

**Southwest Light Rail Transitway (SWLRT)  
Community Advisory Committee Meeting**

**March 27, 2014**

**St. Louis Park High School**

**6425 West 33<sup>rd</sup> Street**

**St. Louis Park, MN 55426**

**6:00 PM – 8:30 PM**

CAC Members and Alternates: Art Higinbotham, Asad Aliweyd, B Aaron Parker, Barry Schade, Bob Aderhold, David Greene, Elizabeth Ryan, John Erickson, Kandi Arries, Kelly Nelson, Vida Ditter, Jami LaPray, Julie Williams, Kathryn Kottke, Lisa Walker, Claudia Johnston-Madison, Jeanette Colby, Jennifer Munt

Agency Staff and Guests: Mark Fuhrmann, Jim Alexander, Craig Lamothe, Sam O’Connell, Sophia Ginis, Daren Nyquist, Dan Pfeiffer, John Welbes, Tania Mahtani,

**1. Welcome and Introductions**

CAC Co-Chair Colby opened the meeting. The agenda was shifted to the first few items under the project update went first to allow more time for members to arrive and here Mark Wegner of Twin Cities & Western Railroad.

**2. Project Update**

Craig Lamothe provided an update on the Downtown Hopkins Station Congestion Mitigation and Air Quality (CMAQ) federal funding request. As part of the project’s continued discussions with Hopkins to identify ways to offset the tax base loss that results at the Operations and Maintenance Facility site. The request is for fiscal year 2017 CMAQ funding. The Transportation Advisory Board (TAB) awards CMAQ grants for the region and is made up of elected and appointed officials from throughout the metro area. Total cost of land acquisition and parking structure is approximately twelve million dollars. Seeking a CMAQ grant of seven million dollars combined with the money saved from the costs at Shady Oak and Blake Stations, and twenty percent local funding from Hopkins.

Vida Ditter asked if the project has subtracted parking from the other two stations in Hopkins. Craig Lamothe responded that those spaces have been moved to this park and ride facility. Moving one hundred spaces from Shady Oak Station and moving one hundred twenty to one hundred forty spaces from Blake Station to Downtown Hopkins Station.

Jeanette Colby asked what board moves so expeditiously. Craig Lamothe responded that the Transportation Board is made up of members from the seven county area.

Craig Lamothe provided an update on the Southwest Station. The October 9, 2013 Corridor Management Resolution called on the project to design SWLRT so as to not preclude a future LRT

extension from Southwest Station to Mitchell Road. The project has developed two designs, one with Southwest Station as the terminus and the other with the line continuing to Mitchell Road. The difference between the two designs is the size of the parking structure. The alignment into Southwest Station has also been refined to better incorporate the bus service and LRT at the station. Support from the city and Southwest Transit on these designs.

Kelley Nelson asked if Mitchell Road is to the west of Southwest Station and when was that abandoned. Craig Lamothe responded that it is to the west. Chair Colby interrupted and asked if that question could be answered later in order to allow Mark Wegner to speak as he had a tight schedule to maintain.

### **3. Twin Cities & Western Railroad Company**

Mark Wegner, president of Twin Cities & Western (TC&W) Railroad provided a history of the railroad since its inception. Mark Wegner became the president of the railroad in 2007. In 1991 the TC&W Railroad was formed. In 1992 Hennepin County purchased the Midtown Corridor. In August of 1998, Twin Cities & Western Railroad was moved to the Kenilworth Corridor, Mark Wegner acknowledged that the move was supposed to be temporary in nature and the railroad expected neighborhood residents to be upset by the reopening of the freight line. When assuming the role of president in 2007, Mark Wegner was concerned with how a reroute would work. Early on, when light rail was assumed as the mode through Kenilworth it was assumed that freight would be relocated but it would be a separate project, and Mark Wegner stated that it was his understanding that if the cost of the freight relocation was included in the analysis of the alternatives the cost benefit ratio would have tipped it out of balance. In 2008, Hennepin County's consultant came up with a design to connect to the MN&S in St. Louis Park. In 2010, a different engineering firm presented a design that was more restrictive in grade and curve. TC&W told the county that the 2008 didn't work and the more restrictive 2010 design didn't work for their operations. In 2011 the Federal Transit Administration approved the Southwest for preliminary engineering and as a part of that the freight rail reroute needed to be added to the project. When the 2012 DEIS (Draft Environmental Impact Statement) came out it used the 2010 design and so in TC&W's opinion they weren't taken serious and Mark Wegner stated that he felt there was a lack of respect for TC&W, so TC&W hired an engineer to take a look at it. This engineer brought up the reversing curve issue, when you're pulling a long train through a series of curves the tendency of the train is to want to go straight following the locomotive over the rails. The DEIS comment period was extended to December 31<sup>st</sup> and TC&W got comments in that week. In addition, TC&W reached out to its customers to comment on the DEIS. At the end of 2012, the project was handed over from Hennepin County to the Met Council. The first meeting between the Met Council and TC&W occurred on February 14, 2013. It took a few meetings of looking at different designs then the Met Council asked what are the parameters that would work and TC&W sat with project engineers and create a design the would work for the railroad from a physics perspective, the Brunswick designs. TC&W wanted to run a safe, effective operation and preserve its customer's access to the North American rail market. TC&W was focused on the physics of the design not the economics of the design.

Kathryn Kottke stated that she read the TC&W comment to TranSystems' design and TC&W spoke to four railroads and asked whether the four other railroads believed the TranSystems' plan is not a safe plan. Mark Wegner responded that the TranSystem's plan did reduce the grades significantly but it still had the reverse curves issue and that all of the other railroads would not run 110 car mainline trains over it. Kathryn Kottke then asked about the cost related to the economics with the Brunswick Central design. Mark Wegner responded that he does not know the cost to make Brunswick Central

economically equivalent to current route, what he did know is that going up a hill would cost more than the current route which is going down in grade and would need to quantify the cost of horsepower to get up the hill. Mark Wegner added that TC&W never got to the economics, that they were focused on the physics of the design.

Art Higinbotham spoke about a Star Tribune article that noted the number of tanker cars carrying Bakken Shale Oil had increase from ninety-five hundred in 2008 to four hundred thousand last year and are due to quadruple in the next four years and the whole system of rail lines through the Twin Cities is getting congested. Art asked if there would be pressure from the other railroads to divert some of the shale oil traffic to TC&W's corridor and has there been any discussion among the railroads in getting additional track. Mark Wegner responded that nobody has approached them about diverting to TC&W's track, however, TC&W has looked at it internally in case they are asked and with the rules that the federal government is coming out with would be expensive and doesn't know if they could justify the cost-benefit of the upgrades. Mark Wegner further stated that the possibility of running Bakken crude on TC&W is very remote. Mark Wegner responded that with the current permitting it would be hard to establish new railroad tracks. Art then asked whether there would be pressure in the industry to take advantage of less used routes such as Kenilworth Corridor or St. Louis Park to reduce the traffic on the BNSF main line. Mark Wegner responded that BNSF is rather parochial, they love having all the business and won't want to share it, they've announced how much they will spend next year and will likely double or triple track on their main routes before sharing with somebody like TC&W.

Barry Schade asked how long are the TC&W trains. Mark Wegner responded that the longest is inbound coal trains that are 123, grain are 110, and distiller ethanol are 80s.

Claudia Johnston-Madison asked for more clarification on Mark Wegner's explanation of operating the trains. Mark Wegner responded that the ratio of tonnage to horsepower is lower now than it would be if moved to the Brunswick design. Claudia Johnston-Madison asked if this means increased operating costs and Mark Wegner said he did not know at this time.

Jami LaPray referenced Kathryn Kottke's question regarding the economics and asked whether the subsidy would be lump sum or in perpetuity. Mark Wegner responded that they haven't thought about that, they have been focused on the physics.

John Erickson asked about the improved safety considerations alluded to at the Corridor Management Committee. Mark Wegner responded that currently they wait in Hopkins for BNSF to process but if you add a CP signal they would need to receive permission from CP and BNSF before proceeding. As for positive train control, TC&W doesn't know if they will need it but TC&W has been talking with BNSF. Jim Alexander responded that question was really directed at him by Peter Wagenius and that the project is working with TC&W to get a response to that. Jim added that the project is looking at guard rail on bridges and fencing; the type of fencing will need to be established in discussion with the cities and stakeholders.

Vida Ditter asked why TC&W wasn't looking to purchase another route if TC&W knew since the 1990s that the Kenilworth Corridor was temporary. Mark Wegner responded that if he had it his way TC&W would be in the 29<sup>th</sup> Street Corridor and that TC&W hired a consultant in 1997 and the report indicated

it would be challenging to reroute. TC&W has focused on continuing to grow its business for the customers it serves.

Kandi Arries asked whether there are other items that have not been solved such as the economics of a reroute. Mark Wegner stated that TC&W focused on solving the physics and so they haven't looked at the economics.

\*The building's fire alarm went off and the committee had to evacuate the building. After the fire department checked the building, the meeting continued.

#### **4. Project Update**

Jim Alexander began presenting the project update. Co-chair Colby asked if anyone else had questions regarding the Southwest Station.

Asad Aliweyd stated concerns about the groups same questions over and over for the last two years and that this group seems to only talk about St. Louis Park and Minneapolis. Council Member Munt responded that the hope is that the committee can make some form of a recommendation to the Corridor Management Committee.

Jim Alexander picked up by presenting the final independent technical reports. The TranSystems final report does note that the design criteria must be agreed to by the railroads if MN&S North is selected.

Jeanette Colby asked if freight remains in Kenilworth it needs to be moved forty feet to the west. Jim Alexander responded that as the alignment moves to the north from the West Lake Street bridge to the townhomes, the freight will be temporarily moved west three or four feet to the west for construction of the LRT tunnel, once the tunnel is complete the freight will be moved back. As the project progresses towards the channel the freight will move approximately forty feet to the west permanently and as the alignment reaches the Burnham Road Bridge, freight will get back to where it is today tying into the existing alignment. At this point the project will not be doing any modifications to the track north of that to the Cedar Lake Junction.

Jeanette Colby asked about a twenty-five foot buffer zone in that situation. Jim Alexander responded that there are a couple of locations that LRT and freight would be closer than twenty-five feet where crash walls would be used, primarily at the south and north portals of the southern tunnel.

Jim Alexander presented the shallow LRT tunnel update, the short and long versions of the shallow LRT tunnel under the Kenilworth Channel. The long tunnel under the channel would be approximately fifty-eight hundred feet in length from north of West Lake Street to south of Penn Station. The short tunnel under the channel would be approximately thirty-one hundred feet in length from north of West Lake Street to north of the Kenilworth Channel and allows for 21<sup>st</sup> Street Station at-grade.

Art Higinbotham asked about the sheet piles and diversionary channel in relation to property takings. Jim Alexander responded that the project doesn't see any property takings at this time to provide a diversionary channel within the construction zone, possibly in the sheet pile bracing. Jim Alexander added that the diversionary channel could be a pipe to allow the water to flow between Cedar Lake and Lake of the Isles and would be located inside the construction zone. Jim Alexander also stated that while the sheet piles are in place the channel would not be able to be used by canoeists or skiers in the winter.

Vida Ditter asked where the trail would go when the construction occurs. Jim Alexander responded that there is the possibility of going around Cedar Lake or on streets, and more details would need to be developed in coordination with project partners and the community.

Kelly Nelson asked how long, at a high level estimate, to construct the tunnels. Jim Alexander responded that construction in the channel itself is still being analyzed but at least a year up to two, building the bridges takes a number of months, then time is needed to build the cells, then the tunnels. As the project moves forward it will look at avenues to try to reign in the schedule as much as possible. Jim Alexander added that the trail bypass would be in place longer than that as the tunnel is constructed through the corridor.

Jeanette Colby asked what are the chances this will happen and noted that when first presented the CTIB representative was not so positive. Additionally, Jeanette Colby noted that seven years ago she had testified at a Hennepin County meeting about putting a tunnel under Kenilworth. Jim Alexander responded that he could speak only from the technical perspective that it is possible and present the information to the policy makers who ultimately make the decision.

Art Higinbotham stated that adding in the cost for the shallow tunnel through the Kenilworth Corridor and add in the additional forty million dollars for a short deep tunnel with the eighty five million dollars to keep the original tunnel going all the way up to Cedar Lake Parkway you come up with a cost around three hundred thirty million dollars and that's the cost he remembers for a deep tunnel through the corridor. Art further stated that Commissioner McLaughlin deep sixed it and said there should be no further study. Art continued to state that the deep tunnel solves problems, it avoids this type of construction, it avoids taking trees, it avoids shutting down the trail for two years, it avoids blocking off the channel, and it avoids the long term effects that even though there may be a crash wall the train could still derail and explode and essentially incinerate everything that's in the tunnel, and for all those reasons Art asked that the deep tunnel be reopened because the cost is now equivalent to what is proposed here. Jim Alexander responded that there are cost slides to talk to that later in this presentation.

Vida Ditter stated that about five or seven years ago the city re-did the bridge over the channel between Brownie to Cedar Lake because the metal inside the cement rusted, and asked about protecting the sheet piles from rusting. Jim Alexander responded that the primary defense to prevent groundwater from entering the tunnels is with the waterproofing membrane that will be wrapped around the concrete tunnel structure; currently the project is talking with manufacturers and other agencies to find out best practices. The primary purpose of the sheet piles is to provide temporary shoring in order to construct the tunnel.

Vida Ditter asked if maintenance costs are built in for the lifetime of the tunnel. Jim Alexander responded that maintenance occurs on a regular basis and Metro Transit currently has a maintenance program for the tunnel under the airport.

Elizabeth Ryan asked if it would make sense to show the deep tunnel on the comparison to the other alternatives. Jim Alexander responded that the Corridor Management Committee voted to take that off the list of options and the request for staff to re-examine hasn't come from the Corridor Management Committee or the Metropolitan Council. Mark Fuhrmann added that the deep tunnel was three hundred twenty million to three hundred thirty million and the deep shallow tunnel long version is up to two hundred forty-five million and the short version is two hundred million dollars.

Art Higinbotham stated that he would take issue with that, it was said two hundred forty to two hundred fifty million for a shallow tunnel all the way, then add on either forty or eighty-five million. Mark Fuhrmann responded that these are the incremental costs of the tunnel construction with contingency and escalation, it does not include the eighty to ninety million shared freight costs that applies to every option. Art Higinbotham responded that the incremental is two hundred forty or two hundred fifty million plus either forty or eighty-five million which totals over three hundred million which is why he asks that the deep tunnel be relooked at. Mark Fuhrmann responded that eighty to ninety million would need to be added to the three hundred thirty deep tunnel number to make an equal comparison.

Jeanette Colby asked if the common freight elements west of Louisiana were the same for all the options. Jim Alexander responded that the common freight elements applied to all the options.

Elizabeth Ryan asked what the difference on the surface would be between the shallow and the deep tunnel. Jim Alexander responded that it would look similar, under the shallow tunnel at the south end the trail would be on top of the tunnel, in the portion where the tunnel is coming up and the trail is not on top there will be opportunities for greenscaping. Jim Alexander added that if the project moves forward with the shallow tunnels there will be an engagement process to understand what the corridor might want to look like.

Council Member Munt asked if Art Higinbotham preferred the deep tunnel because it mitigated construction impacts. Art Higinbotham responded that the construction impacts, the bike trail, vegetation, closing the channel, and closing Cedar Lake Road and that he didn't agree with the three hundred thirty million dollar figure for the deep tunnel because the same length tunnel at the airport with a station cost one hundred nine million. Jim Alexander clarified that the three hundred thirty million did include a station in a tunnel, as West Lake Station would be below grade. Art Higinbotham stated that was his position and that he wasn't sure if Commissioner McLaughlin could be convinced to put it back on the table, but that Art feels the deep tunnel is the best for the community.

Mark Fuhrmann presented the project budget slides.

Jeanette Colby stated that it is troubling to see Minneapolis portrayed as the bad guy in the Star Tribune because the costs are going up and that there were many issues that should've been resolved sooner and it is not the communities fault solving these issues and she would like the Met Council staff to think about if there is any way to address that public perception. Council Member Munt responded that the Council's goal is to talk about why light rail is good and just focusing on cost is not what she wants. Council Member Munt added the Council's goal is to show leadership and make a decision so that the municipal consent process can begin.

Art Higinbotham stated that there is growth rate study along Hiawatha Corridor was published and it only grew 1.4 percent faster than the rest of the metro despite the ridership. David Greene responded that the study's authors stated that it was too soon to draw any conclusions.

Asad Aliweyd stated that the kind of economic impact this project will have in connecting communities is important.

Vida Ditter stated that she would like to hear about the Surface Transportation Board meetings.

John Erickson asked what FFGA meant on the charts. Mark Fuhrmann responded that it is the Full Funding Grant Agreement with the federal government.

Mark Fuhrman recaps the meetings with the Surface Transportation Board (STB). The project office asked the STB to come talk to project partner's staff. Two sessions were held, staff only and one with staff and policy makers. STB stated that there are two track owners, Hennepin County Regional Railroad Authority (HCCRA) and Canadian Pacific (CP), and the overhead rights are held by TC&W. STB stated that there are two paths forward. One in which all parties, HCRRA, CP, and TC&W, are in agreement then STB has jurisdiction and they could process the discontinuance in fifty or sixty days. The second path is one in which one or more parties does not agree to the discontinuance. Under that scenario it is an adverse discontinuance, if HCRRA wanted the discontinuance, for example, and TC&W did not want the discontinuance, then it would come to the trackage rights agreement, which would need to be clarified through a state court process before the STB would take jurisdiction under the adverse discontinuance process. Under the STB process, anybody who has any interest, that is jurisdictional, shippers, impacted neighborhoods or citizens, may make formal comments to the STB as to their concerns. STB Discontinuance with all parties in agreement could be two months, if not in agreement it could be two years or more.

Jami LaPray asked how likely would the STB be to grant an adverse discontinuance. Mark Fuhrmann responded that question was asked and that STB staff said to grant adverse discontinuance is a very high bar for the requestor.

Elizabeth Ryan asked if there is a delay, how will that affect funding. Mark Fuhrmann responded that the delay thus far has caused slip and if there's more delays at some point excessive delay will cause the FTA to get impatient. During Hiawatha, the FTA sent a letter, after three plus years of preliminary engineering, telling us to make a decision or we would be removed from the list.

## **5. CAC Recommendation to CMC**

Council Member Munt opened the discussion of a recommendation from the Community Advisory Committee to the Corridor Management Committee.

John Erickson asked if the committee is using the word recommendation, is the committee trying to get a specific recommendation to the Corridor Management Committee that relates to all the options that were presented or a recommendation in a generic sense. Council Member Munt responded that this committee has been at the table for more than two years and there were twenty-five technical issues to tackle, and a lot of the work around this table has been to find solutions. Council Member Munt asked if there were areas of agreement where the committee can form a recommendation. Council Member Munt stated that the committee might not be able to agree on everything but if it remains silent then there is a whole body of work that is wasted.

Asad Aliweyd stated that he would like to see a very clear authentic decision about housing, jobs, and economic development along Southwest.

Vida Ditter stated that we have to decide where you're going before we can look at development along where you're going. Vida also stated that we need to decide what's the first step, the second step, and the third step. What was the number one issue.

Elizabeth Ryan stated that we a commonality in our work with COO that a built out transit system will bring economic competitiveness, that platform is looking at the decades to come, that there's opportunity and come to make a decision.

Council Member Munt asked if the committee agrees that the hope is that everyone can reach consensus so that SWLRT can be built. Elizabeth Ryan responded that we are here to inform and enhance our system and if we don't get to a decision soon we are jeopardizing regional competitiveness. Jeanette Colby responded that it would be great to have a built out system and it has really been sad for her in this process, Kenwood believed the county that freight was moving, Kenwood didn't feel it was the best for the city because it passed the dense urban areas for suburban and exurban growth, but we tried to make the decision the best it could be. Jeanette Colby added that four years were spent going to meetings, talking to planners, put hours and hours into the DEIS and there has been no response to it, so the key going forward for her is the question of trust. Jeanette stated that she trusted the engineers but not the political process, there were things that should've been addressed a long time ago and weren't because of the political process and she feels she has wasted a lot of time and it's sad.

Elizabeth Ryan asked if Jeanette Colby believes that the Council will build a shallow tunnel if they say they will. Jeanette Colby responded that no out of malfeasance on the Met Council's part but there are a lot of players and at the last CMC she attended the CTIB member has expressed his desire for all at-grade and removing the townhomes.

Claudia Johnston-Madison stated that the committee needs make some form of a recommendation, would the group support a tunnel, not specifying deep or shallow.

David Greene asked if it would be possible to split the recommendation between freight and all other issues. Council Member Munt responded that the committee can do whatever it wants for a recommendation. David Green suggest that the first recommendation essentially be for the solutions proposed other than freight that the CMC goes forward with the staff recommendation and then we have a second recommendation regarding freight. Vida Ditter responded that she didn't how that could be done. Vida further stated that she represents her community and has to represent that community so the city of Minneapolis has said no freight in the corridor and LRT on the surface and we cannot go beyond what our constituencies have told us.

David Greene asked if Vida Ditter could state that she supports the line. Vida Ditter responded that she can support the LPA, but that assumes freight is gone.

Claudia Johnston-Madison stated that then the committee won't get anywhere, and that separating the recommendation as David Greene has suggested may be the best way. Asad Aliweyd added that it is a waste of opportunity if the committee doesn't come up with something, that it should be able to make a recommendation on the things that it can agree on.

Art Higinbotham stated that the committee is at an impasse partly because there is no recommendation before it. Art further stated that he would agree to things like the Operating Maintenance Facility but not on freight and there are other issues that are contentious as well. Art added that there has been disagreements with the Alternatives Analysis, with the Corridor Management Committee and what alternatives should be considered, and there are outside explorations of alternative routes. Art suggested that the committee make a recommendation by having someone put together a list of issues that the committee could agree on. Jeanette Colby added she didn't think the committee has had enough time to discuss amongst the committee about what kinds of things the committee would like to say.

Jami LaPray stated the she is an alternate and appreciates that she has been able to bring her voice to the table, that her community needs safe light rail before 2021, and that as an alternate she will not vote on the recommendation.

David Greene stated that the CMC meets next Wednesday and there is not a lot of time to continue the discussion and process of drafting a recommendation, and that he has put forward what he believed was a simple idea, asking if we agree on everything that's not freight, and if that doesn't work then he would suggest a recommendation that encompasses everything.

John Erickson stated that if the committee is serious about a recommendation then it should be at a cloud level and the issues that are not agreed upon cannot be solved in a short timeframe.

Jeanette Colby stated that she had expressed concern to the project office regarding having adequate time to discuss a recommendation and asked Sam O'Connell to share how she had responded. Sam O'Connell stated that given the time and that strong feelings still exist about freight, that the committee should look for the larger principles that the committee would like to express.

Barry Schade stated that he didn't know if the Corridor Management Committee wanted this committee's recommendation but from a practical perspective we recommend that they make a decision and keep the process moving forward. Kathryn Kottke stated that she thinks that becomes a recommendation for a shallow tunnel. Jeanette Colby disagreed. Kathryn Kottke stated that TC&W has said no and the relocation would take years. David Greene stated that the group is not going to be able to agree on the substance. Barry Schade added that the committee should address it supports light rail and that this committee encourages a quick decision that serves the needs of the people.

Vida Ditter suggested taking the memo dated August 7, 2013 with the subject of "July 25, 2013 Recorded Comments on Technical Issues" and use the key themes as a starting point.

The committee discussed what to include in the recommendation. This recommendation was written up by the Southwest Project Office and sent out to all committee members for final comments.

Draft and Final versions of the recommendation are included as attachments to the minutes.

## **6. Member and Committee Reports/Public Forum**

## **7. Adjourn**