1. Welcome and Introductions

CAC Co-Chair Munt opened the meeting at 6:14PM with a round of introductions.

2. Hennepin County Bike Task Force Recommendation

Neil Trembley introduced Dave Carlson of the Hennepin County Bike Advisory Committee. Dave Carlson provided an overview of the advisory committee’s history and recommendation to the Hennepin County Commissioners. Neil Trembley added that the concern is not about the bike trail in the Kenilworth Corridor but is about the greenspace.

Aaron Parker asked for an expanded explanation on grade separation of the trail. Neil Trembley responded that one of the things that the Cedar Lake Park Association and the Minneapolis Park Board are very keen on is grade separation at Cedar Lake Parkway. It was envisioned as at least like a cut and cover tunnel underneath the Cedar Lake Parkway. Aaron Parker asked if that meant a bicycle tunnel. Neil Trembley responded that a tunnel for the light rail that would also include the trail. Additionally Neil Trembley stated the hope to have an underpass where the Cedar Lake Trail intersects with the LRT but that can’t be done unless freight is relocated. Dave Carlson responded that the Hennepin County Bike Advisory Committee kept the idea general and that there are no specific plans identifying locations for grade separation, but, it’s more of a wish list that some grade separation could take place in concert with the LRT project.

Kandi Arries commented that we are talking about a Hennepin County Bike Advisory Committee Recommendation and there are areas along this corridor where light rail, freight rail, and bicycle trail
will still be in this greenspace especially in St. Louis Park and Hopkins where the three modes of transportation will exist at-grade.

Jami LaPray commented that just this last week she came across the lease agreement between HCRRA and the Minneapolis Park Board about the bike trail and in that lease agreement the bike trail is supposed to be temporary and she’d send it out to the members. Additionally, she stated that if a choice has to be made between greenspace and the lives and education of children she would like to think that we could do something that could keep our children in St. Louis Park safe and allow them to have a quality education and that will not happen with the increased freight that is being proposed in St. Louis Park. Dave Carlson responded that’s technically true regarding the lease agreement, that it was conditioned as a temporary use at the time and that’s why initially the trails were not paved because they didn’t want to make the investment and that in subsequent years it’s been pretty well established that the trails are under the jurisdiction of Three Rivers and the City of Minneapolis, and there is hope to continue to exist in that corridor.

Asad Aliweyd asked how much separation between pedestrian and bike trails is wanted. Neil Trembley responded as much as possible. Dave Carlson responded that it works very well in Minneapolis when you separate out bike and pedestrian trails, and with the advent of adding all of these new users right around stations I think it’s going to become more important to have separation. The sidewalk itself could be the standard five or six foot sidewalk and the hope is that the bike trail would be twelve feet as a two-way bike trail. Additionally where there is room in some places to be wider that the project incorporates some of the design that is already in Kenilworth Corridor where the bike trails have been separated into two separate directions. Neil Trembley added that separate bicycle and pedestrian trails add to the safety of our community.

Elizabeth Ryan commented that in her work they talk a lot about access to opportunity and healthy communities and this is a part of healthy community and asked if the committee was being asked to respond to this? Council Member Munt responded that the Hennepin County Bicycle Task Force advises the county board. Dave Carlson added that the Hennepin County Bike Advisory Committee has not brought a resolution to the board but the commissioners are aware of the recommendation.

Vida Ditter asked how many people use the Kenilworth Trail on an annual basis? Neil Trembley responded that 660,000 visits in the year 2010 and 400,000 on the Cedar Lake Trail. Vida Ditter asked if fences were all that is needed for separation. Dave Carlson responded that fences were not the solution and a little greenspace separation is preferred. Neil Trembley added that bikes will want to be able to go off trail. Vida Ditter asked how long did it take to build up to the 660,000? Neil Trembley responded that the Kenilworth trail came in about 2000 and Cedar Lake Trail came in 1995 and usage has built up because the Kenilworth, the Midtown, and all the other trails that have been connected. Dave Carlson added that the Kenilworth Corridor is the center of a vast trail system that has evolved around the Twin Cities. Neil Trembley added that one of the things the Hennepin County Bike Advisory Committee looks at is the gaps in the trail network and how to connect the trails. Council Member Munt thanked Transit for Livable Communities and it’s Bike Walk Twin Cities program which presented to the Met Council’s Transportation Committee on Monday night. Transit for Livable Communities told the Council that in the last seven years biking is up seventy-eight percent in the Twin Cities and walking is up sixteen percent, and that the Met Council encourages non-motorized transportation.
3. Public Engagement Update

Sam O’Connell presented an update on the project’s public engagement. Sam O’Connell discussed the Draft Report February Town Hall meetings in Minneapolis and St. Louis Park. Combined attendance was approximately 625 attendees. The project office received approximately 75 written comments at the meetings. The transcripts of the meetings have been posted on the project website.

4. Project Update
   a. Water Resources Draft Report Discussion

   Jim Alexander presented an overview of the independent consultant, Burns & McDonnell, draft water resources in the Kenilworth Corridor report related to the shallow LRT tunnel proposed in October under the project’s recommended scope and budget. The overview included the recommendations by Burns & McDonnell, the Barr Engineering memo prepared for the City of Minneapolis and the Minneapolis Park and Recreation Board.

   Jeanette Colby asked about the project office’s response to the City of Minneapolis and stated that these are just some of the questions on the shallow tunnels that should be part of the Supplemental Draft Environmental Impact Statement (SDEIS) and the problem she sees is that the SDEIS won’t be done until this summer. She also stated concern that the Corridor Management Committee (CMC) and the city have to make decisions before they have the SDEIS and the answers to the many questions that exist. Jim Alexander indicated that that was the purpose of the water resources study. Jim Alexander also responded that as it relates to the shallow LRT tunnels, the project office had been before the CMC last fall almost on a weekly basis responding to questions about the shallow LRT tunnels. Jeanette Colby asked if there was a way to get the SDEIS before the project asks for a decision on scope and budget. Jim Alexander responded that it is part of the process and that the approval of the project’s scope and budget will initiate the release of Municipal Consent plans and during that time the SDEIS is being formulated and sent to the FTA for their review prior to release of the document and impacts and mitigation measures will be identified through the environmental process similar to what was done on the Central Corridor Project, ultimately to a Final Environmental Impact Statement (FEIS) and a Record of Decision (ROD), which is used to identify and address impacts. Jeanette Colby stated there were recommendations in the Draft Environmental Impact Statement (DEIS) that were not accepted which led to this situation and is concerned it will happen again.

   Council Member Munt commented that around the Community Advisory Committee there were three issues around the shallow LRT tunnels, would it harm Cedar Lake or Lake of the Isles, will it harm the water quality or level, and will the tunnels cause nearby basements to flood and asked Jim Alexander what the report said regarding those issues. Jim Alexander responded that his interpretation of the Burns & McDonnell study was no adverse impacts to those elements.

   Vida Ditter asked about impacts to buildings on either side of the tunnels. Jim Alexander responded that the tunnels would be constructed in sealed cells in which the water is removed from the cell for construction similar to how bridge piers are constructed in water. This will minimize any impacts to adjacent structures. Additionally, the project will be monitoring groundwater levels in the area before, during and after construction. Vida Ditter asked about the affect of construction vibration on the silo condos and the vibration from operations. Jim Alexander responded that the condo silos experience vibration today from the freight rail operations and the project will be analyzing the impact of vibration
from LRT in the corridor to mitigate it. Vida Ditter asked whether the project knows what the vibration effects will be at this time. Jim Alexander responded that the project does not at this time but does have the knowledge base to deal with the adverse affects of vibration.

Art Higinbotham stated that in the past two months there has become an increased awareness at the national level of hazardous freight cargo and that the National Transportation Safety Board (NTSB) has recommended that all such cargo be rerouted outside of urban areas. Art Higinbotham asked whether the LRT tunnel would be strong enough to support the weight of a freight rail car that has derailed with hazardous material on top of it and that older freight cars are not assured of leak prevention if they overturn. Jim Alexander responded that the design is accounting for the freight rail to be next to the tunnels and the structural design is designed to account for the freight loads. Art Higinbotham asked that if there was an explosion and fire from an overturned freight car and it is over the top of the tunnel and a train going through the tunnel, the heat from the explosion and fire must be a major concern. Jim Alexander responded that is a concern. Art Higinbotham added that the Transportation Safety Board has recommended new classifications for hazardous materials but merely making that designation doesn’t address the safety problem and because the rail is there TC&W can move whatever they want, no restrictions on ethanol, Bakken shale oil and various hazardous materials and this is an issue that maybe hasn’t come up in detail but it’s something that needs closer scrutiny.

DJ Heinle commented that one of the success of the I35W bridge replacement was the continued monitoring of the vibrations by the University of Minnesota and asked whether any monitoring like that has been looked at for the shallow tunnels. Jim Alexander stated that long term monitoring requirements would be assessed as part of the Environmental Process.

Neil Trembley asked whether Jim Alexander had a sense from the City of Minneapolis or the Minneapolis Park and Recreation Board as to what is going to come out of the Barr Engineering memo. Jim Alexander responded that he did not know, that he has corresponded with Minneapolis and park board staff and they’ve acknowledged they received SPO’s response and that they would get back to the project office.

Barry Schade asked whether that memo was a public document. Jim Alexander responded that from his perspective the project can make its document available to the public but would want to check with the City of Minneapolis and the Minneapolis Park and Recreation Board about their document. Barry Schade asked if it was public at this time. Jim Alexander responded that the SPO’s document has not been posted to our website and if there’s an interest we can send out our document but that the project would want to reach out to the city and park board before release their document.

Jeanette Colby commented that one of the big concerns she has been hearing is that the Met Council may be committed to this design and approach but the Met Council doesn’t hold the purse strings and there is a concern that the project would start down this road and then end up with everything at-grade. Jim Alexander responded that he has heard that going back to when an individual from the city expressed that at a public meeting, in terms of a bait and switch, referencing Central Corridor, where there was no bait and switch. Jim Alexander stated that as the project office moves this project forward to an approved scope and budget and through that to municipal consent for the county and cities’ endorsement of the project scope, and the project will go back to the county and cities for plan reviews at 30 percent, 60 percent, 90 percent completion and when plans are finally completed we will have reviews of those plans. Jim Alexander added that if there is a budgetary issue that requires we scale back on project cost, if the change is significant we may have to go back to visit the consent process, it
depends on the level of the change. Jeanette Colby added that she didn’t want to imply a bait and switch but there have been comments in the media that the tunnels are not necessary and asked if there was a point at which the Met Council would be able to get an iron-clad commitment to fund the tunnels. Jim Alexander responded that part of the process is to get approval of scope and budget and carry that approval ahead to the municipal consent plans. Mark Fuhrmann supplemented that he agrees with what Jim said but wants to be crystal clear, state statute under municipal consent, 473.3994, states that the project must seek municipal consent from the five cities and the county on the plan, profile, alignment, and stations. Mark Fuhrmann added that should there be a significant change after municipal consent is granted, and the project office would define going from tunnel to at-grade in this scenario as a significant change, we are required to go back to those municipalities and re-request municipal consent. Jeanette Colby commented that you can see it already, the project spent so much money, political capital, and time and if we don’t get the funding necessary or something happens that we can’t have the design that you would move forward, if you’re that far down the line then there’s no going back, and that’s the big concern. Rolf Peterson commented that he has asked the same question, that if they plan to do the shallow tunnel and for some reason it doesn’t work does it go back to municipal consent and he’s received that same answer from Mark before that the project would go back to consent for any drastic change. Jeanette Colby commented that the project is 250 million dollars more expensive than when it started before the DEIS process. Rolf Peterson commented that it appears most of the funding partners appear to be on board with the 1.5 billion cost. Jeanette Colby asked Jim Alexander if that was true. Jim Alexander responded that in October project office staff recommended a scope and budget of 1.553 billion with one no vote at the Corridor Management Committee before the process was paused to complete the additional studies. Mark Fuhrmann added that this is his eighth New Starts project in twenty-nine years and that the Feds do not consent to their fifty percent funding until local funding is in place, which under the current model is the State, CTIB (Counties Transit Improvement Board), and HCRRA (Hennepin County Regional Railroad Authority). Jeanette Colby commented that she recalled the Central Corridor Project was quite a bit down the line before the project received the final letter of approval. Mark Fuhrmann responded that during the process of final engineering, now called engineering, the project did advanced utility relocation and traffic design work prior to receiving the full funding grant agreement, this was done to manage the schedule and deliver the project by the end of 2014, which will be beat by six months. Mark Fuhrmann added that prior to starting the early work he stood before the local funding partners to seek and receive funding commitments for that work.

Neil Trembley commented that one of the issues that concerns him is that the alternatives and preferred alternative in the DEIS is considerably different from what is on the table now at least as far as Kenilworth is concerned. Jim Alexander responded that the project office has gone through a very deliberate process in 2013 when the engineering effort began and freight rail was one of the top three issues to resolve, and the project office developed some options, a lot of which the railroads, public, or the community were not interested in and we got to the shallow LRT tunnel, it’s the same alignment only below grade. Jim Alexander added that there was concern in the responses to the DEIS about Cedar Lake Parkway and we’ve addressed those concerns in the shallow tunnel design. The project office was given the Locally Preferred Alternative (LPA) and the DEIS and has worked to resolve technical issues to get to the project’s recommended scope and budget. Council Member Munt added that the project office has worked to tackle the twenty-five technical issues that were identified through the DEIS and as a Metropolitan Council Member she has heard the desire to find a solution that minimizes the taking of homes and businesses, that protects parkland, that protects school children. Council Member Munt
added that the project office has been looking at how to get this right, not just right for individual parochial interests and the Metropolitan Council has a new policy direction to think regionally and act equitably.

Aaron Parker asked about what the letter from CTIB to the Metropolitan Council, specifically what “failure to act” is referring. Mark Fuhrmann responded that he was the staff presenter at CTIB when the conversation spontaneously arose and the motion was offered by Anoka County CTIB representative Commissioner Look and it was discussed for seventy-five minutes and ultimately approved unanimously by all five county CTIB members. Mark Fuhrmann added that to the specifics of the localities taking an action was not discussed or precisely defined during the course of debate around the resolution. Mark Fuhrmann acknowledged that he has similar questions and he has been invited back in March to provide the monthly Southwest LRT Project update. Aaron Parker commented that what follows after the initial paragraph is clearly a shot across the bow.

Vida Ditter commented that at the Corridor Management Committee meeting Mayor Hodges indicated that she refuses to allow the railroads to veto the reroute and that Commissioner McLaughlin supporters the mayor’s statement and that there is a contract between the county and TC&W (Twin Cities & Western railroad) that indicates that if there is a viable alternative for relocating the freight train then it must move. Vida Ditter asked where we stand on those statements. Council Member Munt commented that there is a question out there regarding who needs to approve a freight relocation and the project office asked the Surface Transportation Board (STB) to provide clarity on that and asked Jim Alexander for an update. Jim Alexander responded that the project office met with a staff member of the STB to walk through the process and what he took out of the meetings was that the railroads need to endorse the action to abandon track for a relocation of freight. Jim Alexander added that his understanding is that the railroad, TC&W as the tenant and Canadian Pacific Railroad (CP) as an owner, would need to petition the STB to abandon the track. Vida Ditter asked for the next steps and the various outcomes could be. Jim Alexander responded that this would require a long meeting by itself to go over the several different processes, but in general as he understands it, if the project were to relocate the freight to St. Louis Park then the railroads would need to petition to the STB. Vida Ditter asked that if the railroad has to agree or petition to move then in essence they veto over the project. Jim Alexander responded that under co-locate no petition to STB would be required, but is required to relocate. Jim Alexander added that there are other options that Hennepin County Regional Railroad Authority, as the owner, could file for an adverse discontinuance to the STB, this would ask the STB to stand down while the parties, Hennepin County Regional Railroad Authority, CP, and TC&W take the contract dispute to state court. Jim Alexander also added that the STB staff person indicate that it is a high hurdle to get through that action. Council Member Munt commented the Mark Wegner of TC&W has stated opposition to the MN&S North route as recommended by TranSystems.

Jami LaPray requested that Mark Wegner come speak to the Community Advisory Committee (CAC). Rolf Peterson commented that he attended the Business Advisory Committee meeting the previous day and heard Mark Wegner address that group and echoes Jami’s request to ask Mark to speak to the CAC.

Kandi Arries asked that the group postpone the freight rail discussion because it was approaching 8:00PM. Jim Alexander responded that part of the presentation is to talk about the comment period and part of tonight’s presentation is to provide more information to help the members if they decide to comment. Council Member Munt commented that a lot of people came here tonight to hear this part of the presentation and asked that Jim present and questions be held until the end.
b. Freight Rail Draft Report Discussion

Jim Alexander presented the freight rail draft report discussion slides including safety considerations, property impacts, cost, operational considerations, how to submit comments on the draft reports, and the next steps.

Neil Trembley asked who funded this study and was TranSystems hired by the project. Jim Alexander responded that the Metro Transit funded the independent consultant’s study and that the scope of work was developed in collaboration with staff from the City of Minneapolis, City of St. Louis Park, and Hennepin County.

John Erickson asked whether the project office was doing a separate analysis of the TranSystems’ design. Jim Alexander responded that the project office is looking at the design, the technical aspects, costing it to the same standards we’ve used for the previous designs under relocation and co-location, and the project office will be submitting comments on the draft report. John Erickson asked if the project office’s comments would go to the council. Jim Alexander responded yes, that the project office’s comments would be included in the public comment record and the comments will be sent to the independent consultants to use in preparing their final reports. Council Member Munt added that the intent with the meetings before and after the draft reports was released was to gather community input to inform the consultants.

Vida Ditter commented that as she read the reports from TranSystems and Civil Design Inc (CDI) (Engineering firm hired by TC&W) with two different conclusions and she doesn’t know where we stand with two opposing reports. Council Member Munt responded that the reports she needed to see were the water resources and the freight relocation analysis, and that the report by CDI was for TC&W to identify their position.

Neil Trembley stated that you hired and picked the consultant. Jim Alexander commented that it was a unique situation, they were hired as independent consultants and treated as independent consultants and so when the draft reports came out the project office got them at the same time as everyone else. Jim Alexander added that normally he would’ve had the opportunity to review consultant reports prior to distribution to make sure they are consistent with the original scope of work, but in this situation he saw these independent reports at the same time that the staff of County, City of Minneapolis and City of St. Louis Park saw the reports.

Vida Ditter commented that at the Corridor Management Committee meeting one of the St. Louis Park schools, Metropolitan Open School, has five students and two teachers. Jim Alexander responded that under the MN&S North concept that building would have to be acquired and the school would need to be relocated.

Kandi Arries asked how many students attend St. Louis Park High School. Jim Alexander responded that he had heard it was approximately 1400 students. Kandi Arries commented that it doesn’t account for Park Spanish Immersion or Hobart Elementary and that some of Park Spanish Immersion school uses are within 150 feet of the rail. Jim Alexander responded that the analysis for the draft report considered buildings within 150 feet and the Immersion school building is farther than 150 feet from the rail. Rolf Peterson added that Park Spanish Immersion uses the athletic field adjacent to the freight tracks.
Barry Schade commented that when looking at the numbers, these are residential people not transitory people riding by. Jim Alexander responded that these are residential units, houses, condos, and apartment units.

Art Higinbotham commented that under the safety considerations you listed the number of at-grade crossings, proximity to schools and residential and he thinks those are far overshadowed by the possibility of derailment of hazardous cargo whether in St. Louis Park or Minneapolis and requested that in future analysis the project includes that kind of consideration as well. That the project assigns a probability and assigns a probability to someone getting hit crossing the track and that there needs to be a broader scope of safety than what’s currently looked at by the project office. Jim Alexander responded that it would be up to the railroads to assess their concerns about safety and it seems that would fall to their judgment about safety and how they operate on a particular alignment. Art Higinbotham commented that TC&W will make that determination based on their insurance costs, but the decision on whether freight rail is eventually relocated, the project office can’t wash their hands of that we’re faced with a major potential disaster under either alignment. Jim Alexander responded that the project office is very concerned about safety.

Jeanette Colby commented that these questions of safety are the things that the communities would like looked at as in depth as possible prior to decisions being made and this is one of the reasons she wishes that the SDEIS would be advanced as soon as possible and have as many of the questions answered before people are asked to make decisions.

Jeanette Colby asked if no homes would be taken under the Kenilworth route. Jim Alexander responded that no homes would be taken under the shallow tunnel design, and there would be slivers of property acquired but no homes acquired. Jim Alexander added that the project would acquire the BNSF parcels within the Corridor under this option, but there are no homes on those parcels, no relocation of residents required.

Linnea Sodergren asked to clarify that this is just relocation not property impacts. Jim Alexander that is correct, the numbers in the presentation reflect the number of relocations required and that there are other parcels that have partial acquisitions and a parking lot that would be a full acquisition but the parking lot would not require relocation. Jim Alexander added that all told there are approximately twenty parcels that would have full or partial acquisitions under the MN&S North option and a majority of them involve relocation.

Vida Ditter asked that in the numbers for Kenilworth is there no parkland being taken. Jim Alexander responded that no parkland is being taken and as the project proceeds northward in Kenilworth we will not be touching the freight which is on or near the parkland near the Cedar Lake junction.

Neil Trembley asked whether the home at 21st Street would stay. Jim Alexander responded that it is not required to be taken, the project would be close with the shallow tunnel option but acquisition of this home would not be required. Jim Alexander added that previous designs, especially all modes at-grade, had acquisition of homes identified.

Jeanette Colby asked about a buffer zone for freight and whether that would require the taking of homes if it were in Kenilworth by the Cedar Shores Townhomes where the project needed 25 feet. Jim Alexander responded that as the project worked through the designs that were first unveiled in June, Mark Wegner of TC&W had indicated that he could probably work around not having the buffer,
Jeanette Colby commented that the home owners got letters that their property might be acquired and will the project send letters stating that they will not be acquired now. Sam O’Connell responded that back in July with the full slate of alternatives, some of which required the taking of homes, the project office did notify the owners of that. Jeanette Colby asked if those homeowners will now receive a letter that assuring them that it’s not going to be acquired. Sam O’Connell responded that through the municipal consent process folks will know what the project will be acquiring.

Kandi Arries asked what is the criteria and how partial and full acquisitions are determined. Jim Alexander responded that to a certain degree it is a judgment call by the right of way staff from MnDOT who have a lot of experience with right of way acquisition. It depends on the impact to the buildings on the property, access, and use of the property and the project tends to try to be on the conservative side if there is a question whether it’s a partial or full acquisition. Kandi Arries asked what the level of design the TranSystems design is at. Jim Alexander responded that its less than five percent.

John Erickson asked about the common elements expenditure, would these have to added into the entire 15 or 16 miles. Jim Alexander responded that when the project looked at the eight options for co-location and relocation in July of last year, the project identified common elements to all of those designs and the project office applied the same methodology to the TranSystems MN&S North concept. John Erickson commented that those occur under any choice that is made. Jim Alexander responded that is correct and that is one of the challenges, to get TranSystems concept up to the same methodology as the other options for comparison purposes.

Vida Ditter asked that at the same time the project is adding the cost to remove the tracks in Kenilworth doesn’t the project have to add in a cost for increasing the safety measures in Kenilworth that Mr. Terry recommended and that she doesn’t see that reflected anywhere. Jim Alexander responded that the mayor has asked that we cost those elements out. Jim Alexander added that the CTC system (Centralized Traffic Control) suggested by TranSystems would be about 6.3 million. Vida Ditter asked if there has been any analysis of what would happen with the 660,000 people along side it if a derailment occurred. Jim Alexander responded that it’s a speculation on what might happen and it’s difficult to speculate on catastrophic scenarios. Vida Ditter responded that it’s all catastrophic talking about schools and homes and you have 660,000 users, some consideration has to be given to the safety of the rail. Jim Alexander responded that the project office is concerned about safety .

Bob Aderhold asked what the timeframe is for a decision. Council Member Munt responded that the Council is looking to make a decision in April which would then start the municipal consent process.

5. Member and Committee Reports/Public Forum

6. Adjourn

Council Member Munt asked for approval of the December meeting minutes. Minutes from December’s meeting were approved. Meeting was adjourned at 8:45PM.