

Metropolitan Council

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

Meeting of the Southwest LRT Management Committee

May 25, 2011

Members Present	Susan Haigh, Chair	Terry Schneider	Brian Lamb
	Nancy Tyra-Lukens	Peter Wagenius	Cheryl Youakim
	Jim Brimeyer	Bill James	Dave Nuckols <i>(alt. for Jan Callison)</i>
	James Hovland		
Members Absent	Keith Bogut	Jan Callison	Gail Dorfman
	Matt Look	Scott McBride	Jeff Jacobs
	Peter McLaughlin	Jennifer Munt	

1. CALL TO ORDER

Chair Susan Haigh called the May 25, 2011 meeting of the Southwest LRT Management Committee to order at 1:00pm at the St. Louis Park City Hall.

2. INTRODUCTIONS

Chair Haigh welcomed all and introductions were made.

3. APPROVAL OF MINUTES

Chair Haigh motioned to not approve the minutes from the April 27, 2011 meeting due to lack of a quorum.

The minutes will move for approval during the next Management Committee Meeting.

However, it was noted and asked by Bill James if page three of the minutes could reflect exact park and ride details. The minutes currently stated “some of the stations have publically held property which could be used for park and ride purposes.” Bill James asked that the details of which stations specifically have publically held property for park and ride purchases be added to the minutes.

4. PE/DEIS, ENGINEERING SERVICE RFP UPDATE

Project Director Chris Weyer opened the meeting by saying in regards to the PE Entry and DEIS, MetroTransit has not received any new official word from the FTA on either of those two fronts. The Southwest LRT Project Office (SWPO) staff continue to engage on those discussions with FTA. The SWPO believes they have provided FTA with all of the information they have asked for, and SWPO staff will continue to do that if additional requests are made. This past month, the SWPO was asked to resend the standard cost category breakdown of the capital cost estimate for the project, which they did promptly; however there has been no word beyond that.

With respect to the Engineering Services RFP, SWPO staff continues to meet with local stakeholders. A technical meeting with Three Rivers District has been added. SWPO staff is also scheduled to meet with Hennepin County Public Works as well. SWPO staff have met with MnDOT Metro District, and three of the 5 cities through which the Project passes to identify and discuss key issues that they see from their perspective so that those issues can be incorporated in the RFP which hopefully will inform the development of the prospective consultant proposals and enable the Evaluation Panel to better evaluate the proposals based on the strategies/approaches proposed by the prospective consultants for addressing these types of issues. SWPO staff continue to be prepared to issue the RFP after approval to move into PE.

Legislative Update:

Chair Haigh gave a brief Legislative Update. The regular legislative session ended without a bonding bill, with no additional resources authorized for this project. Chair Haigh said there might be a special session, however she is unsure of when that might be. Met Council is beginning contingency planning as well due to the veto of House Bill 1140 and an 85% reduction in the state general fund appropriation to the Met Council to run MetroTransit.

Bill James asked if the Chair could comment on the vetoed bill which mentions the MnDOT passenger rail office and how it relates to the SWLRT.

Chair Haigh responded by saying that MnDOT has the statutory authority for passenger rail planning. They were the initial planners for the Northstar as a commuter corridor so they would be doing rail planning for corridors which extend beyond the region and outside of the Twin Cities. Bryan Dodds from MnDOT mentioned Minnesota was awarded \$5 Million of the additional planning money for passenger rail feasibility for the Northern Lights Express connecting Duluth and Minneapolis.

Update on Freight Rail Relocation:

Ia Xiong from Hennepin County gave a presentation updating and providing a little background regarding to the committee on the MNS Freight Rail Study.

The Hennepin County Regional Railroad Authority (HCRRA) has partnered with the city of St. Louis Park, other private freight rail companies, as well as MnDOT who serves as the Responsible Governmental Unit (RGU) for the environmental review process, to perform an analysis of relocating freight rail services from the Kenilworth Corridor to the MN&S line in St. Louis Park. It was also to define and evaluate the potential impacts, mitigation measures, and conceptual design along the MN&S line if the current TCW freight trains operating from the west to St. Paul were to be relocated from the Kenilworth Corridor to the MN&S line. This analysis would cover the community impact assessment, conceptual engineering, estimated costs, and an environmental assessment worksheet. The study estimated the relocation cost to be \$76.7M which will cover tracks, bridges, retaining walls, and right of way utilities, as well as other construction. The study is expected to be completed later this year.

Ia provided the committee with a map specifying where the freight rail is located now, and where it would be should it be moved. As of today, the TCW operates two trains into the Twin Cities from Hopkins and works in and out of the Hopkins, Minnetonka, and the St. Louis Park area. Although TCW has trackage rights, Canadian Pacific is the only company currently running trains on the MN&S line.

There will be an Open House covering the Environmental Assessment Worksheet (EAW) on June 8th with the comment period ending June 15th. At that time, MnDOT will make an environmental determination.

The Chair asked if MnDOT was the lead in the environmental assessment. Ia said that MnDOT is not the lead, and that the project proposer is the HCRRA. The RGU will make the determination whether a DEIS will be required or not. This is not true for all freight rail issues. Ia said that because this is a privately owned infrastructure, there is a different process in this particular situation.

Councilmember Brimeyer mentioned that when Hiawatha Ave. (Highway 55) was rebuilt, MnDOT then made the determinations and got Legislative approval not to do a grade separation of the tracks that used to run down the Midtown Greenway Corridor across Hiawatha Ave. When Hiawatha Ave. was rebuilt in 1994, they were given a choice of cutting off the freight rail and channeling it the way they did, have the tracks cross Hiawatha Ave, which was not a good option, build a grade separation, or re-channel through Kenilworth on a temporary basis. MnDOT received permission from HCRRA to use the tracks on a temporary basis. Councilmember Brimeyer stated because the temporary uses are coming to an end now, MnDOT is on the hook and the HCRRA is involved because their corridor is being used.

Committee member Bill James said that it would be interesting to see what the cost would have been if MnDOT had chosen the other option rather than using the tracks on a temporary basis. Although at the time, it may have seemed like a lot of money, having only temporary access was an interim solution to the current situation and spending the extra dollars could have avoided this situation all together. Program Director Mark Fuhrmann said that while the policy direction was given in '94, the construction in the midtown greenway did not begin until 2001, so he would ask for thoughts on whether to use '94 dollars as the base, or '01 dollars. Brimeyer agreed that using '01 dollars would be the most accurate.

Tom Harmening, the City Manager for the City of St. Louis Park, gave a brief discussion on the freight rail issue. For St. Louis Park, the Southwest LRT and the Freight Rail issue are intertwined and have been for a long time. The discussion goes back to the 90's and there was study at that time which resulted in the City indicating strong concerns for the potential freight rail rerouting to occur. However, during that time and today, the city is a strong supporter of the Southwest LRT Project. In July 2010, as things started to heat up with the Southwest LRT Project, the city council felt it advisable to make sure that they had their position on the table. Therefore, they adopted a resolution which expressed opposition to the freight rail reroute. Mr. Harmening also mentioned that when the Southwest Policy Advisory Committee went through the process of recommending the preferred alternative (LPA), St. Louis Park asked, and the Policy advisory committee agreed, to include a provision in the recommendation that recognized the concern that the city had regarding the freight rail re-route and that needed to be figured out as part of the whole DEIS process in a parallel track.

Councilmember Brimeyer mentioned that when Southwest was looking at options there was a push to include the whole Freight Rail issue as part of the analysis. The problem was that it was unfair to the other alternatives because of the cost involved. Therefore it was determined that it was a separate issue.

Bill James asked if there is mitigation for any part of the light rail, and if it does or doesn't, are there funds allocated appropriately for LRT and/or Freight Rail mitigation.

Southwest Project Director Chris Weyer explained that the way the project is structured today, and is budgeted for in the DEIS, is what will advance forward into PE and the budget will be refined as Southwest LRT moves forward. It is a number set in time today, as an estimate as to what the project will cost with a 30% contingency built onto it. In that scope, it has to account for any LRT related mitigation measures that would happen. That would be in the base Scope set aside from the contingencies that is required as you advance through so as the project is refined, and you identify what mitigation is needed, that will also be scoped, identified, and a cost estimate will be placed into that cost category. At this point in time, the project scope in the DEIS does not include any costs specifically for Freight Rail relocation mitigation outside of the actual alignment for LRT.

It was asked what the viable alternative that the council seems to be leaning towards. Tom Harmening answered that as part of the study process that the city undertook, using the firm SEH, they looked at a whole host of alternatives and route options that the County did as well. One route option they looked at in particular was the Kenilworth route, and they have determined that it is no less viable to co-locate freight rail with light rail in the Kenilworth corridor as it is to undertake all of the measures necessary to reroute freight rail traffic on the MN&S route. Their feeling is that, from a physical engineering perspective and cost perspective, co-locating freight rail and light rail would be a viable alternative. However it was also stated that the alternative wouldn't come without its challenges. There is a pinch point that would require the acquisition of some property; it would also consist of relocating the trail in parts of the Corridor. By the same token, when you compare it with an MN&S reroute, the bridges that would have to be built, and the cost, it is no less viable.

Councilmember Youakim was under the impression that it wasn't looked at from the Federal perspective because they were not keen on having co-located tracks. It was said that although that is part of the reason, the other part is because when you run down the Corridor, you run into parts which were purchased and developed under separate federal grants and it was questioned whether or not they would permit that. Therefore, it was never researched further. However, now that it has come back again that option should be considered.

Peter Wagenius said that Minneapolis didn't have a unified position as to the position of the Southwest LRT Line but ultimately came to support the alignment that is set right now presuming that the bike trail would continue to exist along the Kenilworth Corridor. If that were to be reversed, it would cause the city to rethink their position entirely because the basis of the current alignment being acceptable assumed the trail would remain in place.

It was asked if the decision was made by MnDOT that despite St. Louis Park's concern, decided to move forward with the MN&S, would the City of St. Louis Park try to stop that through some legal action. Tom Harmening from St. Louis Park stated that the City Council has not discussed that scenario. Bryan Dodds from MnDOT replied that MnDOT only decides if there is significant impact of the EAW and if an EIS is necessary. MnDOT is not making the decision to relocate the track. As the project proposer, HCRRA would make that decision. Chair Haigh concurred saying that it is an important clarification to know that HCRRA at this point, in the alternative analysis is leading the project and is responsible for that decision.

Mayor James Hovland asked if there could be legal activity surrounding the rerouting regardless where the jurisdiction for the decision lies on the rerouting that could potentially delay and increase cost or all together stop LRT. Tom Harmening from St. Louis Park stated that the city is already in discussion within the St. Louis Park community to press forward on legal action relative to the freight rail reroute regardless of who makes what decision. There are groups of people who have gathered legal representation as well as engineering and railroad consultants.

Kerri Pearce Ruch from Commissioner Dorfman's office introduced herself and said that during the Southwest Scoping process, regarding freight rail in the corridor, it was FTA's determination that they should be looked at as separate issues and that it would not be included as part of the LRT project because they determined the severing of the rail line came from the Hiawatha Ave. project that happened in the 90's. In terms of whether HCRRA is the sole decision maker on the project, she is hesitant to concur because as they moved forward in partnership with MnDOT since the origins of this were a MnDOT project from the Hiawatha Ave. Reconstruction Project. The freight rail companies have an important say if they would accept a reroute so she believes those are important points to put out there as we move forward.

Councilmember Cheryl Youakim asked MnDOT if there is a state wide plan at looking at freight rail that is coming up. Because if so, that decision would have a huge impact as we move forward with the decision making. Pat Bursaw with MnDOT said that regrettably the proper staff who would know that information are not in attendance at the meeting and she would be unable to answer that question.

Bill James asked for clarification regarding the statement that FTA requested that the freight rail be a separate issue. His understanding is that it was out of FTA's hands and that it was really the responsibility of the FRA since it is a freight rail issue and not a transit issue. So he was under the impression FTA made the decision that it had to be a separated, so it was then excluded from the LRT issue because FTA is not the federal agency that has oversight on that issue.

Katie Walker from Hennepin County discussed the history of the FTA determination and their role. Katie said that when the Southwest LRT project was beginning the DEIS process, under the NEPA, they did confer with FTA staff because it is a federal document and FTA had asked questions regarding freight rail in the Kenilworth Corridor. HCRRA provided FTA the history of the severing of the line as a result of the Hiawatha Ave. Reconstruction Project and that it was HCRRA's understanding and agreement that it was a temporary placement of the freight rail in the Kenilworth Corridor for a period of 4-6 years. Based on that history, FTA's determination was that the freight rail relocation is what they called a "separate disconnected action" and that it was something that would be assumed to leave the Kenilworth Corridor prior to LRT implementation and that it would precede on a separate path. That is why it is not included in the DEIS Document and there is no mitigation for it. It is also why HCRRA along with MnDOT hired TKDA in 2009 to look at various options for where freight rail might be relocated out of the Kenilworth Corridor. That study was concluded and its recommendation was that freight rail be relocated to the MN&S line.

Chair Haigh said that it would be beneficial to hold on the conversation until there is a Hennepin County Commissioner present at the table. Therefore, further discussion has been deferred.

Councilmember Youakim then said it would help to hear from MnDOT regarding the freight rail plan for the state and when that is planned to be done.

Tom Harmening again mentioned that St. Louis Park realizes this is something the city has been watching closely since the early 90's and that back in 2001 the city expressed their concerns and will continue to do so.

The meeting adjourned at 2:41pm.

Respectfully submitted, Debra Sisneros