

Metropolitan Council  
St. Louis Park City Hall

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Meeting of the Southwest Corridor Management Committee  
March 28, 2018

Members Present	Chair Alene Tchourumoff	Jason Gadd	Brian Lamb
	Jan Callison	Marion Greene	Peter McLaughlin
	Steve Elkins	Linda Higgins	Will Roach
	Jacob Frey	James Hovland	Kathy Nelson (Alt)
Members Absent	Russ Adams	Scott McBride	Jennifer Munt
	Asad Aliweyd	Jake Spano	Dan Duffy
	Jan Callison	Nancy Tyra-Lukens	

### 1. CALL TO ORDER

Chair Alene Tchourumoff called the March 28, 2018, meeting of the Southwest Corridor Management Committee to order at 10:05 a.m. at the St. Louis Park City Hall. Chair Tchourumoff welcomed the new CMC members and a round of introductions were given.

### 2. APPROVAL OF MINUTES

Chair Tchourumoff presented the September 29, 2017, SWLRT Corridor Management Committee meeting minutes for approval. Commissioner Linda Higgins made a motion to approve, Commissioner Marion Greene seconded the motion, and the minutes were approved.

### 3. CHAIR'S UPDATE

Chair Tchourumoff provided the following updates:

- Feb. 23 the FTA and Met Council issued the Supplemental Environmental Assessment.
- Feb. 27 Judge Tunheim ruled with the Council on the Lakes and Parks Alliance lawsuit.
- March 21 and 22 the Met Council and Hennepin County approved authorization of freight rail agreements and Met Council entered into a joint and cooperative exercise of powers agreement with Hennepin County Regional Railroad Authority (HCRRA) related to common carrier freight obligations in the Kenilworth Corridor and Bass Lake Spur.

Mr. Jim Alexander provided information on the freight rail agreements. Maps were shown of the current and proposed freight rail owners, carriers and operators. On Bass Lake Spur, Canadian Pacific (CP) is the owner and TC&W is the operator; on Kenilworth Corridor, HCRRA is the owner and the rail operators are TC&W and CP, although CP has rights to operate on the Kenilworth Corridor they do not currently do so. Met Council plans to purchase the Bass Lake Spur from CP, with the common carrier role then transferring to HCRRA and the rail operator role remaining with TC&W. In the Kenilworth Corridor, property ownership will change from HCRRA to Met Council. HCRRA will maintain the common carrier role and the rail operator will remain with TC&W and CP. TC&W will continue to operate on both corridors under the existing trackage rights that they have today.

Chair Tchourumoff mentioned that ultimately with this new structure, the biggest change is the common carrier going to HCRRA in the Bass Lake Spur. The land and track will stay as it was before. The Met Council always intended to purchase the CP/Bass Lake Spur corridor and receive the Kenilworth Corridor from HCRRA.

Mayor Hovland asked for more detail on how HCRRA can move from being the owner to the common carrier? Chair Tchourumoff said HCRRA is the common carrier in the Kenilworth Corridor today. This would be an extension from Kenilworth to include the Bass Lake Spur.

Commissioner McLaughlin said the common carrier role is designed to protect the shippers. It is a guarantee of rail service so that the shippers can move their product on the rail for the particular segments of track.

Mr. Alexander showed the southerly connector, which is the connection the Project will construct between the Bass Lake Spur and the MN&S, the latter of which will continue to be owned by CP. The existing switching wye

will be removed to accommodate LRT on the south side of the corridor. Met Council would take on ownership and HCRRA would assume shipper responsibility on the southerly connectors; the operator will be TC&W.

Mr. Alexander explained the need for going through the Surface Transportation Board (STB). Any time there is a change of ownership, change of shipper or abandonment, the request needs to go through the STB, which is a federal entity. We will be petitioning the STB to make these actions mentioned take place. On the timing for this, we have received board approvals from Hennepin County, HCRRA, and Met Council. We are currently working with County staff and CP staff to finalize the papers to file. We anticipate a 30 – 90 day process for this. This is a major step forward for the project.

Commissioner Greene asked about the liability issues. Mr. Alexander stated that on both of these line segments there is an existing trackage right agreement and the operator TC&W is required to carry a \$10M insurance policy. There is a new law enacted that allows Met Council to carry liability insurance, so if there is an occurrence that involves LRT and freight, our coverage would take place. It's similar to what we have on Northstar; a \$295M policy that we would carry.

Mayor Hovland asked the process for STB making their determination, and does this involve a public input process? Mr. Alexander stated that this is more of an administrative filing with STB. Since it is a transfer of ownership, there is not expected to be a lot of input required. It involves a number of legal documents with easements.

Chair Tchourumoff said we recently announced the new value of development and we are tracking over \$8.4B in development along our existing and planned LRT routes. We also continue to see record ridership on our rail lines. In addition to our LRT lines, we are making progress on our bus rapid transit system. We recently broke ground on the C Line, which is bus rapid transit that will go from Minneapolis to Brooklyn Center. We are also advancing our D Line bus rapid transit, which goes from Brooklyn Center to Mall of America.

Chair Tchourumoff reported we are talking with state legislators on the bonding bills that have \$50M to support the implementation of the D Line as well as other bus rapid transit lines. We are following closely several bills involving transit and we spoke in opposition to the bill that would prohibit co location of freight rail and light rail. There are a number of LRT systems in the United States that have shared corridor with freight rail. This bill would also require the Council to formulate a nonfixed guideway transit system development implementation plan, which would be to create a transit plan that does not include light rail or street car. Chair Tchourumoff encouraged CMC members to share our position on this bill with elected representatives.

The Council is anticipating an estimated \$89M shortfall for 2018 – 2019, due to the shortfall in MVST and the inflation in Metro Mobility costs. Commissioner McLaughlin mentioned that Hennepin County will be contributing over \$30M to Metro Transit operations this year, for Hennepin County's share of the Green and Blue Lines, buses and Northstar. This amount will increase dramatically, and be well over \$60M when SWLRT opens.

Chair Tchourumoff mentioned on the federal level, this past week both the house and senate approved a \$1.3 trillion FY18 omnibus appropriations bill, which the President signed into law last Friday. This bill provides funding for the Federal Transit Administration, which supplies funding to local transit projects, including SWLRT, BLRT, Orange Line and other future projects. The bill includes \$2.644B for the capital investment grants program, which we would seek funding for.

Mayor Hovland said there was good discussion at TAB on the D Line and the funding needed for this. Individually, there is help. When testifiers are needed with respect to transportation, either individually or organizationally, he is willing to help. He is also willing to help testify if needed on the governance reform bills.

#### **4. PROPOSED CORRIDOR PROTECTION WALL**

Jim Alexander presented the proposed corridor protection, showing a map with the location of the protection. The new corridor protection is an outcome of negotiations with BNSF railroad. BNSF expressed the importance of

corridor protection, as we are on their property for less than one-half mile in the Glenwood area and then running alongside their property for about a mile.

We had intended to have corridor protection along portions of this segment of the alignment. As we negotiated with BNSF, they desired more protection than what we had, so a revised plan was needed. We have taken this through a Supplemental Environmental Assessment (SEA), since it is introduced after the 2016 Record of Decision. Photos were shown of what the area looks like now, and what it is proposed to look like with the corridor protection. In general, it is 4 – 6 foot wall (above top of rail), which gets as high as 8 feet on LRT side. On the BNSF side, it is about 10 feet above the top of freight rail. After community input, it is desired to add vine work on segments of the wall and possibly adding some labeling for the stations. There is also an interest in making the wall darker.

Commissioner Higgins asked how the bike trail users get over to the tracks. Mr. Alexander showed the access points, which are at Bryn Mawr Station, where we will have an at-grade trail and skyway bridge that takes you to the frontage road. The access from Bryn Mawr meadows will remain. At Basset Creek Valley Station, the existing pedestrian bridge will be replaced with a new bridge that comes closer to the station platform. The corridor protection will have no impacts to access the trails.

Outreach activities included engaging the Basset Creek Valley Working Group, which assisted us in the design aesthetics. This is a historic corridor, therefore, we follow the Section 106 process keeping us mindful of the historic significance. We presented to communities, with a public meeting in the fall, pop up events, corridor tours, and also had the information on our website. Tours were offered again to CMC members if they are interested. Last week we held a Town Hall forum with about 35 in attendance.

Mayor Hovland asked about the wall construction and how it will be paid for. Mr. Alexander said we estimate the total cost to be about \$30M for the BNSF added items. As we get our bids in on May 3, we will evaluate and see how it fits in. It currently is not part of the budget, but we look to incorporate as we move forward.

## **5. ENVIRONMENTAL UPDATE**

Mr. Alexander reported the items that are introduced since the Record of Decision (ROD) that were evaluated under Supplemental Environmental Assessment (SEA). In September, we documented the features that were affected since the ROD action. Working with FTA, it was determined to do a SEA, which we have completed and now have out for public comment. We are also satisfying the state requirements with this SEA. The ten proposed changes were shown on a map and reviewed.

We published the SEA on Feb. 23 and will have a 45 day public comment period, which is open until April 9. The document is available for viewing on our website. We held a town hall meeting on March 22 to receive comments. Comments can be submitted either in writing, email, or on our website. To date we have received about 15 comments. We are then hoping for an Amended Record of Decision (AROD), which would be issued by FTA. Met Council then needs to make a declaration of whether to issue a negative declaration under MN rules, which would satisfy the MEPA process.

## **4. 2018 LOOK AHEAD**

Mr. Mark Fuhrmann reported that the Federal 2018 appropriations process had a positive action last week. The map was shown that lists the projects in Project Development; those in Engineering and those with FFGAs. The President's original plan was to only fund those with existing FFGAs; although there were two projects that did receive FFGAs after his proposal, Caltrain and Suburban Maryland. In Minnesota, there are 3 projects looking for funding; SWLRT and BLRT in engineering, and the Gold Line BRT which is in Project Development status.

The history of federal funding was reviewed. Under the current administration, there is a \$2.4B congressional appropriation for the Capital Investment Grant (CIG) program. This increased to \$2.645B in 2018, which is the highest single year appropriations for this program since the early 1980s. This continues to demonstrate the support at the congressional level. A chart was shown for the 2018 appropriations and the breakdown of the funding. There will be \$399M for new New Starts projects, which includes SWLRT and BLRT. There are only

five projects in the Country that are in Engineering Status phase. Core Capacity money is available for the legacy projects. Small Starts money would be for Orange Line BRT, which is seeking \$75M of Small Starts funding.

Mayor Frey asked what constitutes a legacy project. Mr. Fuhrmann said to have core capacity grant eligibility, a project needs to demonstrate it is taking an existing rail line or fixed guideway BRT line and demonstrate with the federal investment that the serving capacity will be increased by at least 10%.

Councilmember Kathy Nelson asked if SWLRT could get the money before BLRT. Mr. Fuhrmann stated that there are steps that need to be completed, and currently there are more steps completed for SWLRT. These two projects will secure separate full funding grant agreements from FTA.

Commissioner McLaughlin asked of the existing New Starts currently being funded, how many will be finished in 2018. Mr. Fuhrmann responded he does not have the numbers, although he feels of the 14 projects currently being funded there are a couple that will be concluding their federal appropriation schedule in 2018.

Mr. Fuhrmann went through the look ahead for key scheduling activities, including an Amended Record of Decision this Spring. Mr. Fuhrmann explained the Letter of No Prejudice (LONP), which will seek permission and approval from FTA and Hennepin County to start construction activities prior to the execution of the FFGA. This LONP permits us to do so and any local dollars expended will be eligible for a match with future federal funds. We are scheduled to receive FFGA in 2019, followed by a full construction season. May 3 we will open the Civil bids. We will request the LONP in May, and hope to secure it by July so that we can award the Civil construction contract and begin construction in September.

Mayor Hovland commended staff for their continued great work. Mr. Fuhrmann said this thank you should also go to the long list of Hennepin County staff who have been working hard to get these deals completed. Commissioner McLaughlin said there has been a lot of progress and we should continue to be upbeat and tell the story. The project is marching towards construction. Our job is to carry the message as we talk with elected officials about the progress and moving forward.

## **5. EDEN PRAIRIE VIDEO**

Mr. Fuhrmann introduced the video. This animation features the three stations at the west end of the project: Southwest Station, Golden Triangle and City West Stations. This video also be posted on our SWLRT website.

## **6. ADJOURN**

Chair Tchourumoff mentioned the April 4 CMC meeting will be canceled. The next meeting is scheduled for May 2. The meeting was adjourned at 11:15 a.m.

Respectfully Submitted,

Dawn Hoffner, Recording Secretary