select categories were shown, which include acquisitions and displacements; parks and trails; noise; vibration; traffic; safety and security; and environmental justice analysis. The issues for each of these categories was shown, along with the measures used to avoid, minimize and mitigate the impacts.

Ms. Jacobson reviewed the Section 4(f) of the Dept. of Transportation Act, which is a federal law specific to Department of Transportation projects. This law protects publicly owned parks, recreation areas, wildlife and/or waterfowl refuges and public/private historic sites as part of transportation project development. There were several 4(f) evaluations completed and included in the DEIS and SDEIS. A separate document was published in January that evaluated two newly identified properties in Minnetonka. A summary of the SWLRT Section 4(f) Evaluation was presented, showing the property type, the owner of the property, and whether the property is determined to be non-*de minimis*, *de minimis*, or temporary occupancy.

Non *de minimis* refers to a historic piece of property. There is one non-*de minimis* use on the project, which is at the Kenilworth Lagoon, a part of the Grand Rounds Historic District. The channel was excavated in 1912 to help connect the chain of lakes, which is what makes it historic. In the Section 106 process, mitigation measures were looked at to mitigate the adverse effects of the historic property. The Kenilworth Lagoon will have the LRT bridges and a pedestrian bridge. There will be a small two-foot wall on the LRT bridge to mitigate the noise impact. We have agreement with the Park Board and Historic Preservation Office on the bridge design.

De minimis is where there is a permanent impact, but it does not change the use of the property. There are five properties that fall under this category.

Temporary occupancy refers to an area that will be impacted during construction only, and the area is then restored to its original state. There are four properties that fall in this category.

Because there are adverse effects, there needs to be a memorandum of agreement (MOA), which would be between FTA and the state Historic Preservation Office. The MOA will focus on the five properties that we adversely affect. It also identifies measures to avoid adverse effects on 14 properties.

There were 1,000 comments on the DEIS and approximately 225 comments on the supplemental EIS. These comments were received at public hearings, via email, and postal mail. The FEIS is to identify the environmentally preferred alternative. The FEIS identifies the LPA, which includes the shallow tunnel in the Kenilworth Corridor.

The next steps are to continue to receive comments, as the comment period is ongoing until June 13, 2016. The FTA would then issue the Record of Decision (ROD), followed by Met Council approval of the Determination of Adequacy. Then the project would obtain federal, state, local permits and approvals. Councilmember Munt asked if the 30-day comment period is what the federal government recommends. Ms. Jacobson stated that the federal process does not require a comment period on a final EIS. The State of Minnesota requires a minimum of a 10-day comment period, which we extended to 31 days.

Mayor Jim Hovland asked for a status of the litigation along the line. Mr. Mark Fuhrmann responded that Judge Tunheim provided a directive to respond to the request for discovery sought by the Lakes and Parks Alliance, which we are currently responding to. We are now in receipt of another lawsuit from a property owner in the Hopkins/Minnetonka area. A response is being assembled to their charge of adverse impacts created by the project, primarily related to potential noise impacts. An earlier lawsuit from the owners of the Claremont Apartments in Minnetonka has been dismissed by the court.

Mr. Scott McBride mentioned MnDOT's response to the legislative bill that was almost passed was that since this was a one time funding solution as opposed to a long term sustainable bill, MnDOT sees the bill to be inadequate. MnDOT feels it should be a long term sustainable type of bill. The bill that was nearly passed was a combination of some surplus, fund balance, and trunk highway bonding. The troublesome part of it was that it was almost all earmarked, which also had inadequate funding for the projects earmarked. MnDOT continues to support SWLRT, along with transit funding for the metro area and greater Minnesota.

Mayor Tyra-Lukens mentioned that as we continue to be strong advocates for SWLRT with the legislature, and if a special session is called, will there be a strategy requested out of CMC? Commissioner McLaughlin stated that the communities need to continue to show and reinforce their support for SWLRT. We need to stress the importance of how SWLRT fits into the communities along the line.

Commissioner Matt Look said he encourages the CTIB standpoint that we pay only what we can. There is twice as much needed for roads as transit, but we should also get transit done in the process. We need to emphasize both roads and transit are needed. If we are going to advocate for trying to get SWLRT done, we need to negotiate a better road solution than what was negotiated and need the legislature to have the emphasis on roads, but also include transit.

Mayor Spano stressed the importance of SWLRT. Minnesota shares its burdens and victories together. Greater Minnesota receives funding in form of LGA, which are good investments. If we continue to

support our states budget, we have to be supportive to do what we need to do to grow and remain competitive from an economic, environment, and growth standpoint. We heard from the 12 CEOs that sent letters of support, along with chambers from around the state supporting balanced roads and transit funding.

Mayor Molly Cummings stated that there was strong support shown at the recent Minnesota Mayors Association meeting. There was a letter sent to the Governor supporting a comprehensive transportation bill that had signatures from many greater Minnesota mayors. Commissioner McLaughlin stated there was also a letter signed by over 200 county officials showing their support of a comprehensive package that deals with the roads and also invests in transit.

Mr. Peter Wagenius said the message from the opposition is that there is more for paying for transit operations in the metro area. The initial position of the house did have over \$60M cut to transit, both bus and rail, in the metropolitan area. The funding for transit in the metro area was only for discussions, not an official offer. We have to make the case for the benefits for a system for the entire metro area, which Minneapolis has been focusing their comments on.

Commissioner Callison thanked everyone for their support and continued work on this.

9. ADJOURNMENT

Vice Chair Callison mentioned that the next meeting is scheduled for July 6 at 10:00, at St. Louis Park City Hall.

Meeting adjourned at 11:10 a.m.

Respectfully Submitted,

Dawn Hoffner, Recording Secretary