Appendix M
Supplemental Draft EIS Comments and Responses

APPENDIX M

Guide to Appendix M

Appendix M contains comments received on the Southwest LRT (METRO Green Line Extension) Supplemental Draft Environmental Impact Statement (EIS) during the public comment period held from May through July 2015, following publication of the Supplemental Draft EIS on May 22, 2015. Appendix M also includes the comments received on the Southwest LRT Amended Draft Section 4(f) Evaluation published on January 11, 2016. All comments received on the Supplemental Draft EIS and the Amended Draft Section 4(f) Evaluation were reviewed, responded to, and incorporated into the Final EIS, as appropriate. Appendix M is divided into five parts:

- Attachment 1: Index of comments received on the Supplemental Draft EIS
- Attachment 2: Comments received on the Supplemental Draft EIS
- Attachment 3: Master responses to comments received on the Supplemental Draft EIS
- Attachment 4: Responses to comments received on the Supplemental Draft EIS
- Attachment 5: Responses to comments on the Amended Draft Section 4(f) Evaluation

These attachments are described as follows.

Attachment 1: Index of comments received on the Supplemental Draft EIS
Attachment 1 contains a table with each of the comments received on the Supplemental Draft EIS. The table includes:

- Comment ID Number: A unique comment identification number assigned to each comment.
- Source. The method the comment was received (e.g., postal mail, email, public hearing, etc.)
- Commenter: The name of the individual submitting the comment, if provided.
- Commenter Organization: The name of the organization, business or group, if provided.
- Original Comment Page Number: The page number where the comments begins, as found in Attachment 2, Comments Received on the Supplemental Draft EIS.
- Response Page Number: The page number where the response begins, as found in Attachment 4, Responses to Comments Received on the Supplemental Draft EIS.

Attachment 2: Comments received on the Supplemental Draft EIS
Attachment 2 includes a copy of each of the comments received on the Supplemental Draft EIS.

Attachment 3: Master responses to comments received on the Supplemental Draft EIS
Attachment 3 includes Master Responses for comments received on the Supplemental Draft EIS. Master responses cover common topics from multiple commenters. The Master Response table includes:

- Master Response Identification Number (ID): Identification number assigned to each master response.
- Topic: General description of the comment that was received from multiple commenters.
- Master Response: A response to the comment that was received from multiple commenters.
- Original Comment Number: The corresponding Comment ID Numbers from Attachment 1 above.

Attachment 4: Responses to comments received on the Supplemental Draft EIS
Attachment 4 includes responses to individual commenters received on the Supplemental Draft EIS. Included in the responses to comment is the following:

- Comment ID Number: A unique comment identification number assigned to each comment, corresponding with the Comment ID Number from Attachment 1.
- Commenter: The name of the individual submitting the comment, if provided.
- Commenter Organization: The name of the organization, business or group, if provided.
- Comment Response: An individual response for each comment received. The individual responses also include references to Attachment 3 for responses to comments received from multiple commenters (i.e., Master Responses).

Attachment 5: Responses to comments on the Amended Draft Section 4(f) Evaluation
Attachment 5 contains two subsections:

- Index of comments received on the Supplemental Draft EIS: Contains a table with the commenter name/organization and the page number for the response.
- Responses to comments received.

Attachment 1: Index of Comments Received on the Supplemental Draft EIS

Index of Comments Received on the Southwest LRT Supplemental Draft EIS

ID No.[a]	Source	Commenter	Commenter Organization	Original Comment Page Number (Attachment 2)	Response Page Number (Attachment 4)
1	Email	George Puzak	Not Provided	M.2-1	M.4-1
7	Email	Arthur Higinbotham	not provided	M.2-10	M.4-2
21	Email	Steve Smith	Not Provided	M.2-14	M.4-7
26	Email	Pat MulQueeny	Eden Prairie Chamber of Commerce	M.2-15	M.4-8
27	Email	Richard Adair	Not Provided	M.2-16	M.4-9
28	Email	Jim Herbert	Barr Engineering Co.	M.2-17	M.4-10
29	Email	Roger Clarke	Not Provided	M.2-18	M.4-11
30	Email	Karen Rosar	Not Provided	M.2-19	M.4-12
31	Email	Matthew Pawlowski	Not Provided	M.2-20	M.4-13
32	Comment Form	David Hester	Not Provided	M.2-21	M.4-14
33	Other	Bob Carney	bobagain.com	M.2-22	M.4-15
34	Comment Form	Nancy Arieta	Not Provided	M.2-23	M.4-16
35	Other	Joseph Lampe	PRT Minnesota, Inc.	M.2-24	M.4-17
36	Comment Form	Not Provided	Not Provided	M.2-87	M.4-18
37	Comment Form	Mike Farrar and Marrou Collins	Not Provided	M.2-88	M.4-19
38	Comment Form	Not Provided	Not Provided	M.2-89	M.4-20
39	Comment Form	Not Provided	Not Provided	M.2-90	M.4-21
40	Comment Form	Not Provided	Not Provided	M.2-91	M.4-22
41	Comment Form	Not Provided	Not Provided	M.2-92	M.4-23
42	Comment Form	Not Provided	Not Provided	M.2-93	M.4-24

ID No.[a]	Source	Commenter	Commenter Organization	Original Comment Page Number (Attachment 2)	Response Page Number (Attachment 4)
43	Comment Form	Not Provided	Not Provided	M.2-94	M.4-26
44	Comment Form	Not Provided	Not Provided	M.2-95	M.4-27
45	Transcribed Verbal Comment	Not Provided	Not Provided	M.2-96	M.4-28
46	Comment Form	Not Provided	Not Provided	M.2-97	M.4-29
47	Comment Form	Not Provided	Not Provided	M.2-98	M.4-30
48	Comment Form	Not Provided	Not Provided	M.2-99	M.4-31
49	Transcribed Verbal Comment	Not Provided	Not Provided	M.2-100	M.4-32
50	Transcribed Verbal Comment	Not Provided	Not Provided	M.2-101	M.4-33
51	Comment Form	Not Provided	Not Provided	M.2-102	M.4-35
52	Comment Form	Not Provided	Not Provided	M.2-103	M.4-36
53	Other	Robert Brockway	Not Provided	M.2-104	M.4-37
54	Other	Jan Search	Not Provided	M.2-105	M.4-38
55	Transcribed Verbal Comment	Russel Palma	Not Provided	M.2-111	M.4-41
56	Transcribed Verbal Comment	Frank Hornstein	District 61A and Minnesota House of Representatives	M.2-113	M.4-42
57	Transcribed Verbal Comment	Sarah Brenner	Not Provided	M.2-117	M.4-43
58	Transcribed Verbal Comment	Shawn Smith	Not Provided	M.2-119	M.4-44
59	Transcribed Verbal Comment	Art Higinbotham	Not Provided	M.2-121	M.4-45
60	Transcribed Verbal Comment	Bob Brockway	Not Provided	M.2-122	M.4-46
61	Transcribed Verbal Comment	John Shorrock	Not Provided	M.2-123	M.4-47
62	Transcribed Verbal Comment	Angela Erdrich	Not Provided	M.2-124	M.4-48
63	Transcribed Verbal Comment	Richard Adair	Not Provided	M.2-126	M.4-49
64	Transcribed Verbal Comment	Amity Foster	ISAIAH	M.2-127	M.4-50

ID No.[a]	Source	Commenter	Commenter Organization	Original Comment Page Number (Attachment 2)	Response Page Number (Attachment 4)
65	Transcribed Verbal Comment	Mary Pattock	Not Provided	M.2-128	M.4-51
66	Transcribed Verbal Comment	George Puzak	Not Provided	M.2-129	M.4-52
67	Transcribed Verbal Comment	Susu Jeffrey	Coldwater	M.2-131	M.4-54
68	Transcribed Verbal Comment	Nancy Green	Not Provided	M.2-132	M.4-56
69	Transcribed Verbal Comment	Claire Ruebeck	Not Provided	M.2-133	M.4-57
70	Transcribed Verbal Comment	Bob Carney	We the People	M.2-135	M.4-58
71	Transcribed Verbal Comment	Sandi Larson	Not Provided	M.2-137	M.4-59
72	Transcribed Verbal Comment	Cathy Deikman	Not Provided	M.2-139	M.4-60
73	Transcribed Verbal Comment	Stuart Chazin	Kenilworth Preservation Group	M.2-140	M.4-61
74	Transcribed Verbal Comment	Jeanette Colby	Not Provided	M.2-143	M.4-62
75	Transcribed Verbal Comment	Camille Burke	Not Provided	M.2-145	M.4-63
76	Transcribed Verbal Comment	Kathy Low	Not Provided	M.2-146	M.4-64
77	Transcribed Verbal Comment	Michael Wilson	Cedar Lake Townhome Association	M.2-147	M.4-65
78	Transcribed Verbal Comment	Eric Larsson	Not Provided	M.2-150	M.4-66
79	Transcribed Verbal Comment	Doug Peterson	CIDNA	M.2-152	M.4-67
80	Transcribed Verbal Comment	Arlene Fried	Not Provided	M.2-154	M.4-68
81	Transcribed Verbal Comment	Mathews Hollinshead	Not Provided	M.2-155	M.4-69
82	Transcribed Verbal Comment	Captain Jack Sparrow	Not Provided	M.2-156	M.4-70
83	Transcribed Verbal Comment	Sally Rousse	Not Provided	M.2-158	M.4-72
84	Transcribed Verbal Comment	Peter Wagenius	City of Minneapolis	M.2-159	M.4-74
85	Transcribed Verbal Comment	Bob Carney	Not Provided	M.2-167	M.4-75
86	Transcribed Verbal Comment	Melitta Mayer	Not Provided	M.2-169	M.4-76

ID No.[a]	Source	Commenter	Commenter Organization	Original Comment Page Number (Attachment 2)	Response Page Number (Attachment 4)
87	Transcribed Verbal Comment	Nancy Arieta	Not Provided	M.2-170	M.4-77
88	Transcribed Verbal Comment	Ellen Hoerle	Not Provided	M.2-171	M.4-78
89	Transcribed Verbal Comment	Joseph Lampe	Not Provided	M.2-173	M.4-79
90	Transcribed Verbal Comment	Frank Lorenz	Not Provided	M.2-175	M.4-80
91	Transcribed Verbal Comment	Bob Carney	Not Provided	M.2-185	M.4-81
92	Transcribed Verbal Comment	Stuart Nolan	Stuart Companies	M.2-186	M.4-82
93	Transcribed Verbal Comment	Not Provided	Not Provided	M.2-188	M.4-83
94	Transcribed Verbal Comment	Not Provided	Not Provided	M.2-189	M.4-84
95	Postal Mail	John Shorrock	Not Provided	M.2-193	M.4-85
96	Postal Mail	Scott Blumhoefer	Heartland Corn Products	M.2-196	M.4-86
97	Email	Matthew Pawlowski	Not Provided	M.2-198	M.4-87
98	Email	Mark McGree	Not Provided	M.2-199	M.4-88
99	Email	Chris Polston	Not Provided	M.2-200	M.4-90
100	Email	Marion Spirn	Not Provided	M.2-201	M.4-91
101	Email	Marion Collins	Not Provided	M.2-202	M.4-94
102	Email	Jami LaPray and Thom Miller	Safety in the Park!	M.2-203	M.4-98
103	Email	Irene Elkins	Not Provided	M.2-208	M.4-100
104	Email	Fritz Vandover	Not Provided	M.2-209	M.4-101
105	Email	Elise Durbin	City of Minnetonka	M.2-210	M.4-102
106	Email	Shea Koch	Not Provided	M.2-215	M.4-106
107	Email	Susanne Wollman	Not Provided	M.2-216	M.4-107
108	Email	Neil Baker	Not Provided	M.2-217	M.4-108
109	Email	Richard Weiblen	Liberty Property Trust	M.2-218	M.4-109

ID No.[a]	Source	Commenter	Commenter Organization	Original Comment Page Number (Attachment 2)	Response Page Number (Attachment 4)
110	Email	Mark Wegner	Twin Cities & Western Railroad Company	M.2-221	M.4-111
111	Email	John Erickson	Cedar Lake Shores Townhome Association (CLSTA)	M.2-228	M.4-113
112	Email	Tom Cremons	Not Provided	M.2-231	M.4-115
113	Email	Dale Bachman	Bachman's Inc.	M.2-234	M.4-116
114	Email	Diane Hedges	Not Provided	M.2-237	M.4-117
115	Email	Anna Mulfinger	Not Provided	M.2-238	M.4-118
116	Email	Angela Erdrich	Not Provided	M.2-239	M.4-119
117	Email	Jeanette Colby	Not Provided	M.2-240	M.4-120
118	Email	Kristina Patterson	Not Provided	M.2-246	M.4-121
119	Email	Arlene Fried	Not Provided	M.2-247	M.4-122
120	Email	Doug Jones	Pointe West Commons Homeowner Association	M.2-248	M.4-123
121	Email	Paul Petzschke	Not Provided	M.2-249	M.4-124
122	Email	Doug Seitz	Not Provided	M.2-255	M.4-125
123	Email	Jeanette Colby	Kenwood Isles Area Association (KIAA)	M.2-256	M.4-126
124	Email	Kim Ramey	Not Provided	M.2-276	M.4-127
125	Email	Kim and Kenneth Ramey	Not Provided	M.2-279	M.4-132
126	Email	Lynn Levine	Not Provided	M.2-281	M.4-137
127	Email	Gail Freedman	Not Provided	M.2-284	M.4-138
128	Email	Bill McGaughey	Not Provided	M.2-285	M.4-139
129	Email	Erin Cosgrove	Not Provided	M.2-286	M.4-140
130	Email	Pat Bursaw	Minnesota Department of Transportation (MnDOT)	M.2-287	M.4-141

ID No.[a]	Source	Commenter	Commenter Organization	Original Comment Page Number (Attachment 2)	Response Page Number (Attachment 4)
131	Email	Bob Carney Jr.	Not Provided	M.2-291	M.4-143
132	Email	Becca Vargo Daggett	Not Provided	M.2-319	M.4-146
133	Email	George Puzak	Not Provided	M.2-320	M.4-147
134	Email	Craig Oberlander and Michael O'Leary	Idlewild Properties, LLC and Redstone American Grill, Inc.	M.2-324	M.4-148
135	Email	Kevin Kuemmel	Not Provided	M.2-341	M.4-153
136	Email	Angie Erdrich	Not Provided	M.2-342	M.4-154
137	Postal Mail	Richard Weiblen	Liberty Property Trust	M.2-343	M.4-155
138	Email	Joan Vanhala	Alliance for Metropolitan Stability (AMS)	M.2-346	M.4-156
139	Postal Mail	Mark Wegner	Twin Cities & Western Railroad	M.2-357	M.4-158
140	Email	Cherie Hamilton	Calhoun Isles Condominium Association	M.2-364	M.4-159
141	Postal Mail	Dale Bachman	Bachman's	M.2-372	M.4-160
142	Email	Rick Getschow	City of Eden Prairie	M.2-375	M.4-161
143	Email	Liz Wielinski	Minneapolis Park and Recreation Board	M.2-384	M.4-170
144	Postal Mail	Stuart Nolan	Stuart Co	M.2-436	M.4-181
145	Email	Steven Goldsmith	Not Provided	M.2-447	M.4-185
146	Email	Monica Smith	Cedar Isles Dean Neighborhood Association (CIDNA)	M.2-448	M.4-186
147	Email	Cathy Konat	Not Provided	M.2-490	M.4-187
148	Postal Mail	Not Provided	Kenwood Isles Area Association	M.2-491	M.4-188
149	Email	Susu Jeffrey	Friends of Coldwater	M.2-511	M.4-189
150	Email	Allen and Shirley Blumenthal	Not Provided	M.2-519	M.4-191
151	Email	Brooke Haworth	Minnesota Department of Natural Resources	M.2-520	M.4-192

ID No.[a]	Source	Commenter	Commenter Organization	Original Comment Page Number (Attachment 2)	Response Page Number (Attachment 4)
152	Email	Steve Quinlivan	Not Provided	M.2-521	M.4-194
153	Email	Jennifer Labovitz	Not Provided	M.2-522	M.4-195
154	Email	Asad Aliweyd	New American Academy	M.2-523	M.4-196
155	Email	Kathleen Fix	Not Provided	M.2-530	M.4-197
156	Email	David Jaeger	Hennepin County Public Works	M.2-531	M.4-198
157	Email	Stephen Bullard	Not Provided	M.2-535	M.4-202
158	Email	Brian Gaiser	Not Provided	M.2-536	M.4-203
159	Email	Susu Jeffery	Friends of Coldwater	M.2-537	M.4-204
160	Email	John Harvey	Not Provided	M.2-538	M.4-205
161	Email	Jody Strakosch	Not Provided	M.2-540	M.4-206
162	Email	Heather Haakenson	Not Provided	M.2-541	M.4-207
163	Email	Lisa Nankivil	Not Provided	M.2-542	M.4-208
164	Email	David Lilly	Not Provided	M.2-543	M.4-209
165	Email	Barb Rasmus	Not Provided	M.2-544	M.4-210
166	Email	Marion Collins	Not Provided	M.2-545	M.4-211
167	Email	Charles Gribble and Edith Black	Not Provided	M.2-546	M.4-212
168	Email	Shelley Fitzmaurice	Not Provided	M.2-547	M.4-213
169	Email	Terry Saario and Lee Lynch	Not Provided	M.2-548	M.4-214
170	Email	Paul Allwood	Minnesota Department of Health (MDH)	M.2-549	M.4-215
171	Email	Steven Kotke and Craig Taylor	City of Minneapolis	M.2-555	M.4-217
172	Postal Mail	George Puzak	LRT Done Right	M.2-565	M.4-227
173	Email	Amy Sheldon	Not Provided	M.2-614	M.4-228
174	Email	Bryce and Donna Hamilton	Not Provided	M.2-615	M.4-230

ID No.[a]	Source	Commenter	Commenter Organization	Original Comment Page Number (Attachment 2)	Response Page Number (Attachment 4)
175	Email	Patricia Benn	Not Provided	M.2-616	M.4-231
176	Email	Sally Rousse	Not Provided	M.2-617	M.4-233
177	Postal Mail	Todd Phelps	Stinson Leonard Street LLP	M.2-664	M.4-234
178	Postal Mail	Steve Christensen	Granite Falls Energy LLC	M.2-677	M.4-235
179	Email	Mary Pattock	LRT Done Right	M.2-679	M.4-236
180	Postal Mail	Steven Kottke and Craig Taylor	City of Minneapolis	M.2-728	M.4-237
181	Email	Meg McMonigal	City of St. Louis Park	M.2-738	M.4-238
182	Postal Mail	Meg McMonigal	City of St. Louis Park	M.2-743	M.4-242
183	Email	Ken Rafowitz	Lakes & Parks Alliance of Minneapolis, Inc. C/O The Chazin Group, Inc.	M.2-748	M.4-243
184	Email	Sally Darqis	Lakes & Parks Alliance of Minneapolis, Inc. C/O The Chazin Group, Inc.	M.2-797	M.4-244
185	Email	Christine Scott	Not Provided	M.2-847	M.4-245
186	Email	Amy Rock	Not Provided	M.2-849	M.4-246
187	Email	Georgianna Ludcke	Not Provided	M.2-850	M.4-247
188	Email	Jeanette Colby	Not Provided	M.2-851	M.4-248
189	Email	Kathy Low	Not Provided	M.2-855	M.4-249
190	Email	John Olson	Not Provided	M.2-856	M.4-250
191	Email	Geri Kulsrud	Not Provided	M.2-857	M.4-251
192	Email	Kathy Grose	Not Provided	M.2-873	M.4-253
193	Email	Kim Bartmann	Not Provided	M.2-874	M.4-254
194	Email	Kim Bartmann	Not Provided	M.2-921	M.4-255
195	Email	Todd Phelps	AGNL Health, LLC	M.2-968	M.4-256

ID No.[a]	Source	Commenter	Commenter Organization	Original Comment Page Number (Attachment 2)	Response Page Number (Attachment 4)
196	Email	Frank Hornstein and Scott Dibble	Minnesota House of Representatives and Minnesota Senate	M.2-981	M.4-257
197	Email	Kristine Vitale	Not Provided	M.2-985	M.4-269
198	Email	Beth Stockinger	Not Provided	M.2-986	M.4-270
199	Email	Peter Beck	The Luther Company LLLP	M.2-988	M.4-272
200	Email	Peter Beck	St. Paul Fire and Marine Insurance Company	M.2-991	M.4-273
201	Email	Kenneth Westlake	US Environmental Protection Agency (EPA)	M.2-996	M.4-275
202	Email	Cathy Deikman	Not Provided	M.2-1005	M.4-276
203	Email	Gretchen and Doug Gildner	Not Provided	M.2-1006	M.4-277
204	Email	Julia Singer	Not Provided	M.2-1007	M.4-279
205	Email	George Puzak	Not Provided	M.2-1008	M.4-280
206	Email	Lou Schoen	Not Provided	M.2-1012	M.4-281
207	Email	Fred and Gloria Sewell	Not Provided	M.2-1013	M.4-282
208	Postal Mail	Rick Getschow	City of Eden Prairie	M.2-1014	M.4-283
209	Email	Chris Johnson	Not Provided	M.2-1022	M.4-284
210	Email	Lindy Nelson	United States Department of the Interior	M.2-1023	M.4-286
211	Email	Joyce Murphy	Not Provided	M.2-1028	M.4-288
212	Email	Edith Black	Not Provided	M.2-1029	M.4-289
213	Email	Laura Kinkead	Not Provided	M.2-1030	M.4-290
214	Email	Louise Delagran	Not Provided	M.2-1031	M.4-291
215	Email	Thad and Shiela Spencer	Not Provided	M.2-1032	M.4-292
216	Email	Melissa Lally	Not Provided	M.2-1033	M.4-293
217	Email	Laila Schirrmeister	Not Provided	M.2-1034	M.4-294

ID No.[a]	Source	Commenter	Commenter Organization	Original Comment Page Number (Attachment 2)	Response Page Number (Attachment 4)
218	Email	Harvey Ettinger	East Isles Residents Association Parks Committee	M.2-1035	M.4-295
219	Email	Herb Jones	Not Provided	M.2-1036	M.4-296
220	Postal Mail	William Griffith	Larkin Hoffman	M.2-1037	M.4-298
221	Email	Susu Jeffrey	Friends of Coldwater	M.2-1052	M.4-299
222	Email	Jerry Van Amerongen	Not Provided	M.2-1060	M.4-300
223	Postal Mail	Dianne Steen-Hinderlie	Not Provided	M.2-1061	M.4-301
224	Email	Jean and John Sandbo	Not Provided	M.2-1063	M.4-302
225	Email	Mary Pattock	LRT-Done Right	M.2-1064	M.4-303
226	Email	Tim Kelly	Minnesota House of Representatives	M.2-1118	M.4-304

[a] Note that the ID numbers are used as a point of reference for comments and responses in Attachments 2 and 4 and are not numbered continuously (i.e., there are gaps in the numbering).

Attachment 2: Comments Received on the Supplemental Draft EIS

Lebold, BillieJo

From: Pfeiffer, Daniel
Sent: Thursday, May 21, 2015 12:01 PM
To: Richardson, Mary
Cc: Caufman, Robin; Lebold, BillieJo
Subject: Re: Minnesota SWLRT--freight rail is fundamental flaw

Mary,

The SDEIS comments are being directed to the SWLRT email address. Billie is supposed to be grabbing from that mailbox for processing.

Thanks

Dan Pfeiffer
Assistant Manager, Public Involvement
612-373-3897
Daniel.Pfeiffer@metrotransit.org

METRO Green Line Extension (Southwest LRT) Project

METRO Blue Line Extension (Bottineau LRT) Project

Sent from mobile device

On May 21, 2015, at 11:59 AM, Richardson, Mary <Mary.Richardson@metrotransit.org> wrote:

> **From:** Maya.Sarna@dot.gov [mailto:Maya.Sarna@dot.gov]
> **Sent:** Thursday, May 21, 2015 11:14 AM
> **To:** swlrt
> **Subject:** FW: Minnesota SWLRT--freight rail is fundamental flaw
>
> Please be sure to include this in the comments for SDEIS.
>
> Thank you,
>
> _____
> MAYA SARNA
> (d) 202.366.5811 | (e) maya.sarna@dot.gov
>
> **From:** Simon, Marisol (FTA)
> **Sent:** Thursday, May 21, 2015 12:05 PM
> **To:** Wheeler, William (FTA); McLemore, Cyrell (FTA); Owen, Benjamin (FTA); Brookins, Kelley (FTA); Loster, Kathryn (FTA); Sarna, Maya (FTA); Ciavarella, Jason (FTA)
> **Subject:** FW: Minnesota SWLRT--freight rail is fundamental flaw
>
> Fyi
>
> Sent with Good (www.good.com)

-----Original Message-----
From: George Puzak [greenparks@comcast.net]
Sent: Thursday, May 21, 2015 11:58 AM Eastern Standard Time
To: McMillan, Therese (FTA); Jackson, Brian (FTA); Simon, Marisol (FTA); Comito, Cecelia (FTA); Clements, Sheila (FTA)
Subject: Minnesota SWLRT--freight rail is fundamental flaw

Dear Ms. McMillan, Mr. Jackson, Ms. Simon, Ms. Comito, and Ms. Clements:

I'm contacting you as officials of the Federal Transit Administration (FTA) to express my concern about the proposed Southwest Light Rail Transit (SWLRT) line in Minnesota. I am writing to give you some new information about the project's timeline, flaws, and a remedy.

Even if cost surprises and lawsuits don't torpedo SWLRT, a fundamental flaw should—Hennepin County's failure to include freight rail in the project's "scoping process." Required by the National Environmental Policy Act (NEPA), scoping is the first step in environmental review. It identifies the issues, alternatives, locations, and modes of transport to be studied in a transit project's environmental impact statement (EIS). But Hennepin County, in both its 2009 Scoping Report and 2010 Locally Preferred Alternative (LPA), failed to include freight rail as part of SWLRT. Five cities then proceeded to vote and approve that faulty 2010 LPA. In 2011, despite receiving notice from the Federal Transit Administration that freight rail is part of SWLRT, Hennepin County failed to amend the scoping report and re-open scoping for public comment, and thus violated NEPA.

Compounding the problem, in summer 2014, the Met Council imposed yet another, fundamentally different plan to be approved, this time through municipal consent: while the 2010 LPA approved by five cities had omitted freight rail in Minneapolis' Kenilworth corridor, this 2014 plan included it. Yet, the Met Council provided no Draft EIS on freight rail, LRT tunnels, and soil conditions. Citizens lacked critical information and officials from Minneapolis and four other cities were forced to vote on municipal consent.

The current plan would run electric-sparking LRT trains as close as 15 feet from freight trains (carrying as many as 100 cars of ethanol — an explosive whose flash point is below that of oil) through residential neighborhoods, over the Chain of Lakes Kenilworth Channel, and through downtown next to Target Field. *But this arrangement was never included in the primary scoping phase.* This omission limited the choice of transit options and alignments that citizens and decision makers considered. Further, neither citizens nor public officials had information about the 2014 plan's environmental and public safety risks.

Contrary to law, the Met Council has limited the choice of reasonable alternatives and alignments. Reducing costs, studying freight rail in the Supplemental DEIS, and re-opening municipal consent are not sufficient remedies. The scoping process must be re-opened to fix SWLRT.

I respectfully request that the FTA direct the Met Council to re-open the scoping process. The Met Council must prepare an Environmental Document that uses current FTA evaluation criteria and updated ridership and cost information. This process will produce an updated Locally Preferred Alternative that resulted from a proper NEPA (National Environmental Policy Act) process. Thank you for your consideration.

George Puzak
cell 612.250.6846
greenparks@comcast.net
1780 Girard Avenue South
Minneapolis, MN 55403

Lebold, BillieJo

From: swlrt
Sent: Friday, May 22, 2015 2:29 PM
To: Lebold, BillieJo
Subject: FW: Notice of Availability: Southwest Light Rail Transit Supplemental Draft EIS

From: Maya.Sarna@dot.gov
Sent: Friday, May 22, 2015 2:29:13 PM (UTC-06:00) Central Time (US & Canada)
To: swlrt
Subject: Notice of Availability: Southwest Light Rail Transit Supplemental Draft EIS

All,

The Southwest Light Rail Transit (LRT) (METRO Green Line Extension) Supplemental Draft Environmental Impact Statement will be available for review and comment on Friday, May 22, 2015. An electronic version of the document can be found at http://metrocouncil.org/swlrt/sdeis on Thursday, May 21, 2015. Hard copies of the document are available at the local libraries and city halls along the alignment, listed below, as well as at the Southwest LRT Project Office.

The Southwest LRT Project is an approximately 16-mile proposed extension of the METRO Green Line (Central Corridor LRT) that would operate from downtown Minneapolis through the communities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, passing in close proximity to Edina.

The Federal Transit Administration (FTA) is the federal lead agency under the National Environmental Policy Act and the Metropolitan Council (Council) is the state lead agency under the Minnesota Environmental Policy Act for development of the Southwest LRT Supplemental Draft EIS. The Supplemental Draft EIS is needed because the FTA and Council determined that design adjustments made to the project following publication of the Draft EIS in October 2012 needed to be evaluated for environmental impacts that have the potential to result in new adverse impacts.

To request a CD of the document, contact Nani Jacobson, Southwest LRT Assistant Director for Environmental and Agreements, Metropolitan Council, at nani.jacobson@metrotransit.org.

The Notice of Availability will be published in the Federal Register on May 22, 2015 and comments will be accepted through Monday, July 6, 2015. Comments can be submitted by three methods:

- Email: Written comments can be submitted to SWLRT@metrotransit.org

- U.S. Mail: Written comments can be mailed to
  Nani Jacobson
  Assistant Director, Environmental and Agreements
  Metro Transit - Southwest LRT Project Office
  6465 Wayzata Blvd., Suite 500
  St. Louis Park, MN 55426

- Public Hearings:
  Formal testimony will be accepted at one of three public hearings in June 2015 (see below for dates). The public hearings will each be preceded by an open house, where people can learn more about the Southwest LRT Project and the Supplemental Draft EIS.

The Southwest LRT Supplemental Draft EIS open houses and public hearings will take place as follows:

Tuesday, June 16, 2015
Hopkins Center for the Arts
1111 Main Street
Hopkins, MN 55343
Open House: 5:00 PM
Public Hearing Start: 6:00 PM

Wednesday, June 17, 2015
Eden Prairie City Hall
8080 Mitchell Road
Eden Prairie, MN 55344
Open House: 5:00 PM
Public Hearing Start: 6:00 PM

Thursday, June 18, 2015
Dunwoody College of Technology
818 Dunwoody Blvd
Minneapolis, MN 55403
Open House: 5:00 PM
Public Hearing Start: 6:00 PM

The Supplemental Draft EIS is available for viewing at the following locations:

Eden Prairie City Hall: 8080 Mitchell Road, Eden Prairie, MN 55344

Eden Prairie Public Library: 565 Prairie Center Drive, Eden Prairie, MN 55344

Minnetonka City Hall: 14600 Minnetonka Blvd, Minnetonka, MN 55345

Minnetonka Public Library: 17524 Excelsior Blvd, Minnetonka, MN 55345

Hopkins City Hall: 1010 First Street South, Hopkins, MN 55343

Hopkins Public Library: 22 Eleventh Avenue North, Hopkins, MN 55343

Edina City Hall: 4801 West 50th Street, Edina, MN 55424

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

St. Louis Park Public Library: 3240 Library Lane, St. Louis Park, MN 55426

Southwest LRT Project Office: 6465 Wayzata Blvd., Suite 500, St. Louis Park, MN 55426

Minneapolis City Hall: City Engineer's Office, 350 South Fifth Street, Room 203, Minneapolis, MN 55414

Lebold, BillieJo

From: swlrt
Sent: Friday, May 22, 2015 2:02 PM
To: Lebold, BillieJo
Subject: FW: Notice of Availability: Southwest Light Raild Transit Supplemental DEIS

From: Maya.Sarna@dot.gov
Sent: Friday, May 22, 2015 2:01:30 PM (UTC-06:00) Central Time (US & Canada)
To: swlrt
Subject: Notice of Availability: Southwest Light Raild Transit Supplemental DEIS

All,

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Minnetonka City Hall: 14600 Minnetonka Blvd, Minnetonka, MN 55345

Minnetonka Public Library: 17524 Excelsior Blvd, Minnetonka, MN 55345

Hopkins City Hall: 1010 First Street South, Hopkins, MN 55343

Hopkins Public Library: 22 Eleventh Avenue North, Hopkins, MN 55343

Edina City Hall: 4801 West 50th Street, Edina, MN 55424

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

St. Louis Park Public Library: 3240 Library Lane, St. Louis Park, MN 55426

Southwest LRT Project Office: 6465 Wayzata Blvd., Suite 500, St. Louis Park, MN 55426

Minneapolis City Hall: City Engineer's Office, 350 South Fifth Street, Room 203, Minneapolis, MN 55414

Minneapolis Central Library: 300 Nicollet Mall, Minneapolis, MN

Walker Public Library: 2880 Hennepin Avenue, Minneapolis, MN 55408

Linden Hills Public Library: 2900 West 43rd Street, Minneapolis, MN 55410

Sumner Public Library: 611 Van White Memorial Blvd., Minneapolis, MN 55411

Franklin Public Library: 1314 East Franklin Avenue, Minneapolis, MN 55404

Metropolitan Council Library: 390 Robert Street North, St. Paul, MN 55101

Minnesota Department of Transportation Library: 395 John Ireland Blvd., St. Paul, MN 55155

Minnesota Legislative Reference Library: 645 State Office Building, 100 Rev. Dr. Martin Luther King, Jr. Blvd. St. Paul, MN 55155

Translation services for non-English speakers and ADA accommodations will be provided on request. To request translation or ADA accommodations, please contact Dan Pfeiffer, Southwest LRT Assistant Public Involvement Manager, at 612-373-3897 or Daniel.pfeiffer@metrotransit.org at least five days prior to the hearing.

Thanks!

_____
MAYA **SARNA**
FEDERAL TRANSIT ADMINISTRATION | OFFICE OF ENVIRONMENTAL PROGRAMS
1200 NEW JERSEY AVENUE SE | WASHINGTON, D.C. | 20590
(d) 202.366.5811 | (e) maya.sarna@dot.gov

Minneapolis Central Library: 300 Nicollet Mall, Minneapolis, MN

Walker Public Library: 2880 Hennepin Avenue, Minneapolis, MN 55408

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Thanks!

_____

MAYA **SARNA**

FEDERAL TRANSIT ADMINISTRATION | OFFICE OF ENVIRONMENTAL PROGRAMS
1200 NEW JERSEY AVENUE SE | WASHINGTON, D.C. | 20590
(d) 202.366.5811 | (e) maya.sarna@dot.gov

Lebold, BillieJo

From: arthur higinbotham <ahiginbotham@msn.com>
Sent: Wednesday, May 27, 2015 2:51 PM
To: swlrt
Cc: jeanette Colby; cwreg w; Stuart A Chazin; George Puzak
Subject: Comments on SWLRT SDEIS

The following are my comments on the SDEIS Executive Summary. I plan to attend and speak at the hearing at Dunwoody on June 18, 2015 at 6 p.m.

The Executive Summary overall fails to give detail on each of the categories in Table ES-1 that is sufficient to make a response to the concerns with co-located freight and light rail in the city of Minneapolis:

Table ES-1 Category	Comment
Acquisitions and Displacements	
Acquisition of 2.3 full and 29 partial parcels for the supporting	These parcels should have been identified reader; they are difficult to find in the documents
Cultural Resources	
Preliminary determination of an adverse effect on Grand Rounds Historic District and Kenilworth Lagoon	Why is this preliminary when the Project Team has had two years since co-location was chosen as the route of choice? What are the details of this finding?
Temporary closure of Kenilworth Lagoon to and	What period of time will the lagoon be closed? What are the options for canoeists and kayakers to move from Lake of the Isles and Cedar Lake?
Temporary closures of one or both lanes of a short segment of Cedar Lake Parkway between Xerxes and Burnham Road routes and bring	Cedar Lake Parkway is one of three east-west links being Lake St. and Calhoun between I394 and 50th St., the others the connection between 36th St. and S. Lake Parkway. Closure will add traffic to these

shore of France Avenue businesses or through Parks, Recreation.....

them to a standstill. Residents of the eastern Cedar Lake will be required to head west to to access Uptown and West Lake Street cross a two-way Burnham bridge and weave Kenwood.

Indirect long term impacts to Jorvig Park, Lilac Park, Park Siding Park, Cedar Lake Park, and Lake of the Isles Park less accessible

Minneapolis has been rated as having the best park system in the nation; making these parks will make our city (and county) poorer.

Visual Quality and Aesthetics

Three of six viewpoints state that there would be a "sub-stantial" level of impact

factually based

This is a very nebulous finding and not

Potential construction-related visual impacts....including removal of some of existing vegetation

Trees make a park. Removal of mature trees is a long term impact on our parks; the decision to colocate freight and light rail is the worst possible decision for trail users and residents.

Geology and Ground Water

Potential for long term pumping of water from internal LRT operating tunnel to sanitary sewer

Cost of pumping has not been included in cost. Effect on water table has not been determined

Water Resources

Permanent filling of 0.5 acres of wetlands must be avoided

Area not identified; any loss of wetlands

New LRT crossing of Kenilworth Channel jungle of 3 water crossings (trail, LRT and freight) with potential of contamination

This additional crossing will create a concrete

Noise

67 moderate and 3 severe noise impacts the corridor	When freight and trains pass anywhere in
tunnel,	noise will be excessive. At the portal entry to the
heavily	noise will be amplified. Trail users will be most
when both	affected because of proximity to freight and LRT
	are at grade.
Vibration	
54 ground-borne noise impacts	Residents on both sides of the tunnel will
experience	loss of sleep, among other annoyances
Hazardous and Contaminated Materials	
Potential need for ground water pumping behind and extracting	Pumping can result in drop in water table
tunnel walls	contaminants from surrounding subsoil
Economic Effects	
Potential reduction in property tax revenues	Losses shown for St. Louis Park and Eden
Prairie but	not for Minneapolis. Expensive homes are
already	losing value along Kenilworth corridor.
Potential short-term effects on freight rail operations	Temporary relocation of the freight rail
tracks 47 feet	to the west while constructing the new LRT
bridge over	the channel will increase operating
costs and reduce	operating speeds to avoid
derailments.	
Parking	Loss of parking spaces not applicable to
Kenilworth	corridor.
Freight Rail	
LRT/Freight Rail Swap	This swap will affect freight rail operations and
increase	T&CW operating costs.

Temporary movement of freight rail tracks during operations. The Kenilworth tunnel construction whether the freight way.

This movement will disrupt freight rail tunnel construction raises the issues of rail might collapse into the tunnel if the wall gives

Bicycle and Pedestrian

Temporary trail detours during construction disrupting the route for the

Bikers will be detoured for up to two years, continuity of the Grand Rounds. No safe detour trail has been identified.

Safety and Security

Emergency vehicle delays of 50 seconds 12 times an hour at 3 new LRT grade crossings of Kenwood.

One of these crossings will be at 21st St. in

No mention is made of the effect on the safety trail and park users.

Environmental Justice preserved.

No specifics are give for assuming justice is

Arthur E. Higinbotham
Property Owner at 3431 St. Louis Av.
612-226-3025

Lebold, BillieJo

From: Smith, Steve E <Steve.E.Smith@HealthPartners.Com>
Sent: Friday, May 29, 2015 1:23 PM
To: swlrt
Subject: stop the SWLR project

Please save the taxpayers 2 billion dollars and invest the money in other modes of transportation (rapid bus plans, etc.).

Please stop the SWLR project

Steve Smith
6824 Jeremy Ct
Eden Prairie, MN 55346

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient or the individual responsible for delivering the e-mail to the intended recipient, please be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.

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Kadence Hampton

From: Pat Mulqueeny <pat.mulqueeny@epchamber.org>
Sent: Monday, June 08, 2015 1:02 PM
To: swlrt
Subject: Latest SWLRT budget numbers

I am writing to request the latest projections on costs for the project and specifically the breakdown of cost savings being discussed. Can I have those e-mailed to me?

If you have any questions, please feel free to call me at 952-944-2830.

Thank you for your help.

Pat MulQueeny, IOM
President
Eden Prairie Chamber of Commerce
(952) 944-2830

Get involved with the Chamber! Go to epchamber.org for program and event details – we want to see you at one of our 120+ programs and events this year!

epc
eden prairie chamber of commerce

FOLLOW THE EDEN PRAIRIE CHAMBER ON SOCIAL MEDIA!

Lebold, BillieJo

From: Richard Adair <adair001@umn.edu>
Sent: Wednesday, June 10, 2015 4:32 PM
To: swlrt
Subject: Penn Av station

1) Could residents of Bryn Mawr use the Van White station instead of Penn?

I timed the walk from downtown Bryn Mawr (Cuppa Java) to the location of both stations, walking along the route of the proposed new bridge connecting Bryn Mawr Meadows with Van White: 8 minutes to Penn and 14 minutes to Van White. The walk to Van White was mostly in a large park that is not well lit at night; the eastern portion is adjacent to a wooded area with homeless camps. I can't imagine doing this after dark.

Conclusion: few walkers from Bryn Mawr would use the Van White station.

2) The industrial land south of I-394 and north of the bluff leading down to the Penn Av station is a perfect location for a "transit village", with great views of downtown.

Since ridership and development density are major goals, I think it's important to keep the Penn Avenue station.

Richard Adair
Bryn Mawr

Lebold, BillieJo

From: Jim Herbert <JHerbert@barr.com>
Sent: Wednesday, June 10, 2015 6:00 PM
To: swlrt
Cc: 'Laura Jester' (laura.jester@keystonewaters.com); Karen Chandler
Subject: SWLRT SDEIS comment period extended to July 21

On behalf of the Bassett Creek Watershed Management Commission (BCWMC), thank you for the opportunity to comment on the SWLRT SDEIS. The BCWMC is in the process of preparing its updated Watershed Management Plan (Plan) that should be adopted by September 2015. The BCWMC staff has met with SWLRT Project staff regarding the Penn Avenue Station and the segment of the SWLRT project located in the Bassett Creek Watershed. During our meeting we discussed the new policies and development requirements in the Plan and understand the project will be constructed in accordance to the policies of the updated Bassett Creek Watershed Management Plan. Please contact us regarding any questions.

Jim Herbert, PE
Barr Engineering Co.
Engineers for the BCWMC

Jim Herbert, PE

Vice President
Senior Civil Engineer
Minneapolis office: 952.832.2784
cell: 612.834.1060
jherbert@barr.com
www.barr.com



Kadence Hampton

From: Roger Clarke <rclarkelaw@gmail.com>
Sent: Wednesday, June 17, 2015 10:42 PM
To: swlrt
Subject: Penn Ave Station on SWLRT

Dear Madam and Sir:

We want the Metropolitan Council to select Penn Ave Station at I394 as a transit site on the SWLRT. I have used the bus and bike to travel downtown and back for 35+ year, 20 years of which were made from my Bryn Mawr home at 424 Sheridan Ave. S and the remainder from North Minneapolis. Statistically, there have been fewer people over age 65 living in Bryn Mawr. With fewer transit options, our older citizens must move to more transit accessible residences. If the Penn BRT connected the Penn Station with the Bottineau LRT, then Bryn Mawr Residents would be further connected to retail and services north and west of Minneapolis. Moreover, transit dependent riders from the North side could seek jobs and services south and west of Minneapolis via the Penn Ave. Station. The Penn Ave station increases transit possibilities for elderly and disadvantaged peoples. If fewer park and ride ramps would be built, then we could afford the Penn Ave Station. Those who drive to park and ride ramps already have one mode of transportation. Building the Penn Ave Station for persons who are transit dependent increases the equity of the transit system. The Penn Ave Station should be chosen.

Roger Clarke
rclarkelaw@gmail.com
612-232-7605

Kadence Hampton

From: Karen Lee Rosar <karen.rosar@comcast.net>
Sent: Thursday, June 18, 2015 9:39 AM
To: swlrt
Subject: Comments on the Supplemental Draft EIS

Greetings

I support the Supplemental Draft EIS. There are many of us, including myself, that depend on public transit and the planned metropolitan build out of the LRT and BRT networks for our entire transportation needs. Please proceed without any further delay! The need is now.

Thank you,

Karen Lee Rosar
111 4th Ave N #103
Mpls., MN 55401
612-220-5390
karen.rosar@comcast.net

Kadence Hampton

From: Matthew Pawlowski <matthew_pawlowski@yahoo.com>
Sent: Friday, June 19, 2015 7:41 PM
To: swlrt
Subject: opposition to SW Metro Rail

SW Metro Rail Transit,

I would like to voice my strong opposition to the SWLRT. The project is over 2 billion dollars and keeps rising. The Twin Cities metro plain and simple does not have the population and or population density to justify these dollars being spent. Buses and bus lanes are still the most effective dollars spent in our metro area.

Thank you,
Matthew Pawlowski
952-221-0819

Comment Card

HP-01

Comment #32

SOUTHWEST
Green Line LRT Extension

Date 6-16-15

Comment: I have no comment on Environmental Study. Just how the Southwest LRT will be built. Thankyou.

David Hester

I am covering the SWLRT story, including the "Minnesota Media Establishment's" role as de facto participants

I'm happy to report that on June 16th, **Finance and Commerce** became the first "Establishment" Minnesota media organization to report on the Legislatures action – their article had this headline (finance-commerce.com):

Legislature takes back $30M for Southwest LRT

This is progress, but the story needs to be widely reported – Minnesotans have a right to know about this.

My web site, www.bobagain.com, has extensive reporting on this story – I invite you to visit it, and don't hesitate to call or e-mail me. On youtube, my bobagain channel also has several videos.



My own digging shows about $90 million has been spent on SWLRT so far (way above the $59 million widely reported). But the real issue is freezing spending on this project. Counties are set to spend $67.3 million MORE – this year – unless we put the brakes on. Visit my web site for details.

better transit bobagain.com

The State cancelled $30 million of SWLRT funding – even a shortened current alignment cannot be built

As a registered lobbyist for "We the People" (an informal association), I promoted an agreement that is in the 2015 "Lights On" Transportation bill. About $30 million of the $37 million 2013 SWLRT appropriation was unspent, and was cancelled. That money was "repurposed" for Metro Council and Metro Transit operating costs.

Without that $30 million the total State SWLRT appropriation is now about $15 million. When I asked House Speaker Kurt Daubt at the Special Session if the House might make money available for SWLRT in 2016, he said "no". The SDEIS says (section 5.2) "... remaining funding is assumed to come from... the State (10 percent)..." The Metro Council's plan assumes $1.65 billion will be available. But with $150 million of State money gone, the money available drops by $300 million ($150 million in Federal $'s is also gone). With $1.35 billion now available, the current alignment is dead.

better transit bobagain.com

bobagain

Comment Card

From: Nancy Arieta

Comment #34

SOUTHWEST
Green Line LRT Extension

Date 6/17/15

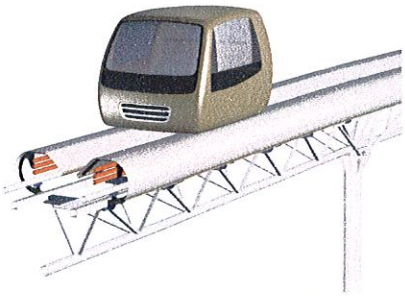
Comment: I am against Light rail in Eden Prairie ~~area~~ I know a person who chose not to live in ~~ex~~ condo bldg because light ~~rail was~~ rail is right next to bldg.

See other side

vibration, noise, Traffic Tie ups accidents, tear ups is permanent on roads cities appreciate all your TAX payer paid jobs. Is no different from streetcars. Because fed $ are available does that force us to take it? Our city does well with our wonderful bus SW Transit. progress is not always bringing progress.

PRT Minnesota, Inc.

11330 86th Ave N • Maple Grove MN 55369
612-247-6685 • jlampe@prt-mn.com



21st Century Urban Mobility

June 17, 2015

COPY

Nancy Tyra-Lukens, Mayor
City of Eden Prairie
8080 Mitchell Rd
Eden Prairie, MN 55344

Dear Mayor,

This letter is addressed to you in your capacity as a member of the Southwest LRT Corridor Management Committee. Recent mandated cuts in the cost of the SW line have caught my attention, and last month I began to study the options. I have seen your written comments submitted to the Corridor Management Committee on June 3 and I am very sympathetic to the concerns and problems you raised. I am committed to solving them.

On Sunday June 7 I took a vehicle tour of Eden Prairie to examine the potential for a low cost "range extender system" if SW LRT terminates at the Golden Triangle station, which I am making the case for. Bear with me . . .

A little background -- I am a transit enthusiast. When I lived in Washington DC my mobility was primarily walking and the DC Metro. Daily transit trip share in the Twin Cities is only 3% of the 12 million daily trips by all modes. We can do better. My personal goal for the Twin Cities is 20% transit trip share by 2040.

The more I investigate the SW LRT budget cuts the more interesting it gets. I appreciate that the Corridor Management Committee currently opposes ending the line at Golden Triangle. According to the June 3 staff presentation to the Committee, the cost savings of ending it there would be $52 to $59 million more than the cost reduction goal of $341 million. Additionally, other proposed cost reductions in the LRT line would be unnecessary, thereby gaining allies in the affected cities.

The savings would pay for more than half of a Personal Rapid Transit range extender system beyond the Golden Triangle. Because there would be 12 additional stations over a large area, LRT ridership would increase well beyond the original estimates. This increased ridership will improve the SW project's Cost Effectiveness Index with the FTA. To achieve high ridership, transit station walk distances should be no more than 1/4 mile. PRT stations are close together, resulting in very short walk distances.

PRT Minnesota can build a 10.7 mile Personal Rapid Transit range extender and local circulator system for about $10 million per connectivity mile. A conceptual map of such a system is enclosed. I have provided an earlier version of it to Randy Newton in the Public Works Department for staff to discuss.

Enclosed is a short presentation on PRT made last week to the Brooklyn Park Rotary.
A collection of PRT videos is at http://www.prtconsulting.com/prtvendorvideos.html
A video animation is at http://www.gettherefast.org/bettercampus.html
A pro and con overview is at http://en.wikipedia.org/wiki/Personal_rapid_transit
All of these items are on the enclosed DVD.

PRT technology has advanced dramatically in recent years, in great measure because of lessons learned from the deployment of four systems in other countries during the past five years. We have designed a world-class 4th generation PRT technology. Our technology is beyond the research phase, and significant engineering development has been completed. About $20 million is needed to bring the system to manufacturing and deployment readiness. Engineering innovations from our California-based control system provider and from Ingmar Andreasson in Sweden allow peak traffic period throughput of 14,400 persons per hour, using paired 3-person vehicles at 1.5 sec headways. Ingmar's presentation at the Podcar City 8 conference is available at https://www.youtube.com/watch?v=RI_2YgS9JXg and is on the enclosed DVD.
A paper copy of Ingmar's PowerPoint presentation is enclosed.

The partnership of PRT Minnesota and Transit Control Solutions (TCS) has designed a PRT system with 60 MPH speeds and one second intervals between vehicles. Trip times and wait times for the PRT system will be much shorter than trips on current transit systems. Urban travel by PRT will be time and cost competitive with travel by automobile.

The TCS vehicle control system is the world's most advanced Communications Based Train Control, based on their Dynamic Block Control (DBC) technology. The TCS founder, Eugene Nishinaga, has a patent for the DBC technology, with ten more to follow. He had 37 years of employment in the transit industry, most of it with BART, followed by eight years of R&D on PRT and train control technology.

Our physical design and control technology is driving down the cost and vastly increasing the performance of PRT relative to recent systems built in other countries by Ultra, Vectus, 2GetThere and ModuTram. A major reason for skepticism of PRT by public transit agencies is that the Morgantown WV PRT and the newer PRT systems are relatively low speed and low capacity. There are no PRT designs in the US or elsewhere with the advanced functionality that the PRT Minnesota design has. Our guideway and vehicle concepts were greatly influenced by a world famous roller coaster designer.

PRT has been trapped in a loop for decades:

The customer (such as Eden Prairie) needs a product
The product development needs an investor (about $20 million)
The investor needs a customer

But we are getting close to breaking out of this loop, and Eden Prairie may be part of the solution. The city has the most ideal structure for PRT that we have found in the USA.

Historically PRT has been rejected because of its perceived low speeds and low capacity and the lack of real-world deployments. Our control, vehicle and guideway technologies solve the speed, capacity and cost issues. PRT is a proven technology, with five automated systems now operating in five countries. Driverless automated vehicles are rapidly joining

the transportation world. Rivium in the Netherlands even has a driverless automated bus system, called Park Shuttle, in operation since 2008:
http://www.advancedtransit.org/advanced-transit/applications/rivium/
Self-driving vehicles require control technology at least 10X more complex than PRT control, but it is being done and therefore PRT control can be done.

The low capital and operating costs of PRT, coupled with very high capacity and short trip times, means that public agencies can build PRT systems for a fraction of the cost of current transit, while achieving high ridership and reaching deep into low density suburban areas. Fare box revenues can pay the construction or operating costs. Federal government money is not needed.

Because of slow and inconvenient service compared to automobiles, transit in the US carries only 1 to 2 percent of all urban daily trips. Only six US cities have transit trip share above four percent. In our metro area daily trip share is 3%. To have a large share of daily trips, transit has to "go everywhere all the time, with automobile competitive travel time." Buses have large networks, but trip times are too long and rail has too few destinations as well as long trip times.

Transit mode share is determined by walk time, wait time, ride time, transfer time, fare, number of origins and destinations, plus other criteria like health status, age, weather and "can you afford to own and operate a car?" Total trip time is the most important factor. Current transit technology is not automobile competitive, so few people use it unless they absolutely have to. Because current transit is not a workable travel mode for most people, they drive cars. But traffic congestion continues to increase. The number of vehicle miles traveled each year increases much faster than lane miles of roads. Buses can't attract riders and there is not enough money and land to build sufficient roads and urban rail systems.

High performance PRT is the only urban travel mode that can overcome these limitations and problems. It can be built and operated at low cost relative to other modes, and can provide high capacity, large numbers of origin destination pairs and short trip times, thereby attracting riders. It is time to demonstrate these characteristics in an environment where it is complementing rather than competing with rail transit.

The decision process on SW LRT is moving rapidly and I would like to meet with you to discuss a path forward to building a world-class transit system for Eden Prairie that will complement the SW Corridor project.

Sincerely yours.

Joseph Lampe

Joseph Lampe, President
PRT Minnesota, Inc.

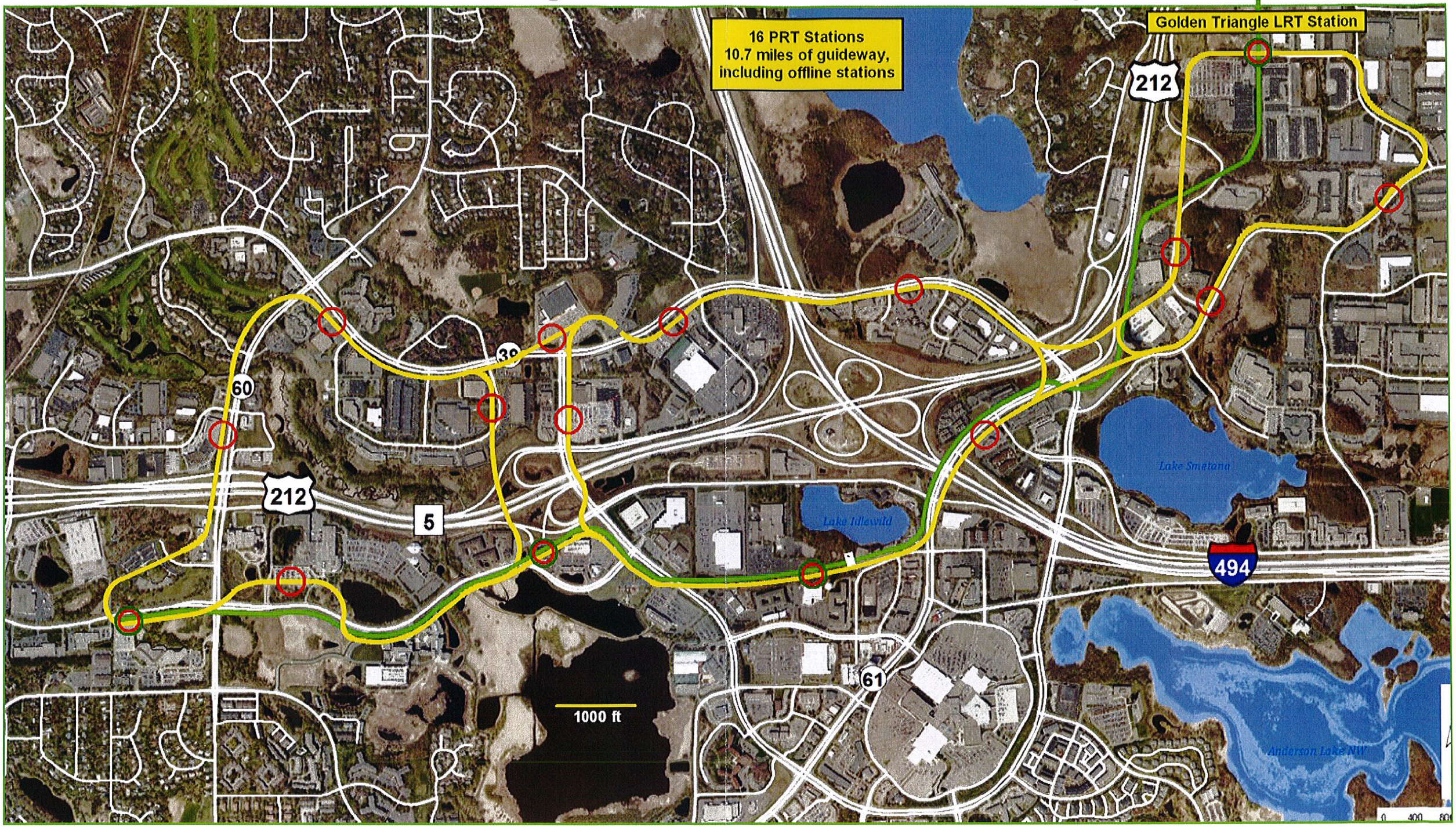
cc: City Council
Corridor Management Committee

6-16-2015

Range Extender for SW LRT

3.6 LRT route miles

9.6 PRT route miles



Appendix

PRT Simplifies Transit Planning, Construction and Operations:

No vibration or acoustic noise emission.

No buried cable ducts -- communication links are in the guideway.

No at-grade street crossings.

No pilings or retaining walls

No overhead power catenary.

No large and expensive traction transformer-rectifier substations.

No ongoing track and switch maintenance

No replacement of poorly compacted soils

No relocation or abandonment of freight rail.

No "capital maintenance" funding requests to Legislature

Minimal utility relocations (at Heathrow there were zero).

Simple 13.8KV 3-phase power feed to 480V transformers.

Almost no land acquisition required (need only 50-year easements).

Trivial wetlands impacts and mitigation, thus greatly simplified and less expensive EIS.

Most of the system can be installed on existing public right-of-way.

3-berth stations can have a footprint as small as 19 ft x 38 ft (4 parking stalls)

Each additional loading berth adds about 9 ft to the length.

Rapid construction and installation.

Much smaller OMF building and yards.

Greatly reduced OMF staffing requirements.

Extreme flexibility and simplicity of system layout and station locations.

Near immunity to severe winter weather conditions.

Complete automation means lower operating costs.

Curve radii as small as 75 ft.

Vehicles can climb 10% grade.

etc.

etc.

etc.

A few of the many PRT resources on the Internet:

http://www.ilsr.org/really-light-rail/
StarTribune article by David Morris - Institute for Local Self Reliance

http://gettherefast.org/bettercampus.html (click on the video icon)

http://youtube.com/watch?v=B7hgipbHBK8
collection of 20 ULTra videos - PRT at Heathrow

http://www.advancedtransit.org/advanced-transit/applications/rivium/
driverless automated bus system in the Netherlands

http://www.en.wikipedia.org/wiki/Personal_rapid_transit
pro and con overview (somewhat out-of-date)

http://hbswk.edu/item/6333.html
commentary from Harvard Business School

http://faculty.washington.edu/jbs/itrans/planetizen_article.htm

http://faculty.washington.edu/jbs/itrans/big/Goran_shortfalls.pdf

https://www.youtube.com/watch?v=RI_2YgS9JXg
Ingmar Andreasson - PRT as mass transit

http://www.prtconsulting.com/content.html
PRT resource site

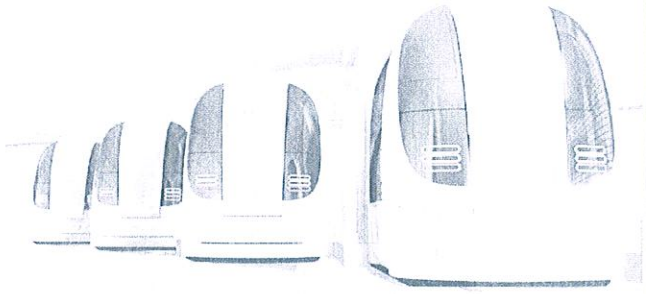
http://www.prtconsulting.com/prtvendorvideos.html
assorted videos of driverless transit systems

http://faculty.washington.edu/jbs/itrans/burke.htm
Innovation and Public Policy: The Case of Personal Rapid Transit - book

http://www.open-spaces.com/article-v3n2-bundy.php
analysis of transit by a Seattle environmentalist

http://www.containerstory.com
how the standardized container industry revolutionized shipping
(history lesson on technological innovation)

PERSONAL RAPID TRANSIT (PRT)



Urban Mobility for the 21st Century

June 16, 2015

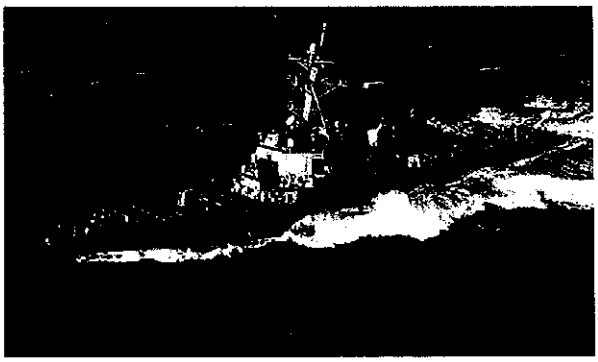
"The Americans have need of the telephone, but we do not. We have plenty of messenger boys."
- Sir William Preece, Chief Engineer, British Post Office, 1878



"The idea that cavalry will be replaced by these iron coaches is absurd. It is little short of treasonous."
- Comment of Aide-de-camp to Field Marshal Haig, at tank demonstration, 1916



"How, sir, would you make a ship sail against the wind and currents by lighting a bonfire under her deck? I pray you, excuse me, I have not the time to listen to such nonsense." - Napoleon Bonaparte, when told of Robert Fulton's steamboat, 1800s



"No one will pay good money to get from Berlin to Potsdam in one hour when he can ride his horse there in one day for free." - King William I of Prussia, on trains, 1864



The Problem

- Increasing traffic congestion & travel delays
- Vehicle Miles Traveled increase much faster than Lane Miles Built
- Taxpayers oppose fuel taxes to build more roads
- Current transit is unworkable for most urban trips
- Only six US cities are above 4% transit trip share
- Most US cities are at 1-2% transit trip share

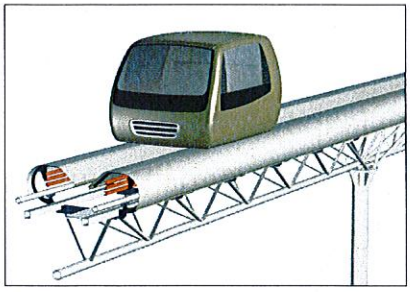
More Problems

- Increasing need for urban mobility without an automobile
- Current bus and rail technology can't improve urban mobility
- 60-year backlog of federal transit funding requests

The Solution is Personal Rapid Transit

(*ULtra-Light Rail*)





Morgantown, WV - 1975

8.7 mile system
20 passenger vehicles
Cost $130 million

Still operating in 2015
No accidents in 40 years





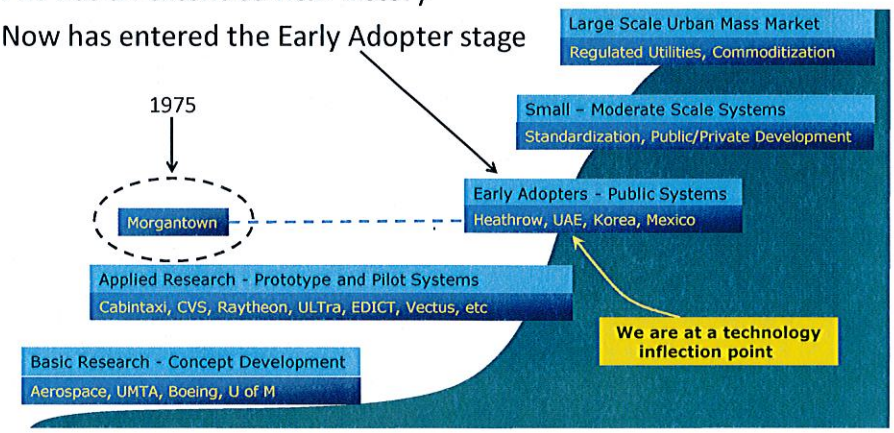




PRT Technology Maturation

PRT has an extended R&D history

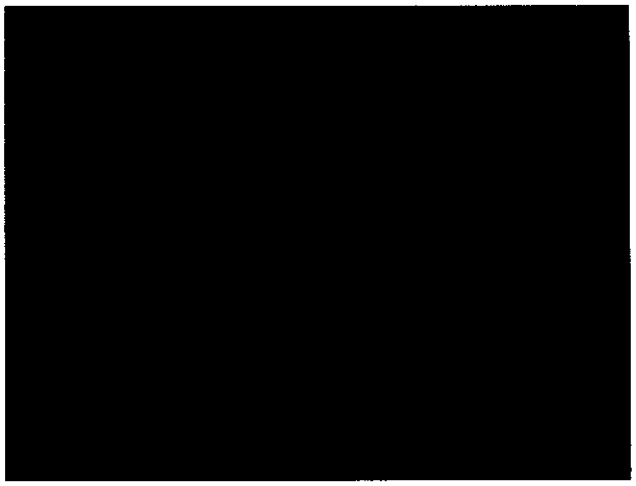
Now has entered the Early Adopter stage



Booz | Allen | Hamilton

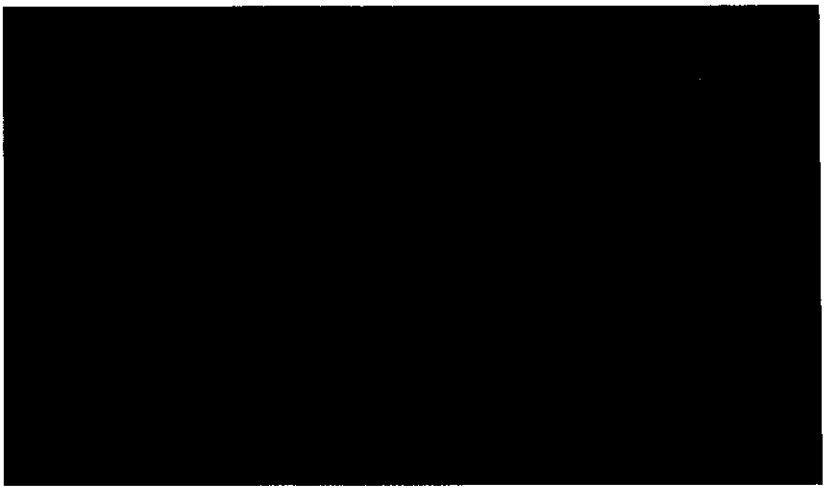
PRT for the Microsoft Campus

(*extending the range of rail transit*)

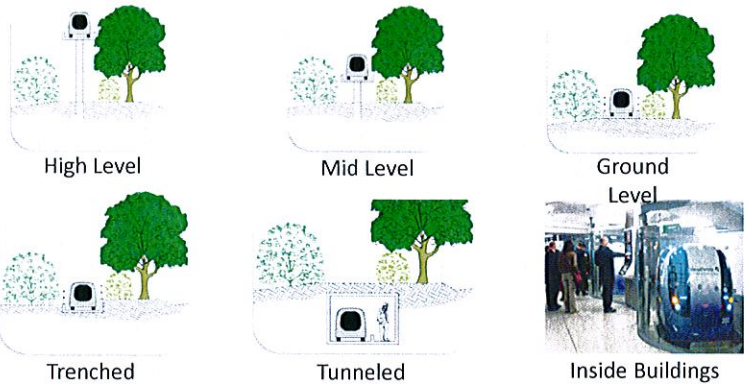


Recent Automated Transit

(*no sound track*)



PRT Urban Integration



Can be attached to sides of buildings and bridges

Why So Few Transit Riders?

- Rail and buses have long trip times
- Rail has very few stations
- Rail is very expensive and intrusive, so large networks cannot be built
- Transit is inconvenient for most urban trips
  - *walk time, wait time, trip time, transfers, weather*

Why PRT Has High Ridership

- Many stations, closely spaced
- Short trip times, travel up to 60 MPH
- The high capacity of rail transit
- Private, safe, secure and seated ride
- On-demand service, no waiting at stations
- Trips are direct to destination, no stops or transfers
- All weather, available 24x7, handicapped accessible
- Efficiently serves lower population density areas

Cost/Benefit Analysis

- PRT has Low Capital Costs:
  about 10% of LRT per connectivity mile
- PRT has Low Operating Costs:
  50% of LRT and bus transit
- The PRT MN design has High Capacity and Short Trip Times
- Life-Cycle Cost per passenger mile is low

Benefits to Communities

- Flexible, non-intrusive design
- Simple route planning and urban integration
- Network and corridor layouts are feasible
- Energy efficient – equivalent to 80 MPG auto
- Able to climb and descend 10% grades
- No need for Federal transit funding
- Reduced transit operating subsidies

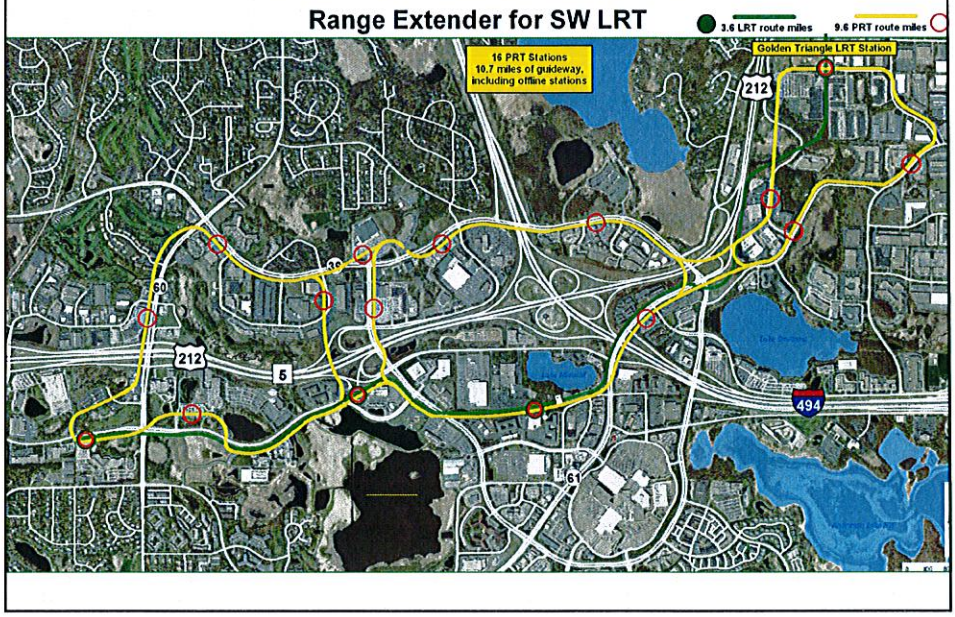
Benefits to Transit Agencies and Government

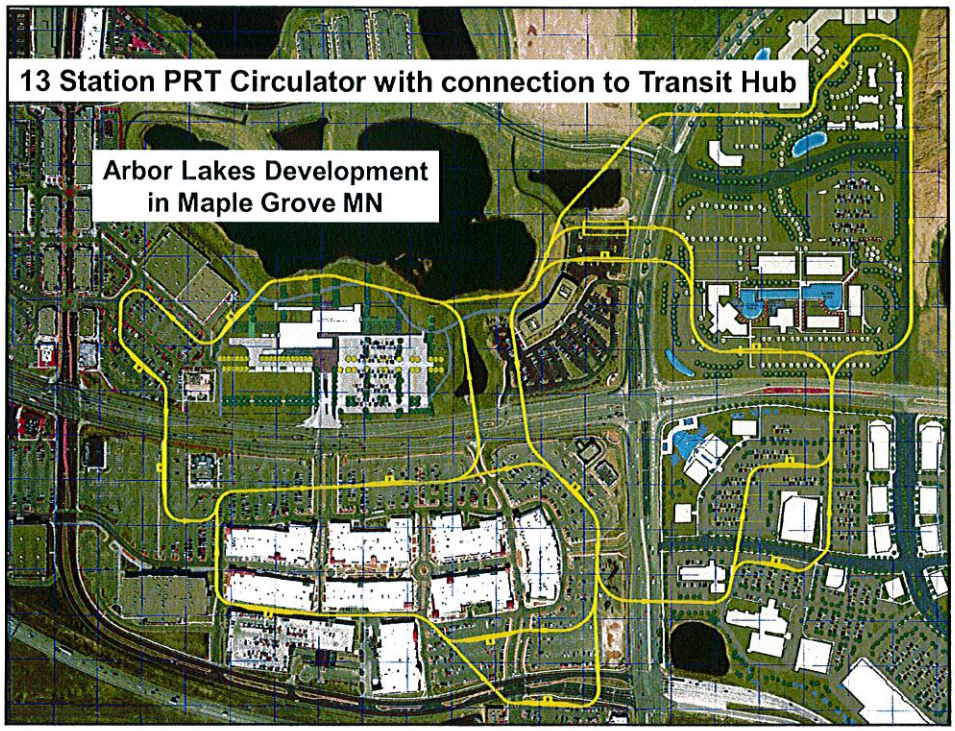
- Increased transit accessibility and use
- Reduced need for road expansion
- Low construction costs
- Low operating costs
- No need for federal funding to build systems

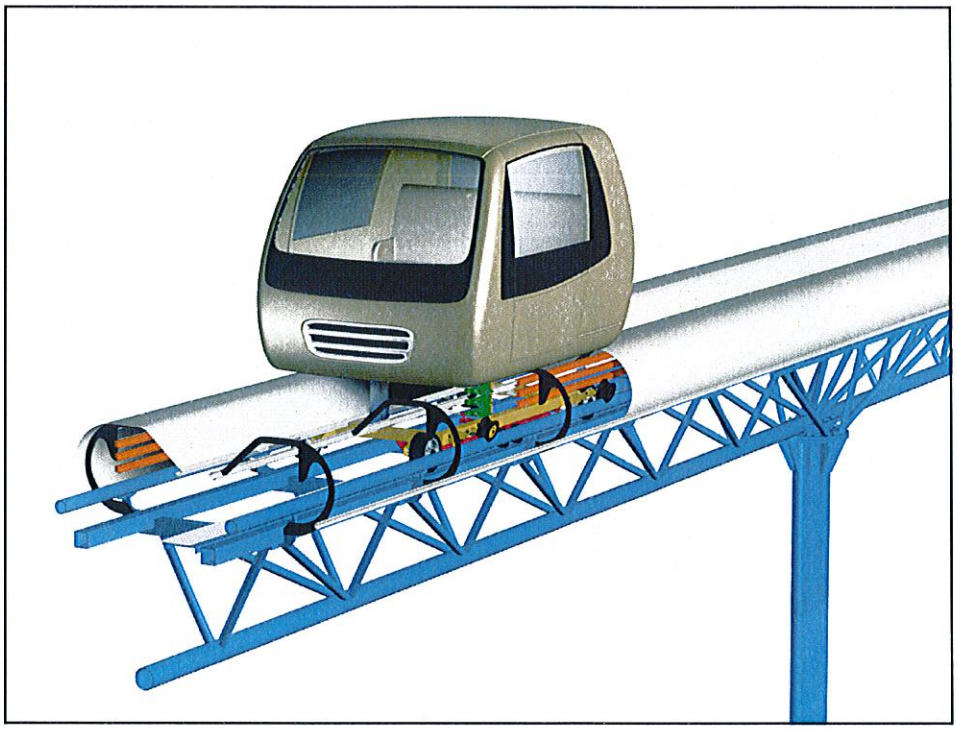
Data from Minneapolis/St. Paul

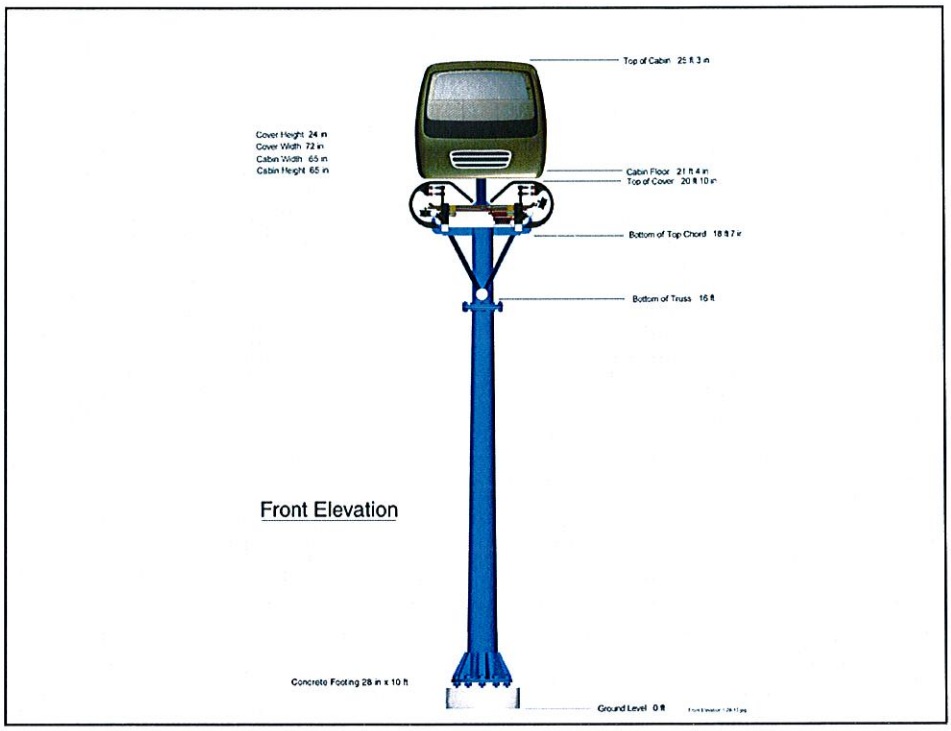
- Five LRT lines will cost $6 billion, but in 2030 they will provide only 1.3% of all daily trips
- In 2030 buses will provide only 3% of all daily trips in Minneapolis/St. Paul
- 100% of public transit capital costs and 70% of operating costs are financed by taxes

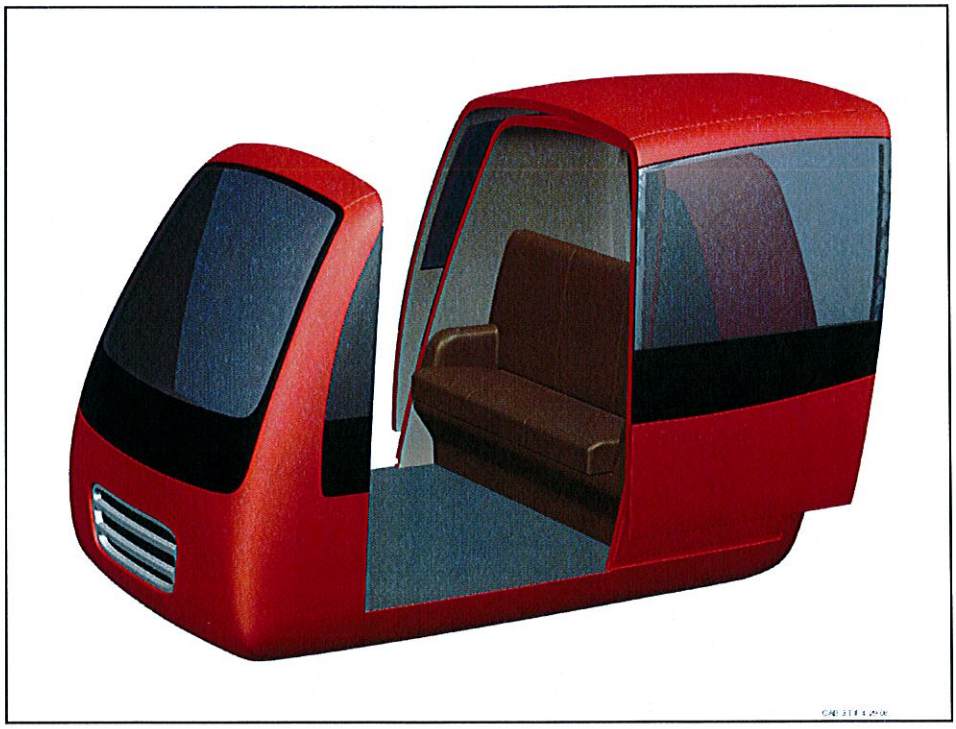
PRT for Eden Prairie




13 Station PRT Circulator with connection to Transit Hub
Arbor Lakes Development
in Maple Grove MN




Top of Cabin 25 ft 3 in
Cover Height 24 in
Cover Width 72 in
Cabin Width 65 in
Cabin Height 65 in
Cabin Floor 21 ft 4 in
Top of Cover 20 ft 10 in
Bottom of Top Chord 18 ft 7 in
Bottom of Truss 16 ft
Front Elevation
Concrete Footing 28 in x 10 ft
Ground Level 0 ft



Target Markets and Customers

- Public transit agencies ultimately will be the largest purchasers
- 250 US cities that cannot afford to build conventional rail transit
- Collector/distributor for rail stations
- Corporate campuses
- Amusement parks
- Shopping districts
- **Global market is 10 X larger than US market**

Contact Information

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  jlampe@prt-mn.com

- Thomas Hokr
  PRT Minnesota, Inc.
  612-840-0790
  thokr@mhscos.com





From personal to mass transit

Prof. em. Ingmar Andreasson

ingmar@logistikcentrum.se

atra Industry Group

Logistik CENTRUM

40 years in transportation

- Transit network planning - VIPS
- Taxi fleet management - Taxi80
- Multi-discipline PRT research - Chalmers
- Road traffic research – KTH
- 5 PRT patents
- VP, Advanced Transit Association

Logistik CENTRUM

Storyline

- A challenging podcar application
- Five strategies to cope with large demand
- => Mass transit with podcars

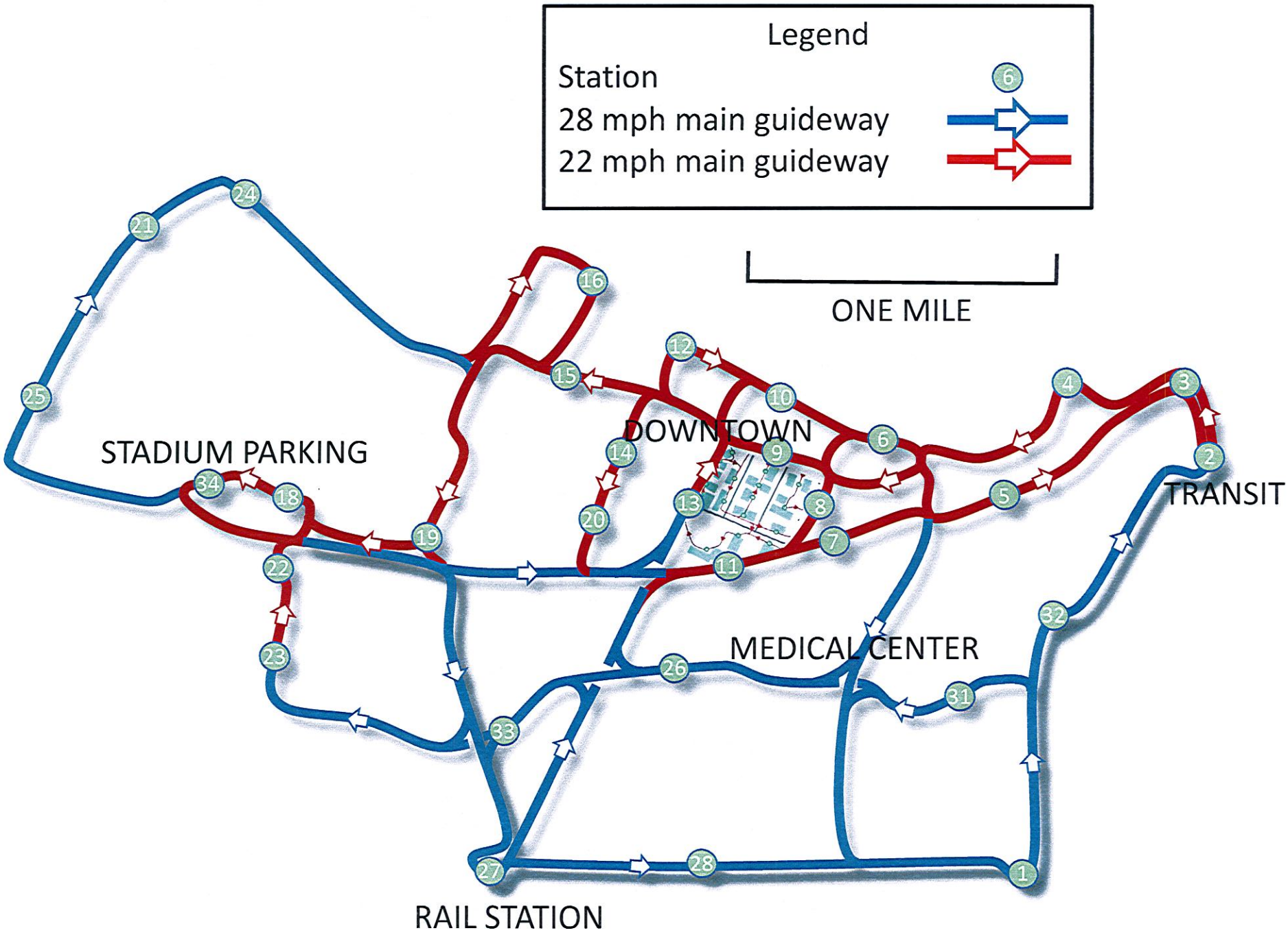
Logistik CENTRUM

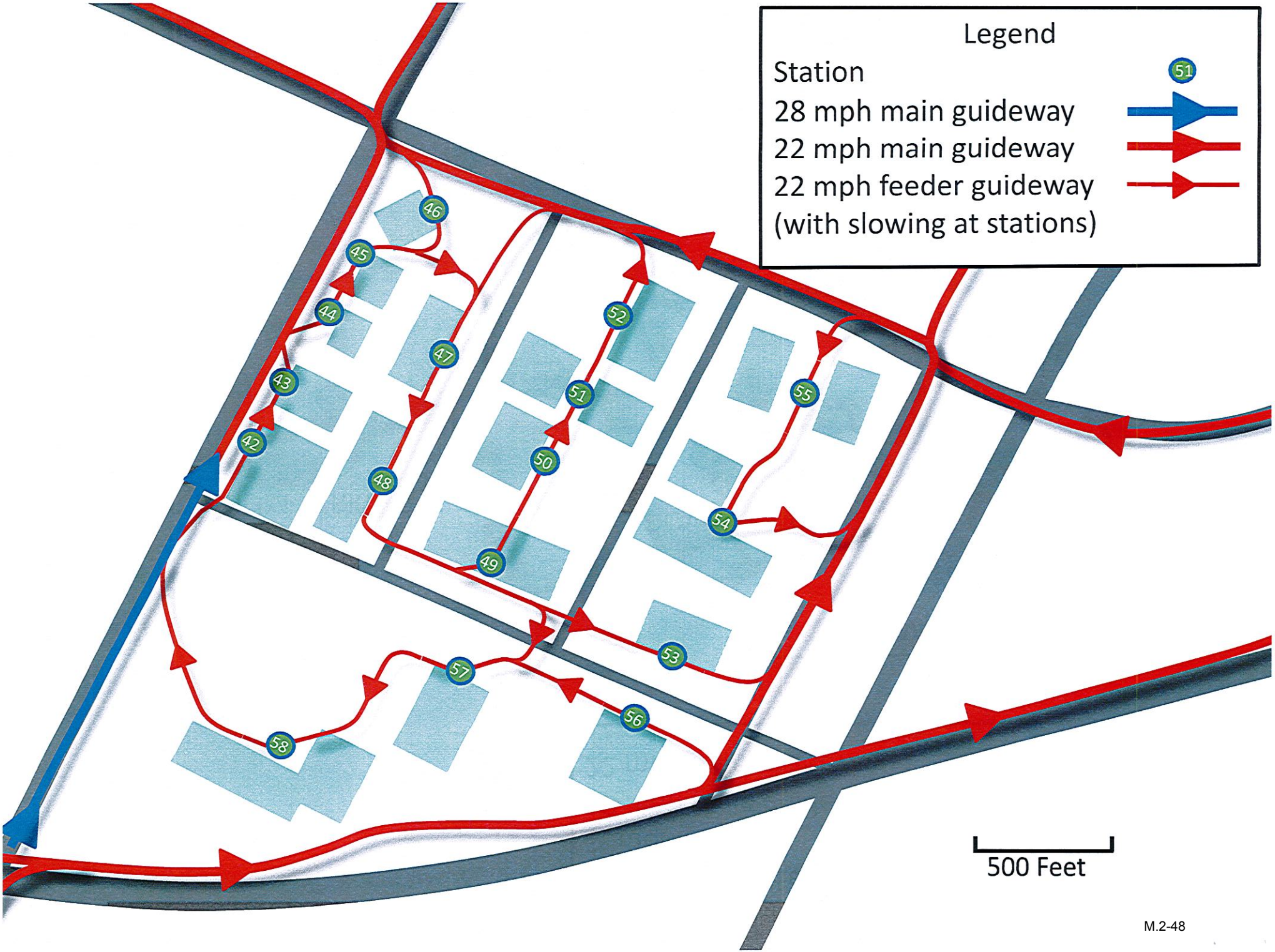
The challenge

- Dense urban area in California
- Very large employers
- Severe highway congestion
- Promote non-car modes
- Transfers from Train and LRT
- Connecting buildings (horizontal elevator)

Contract with PRTConsulting

Logistik CENTRUM


Legend
Station
28 mph main guideway
22 mph main guideway
ONE MILE
STADIUM PARKING
DOWNTOWN
TRANSIT
MEDICAL CENTER
RAIL STATION


Legend
Station
51
28 mph main guideway
22 mph main guideway
22 mph feeder guideway
(with slowing at stations)
46
45
44
47
43
42
48
52
51
50
49
55
54
53
57
56
58
500 Feet

Our tentative design

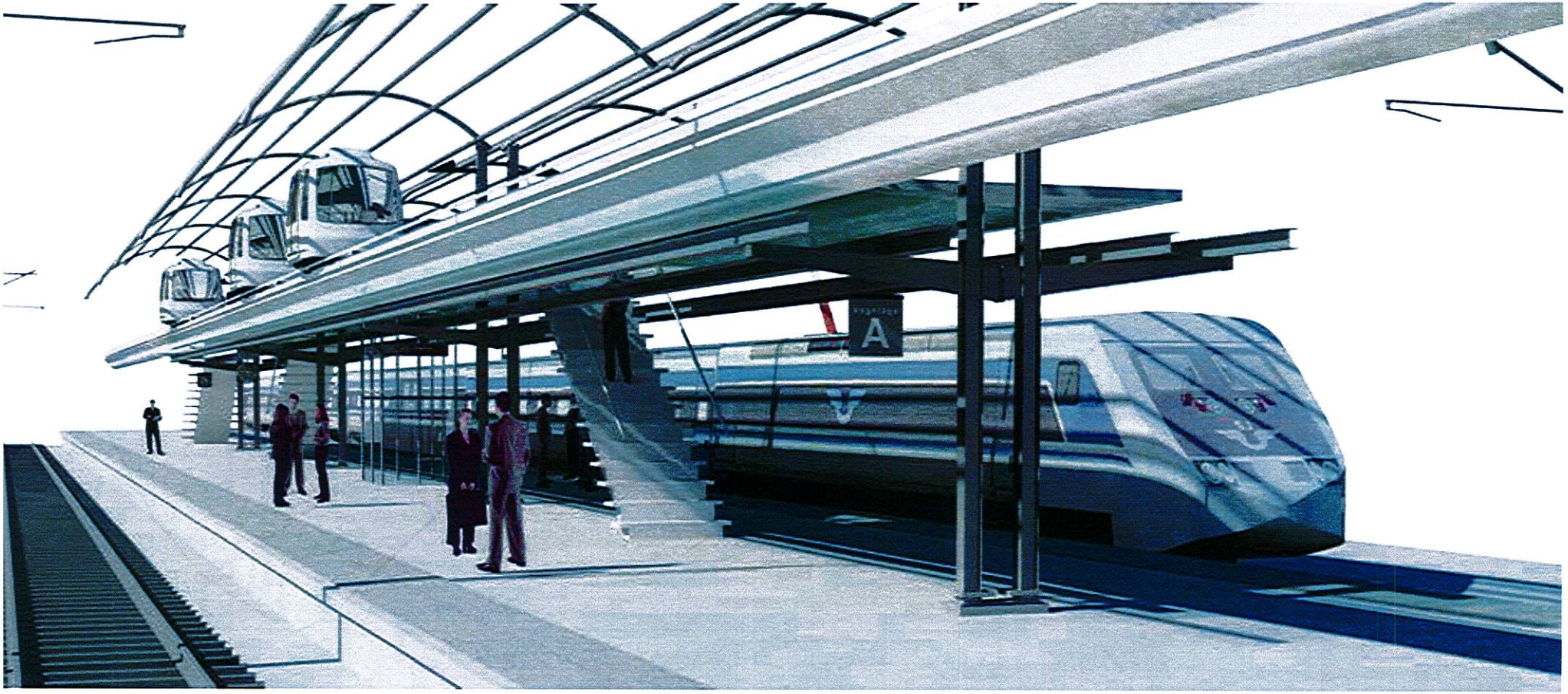
- 50 stations
- 48 kms main guideway (6 % double)
- 4 bi-level intersections out of 54
- Speeds 36 and 45 kph
- Headway 3 secs (as certified)
- 900 vehicles with 6-seats

Logistik CENTRUM

Morning peak hour demand

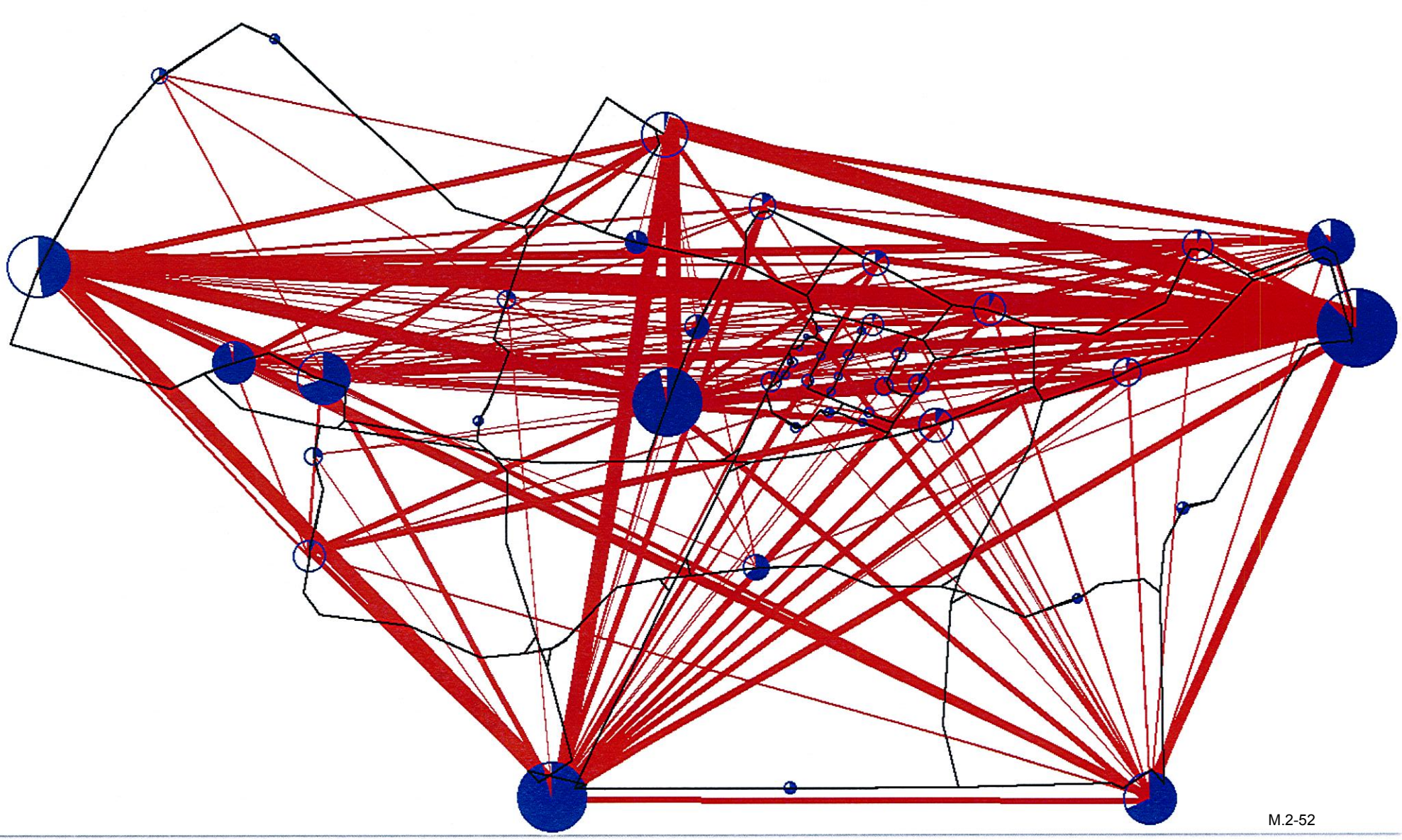
- 13 000 passengers
- 30 % of trips from 3 transfer stations
- 400 passengers from one train
- Many dispersed destinations

Train / PRT station



Logistik CENTRUM

Morning peak demand 13 000 / h



Personal Rapid Transit

- Average 1.5 passengers per vehicle
- Can carry 4 800 passengers
- 24 mins waiting

Logistik CENTRUM

Ride-matching at departure

- System knows requested destinations
- First passenger determines destination
- Destination sign over vehicle
- System assigns vehicle when enough load (5 of 6)
- …or after max holding (1 min)

Ride-sharing morning

- In relations with >1 party per minute
- 7 % of relations have 60 % of all trips
- 48 % of passengers matched
- Average load 3.9 passengers
- 11 400 passengers carried
- 11 minutes waiting

Logistik CENTRUM

Evening peak most challenging

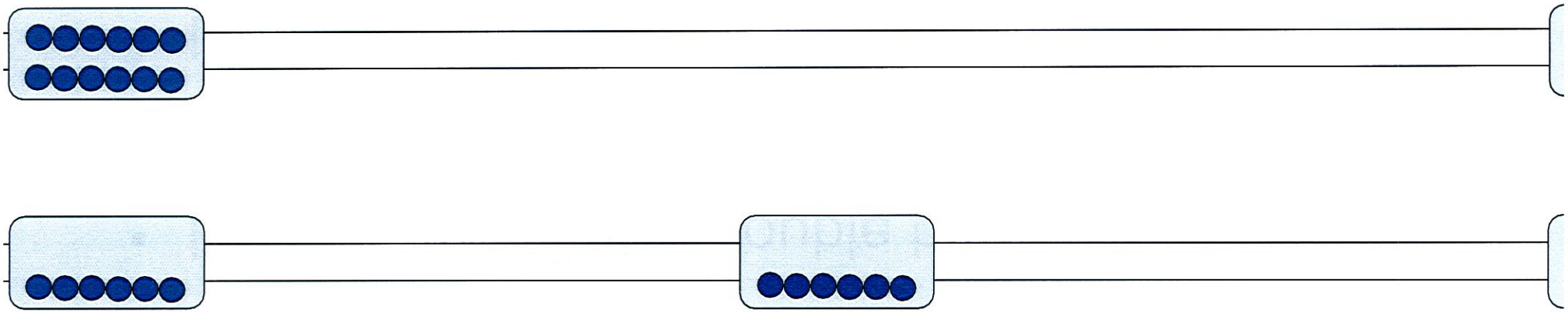
- Many small origins
- Less opportunities for matching
- 43 % of passengers matched (48)
- 10 800 passengers carried (11 400)

Standing passengers?

- Vehicle for 6 seated + 6 standing
- Limited braking => double headway
- Same capacity
- Longer station ramps

Logistik CENTRUM

Same capacity without standees



Coupled vehicles

- Coupled in station
- Decouple in switches to different destinations
- Safe distance between couples
- 2 x line capacity at departure
- Average 1.5 en route

Logistik CENTRUM

Vehicle pair can safely split apart



- Can serve different destinations
- More load with two destinations
- Each vehicle goes non-stop

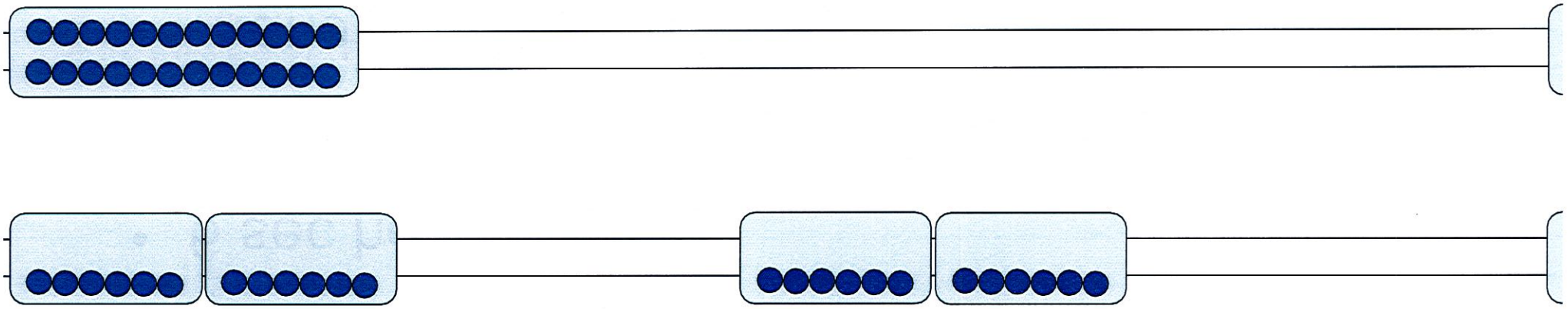
Logistik CENTRUM

Larger vehicle?

- 24 passengers including standees
- 6 sec headway
- Couple 2 x 6 seated has same capacity
- …and can split up en route

Logistik CENTRUM

Coupled vehicles better than big



- Can serve 4 destinations

Electronic or mechanical coupling



Logistik CENTRUM

Ride-sharing plus coupling

- 13 200 passengers carried evening (10 800)
- 5 mins waiting (11)
- Better – but still too much waiting

Sharing to 2 destinations

- 26 % of departures for 2 destinations
- 58 % of passengers matched (48)
- 13 300 passengers carried
- 3.5 mins waiting (5)

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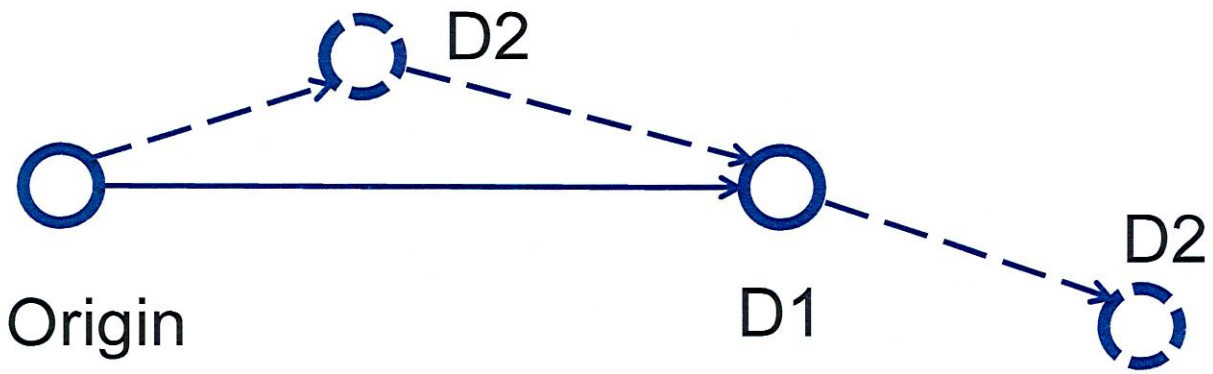
Second destination before or after



- Detours within 20 %

Allow boarding to same destination

- When stopped to drop off
- Waiting passengers to same destination
- Destination sign over vehicle
- No reason not to allow boarding

Logistik CENTRUM

Ride-sharing patterns





Same O & same D



Two destinations



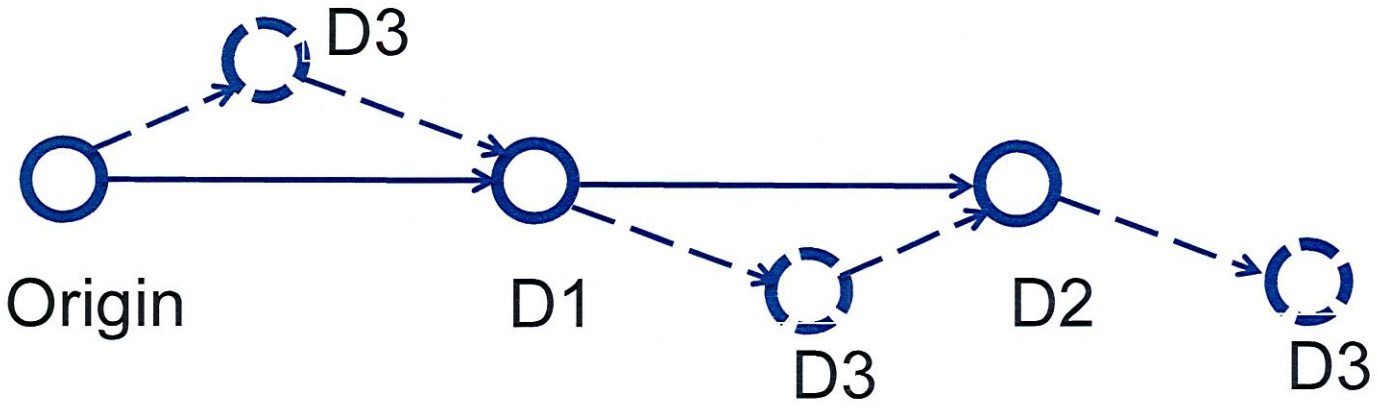
Allow boarding

Sharing to 3 destinations

- 59 % of passengers matched
- 1.2 destinations average
- 13 400 passengers carried
- 3.3 mins waiting (3.5)

Logistik CENTRUM

Adding a third destination



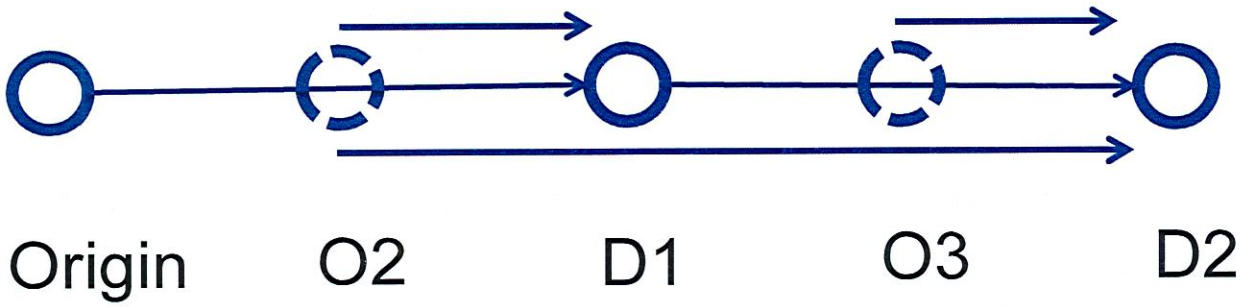
- Before, between or after

Matching many-to-few

- Evening demands more difficult to match
- Multiple pick-ups to common destination (transfer)
- First passengers determine destinations and route
- Stopping en route to pick up for same destinations

Logistik CENTRUM

Stop en route to pick up



- Route fixed to one or two destinations
- Check waiting passengers en route
- Pick up for same destinations
- No passenger makes more than two extra stops

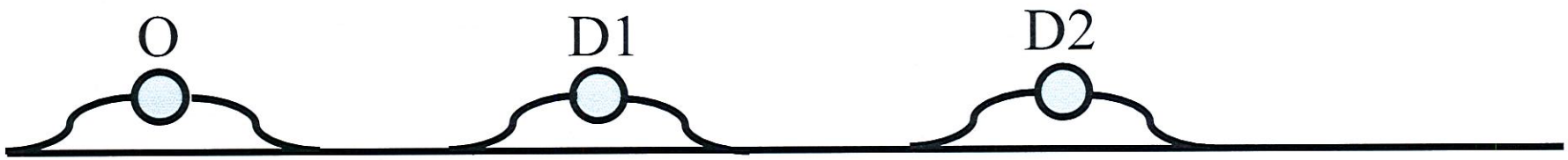
Logistik CENTRUM

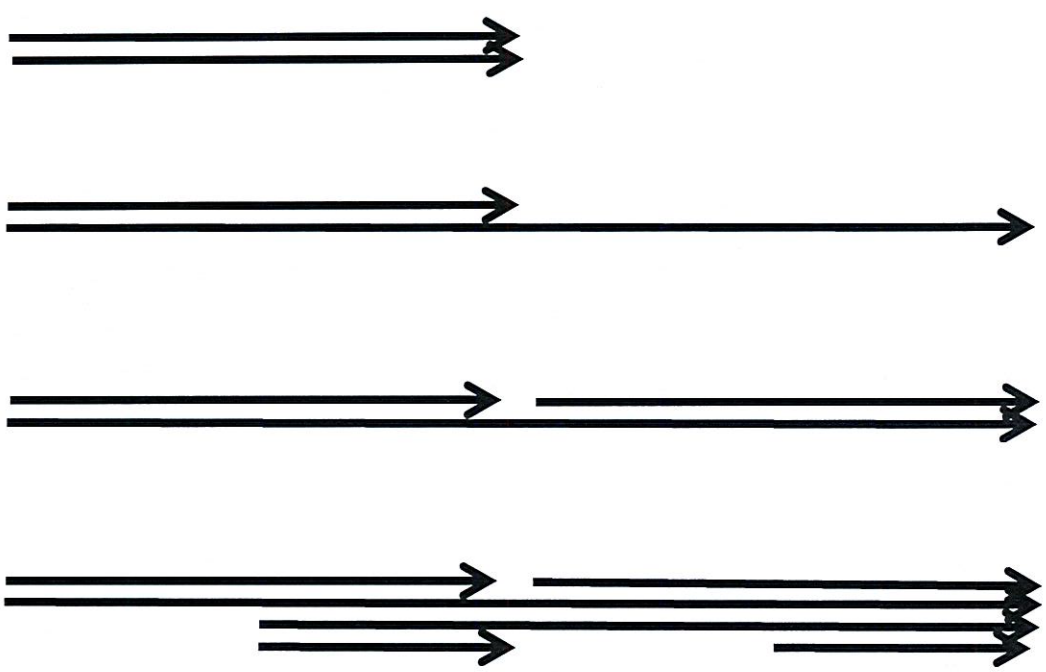
Stop to pick up

- Picking up 2 000 passengers out of 13 400
- 0.3 intermediate stops per passenger
- 4.5 passengers per vehicle (3.9)
- All vehicles full (6) on max link
- 2.9 mins wait (3.1)
- +10 % ride time

Logistik CENTRUM

Ride-sharing patterns





Same origin & destin

Two destinations

Allow boarding

Stop to pick en route

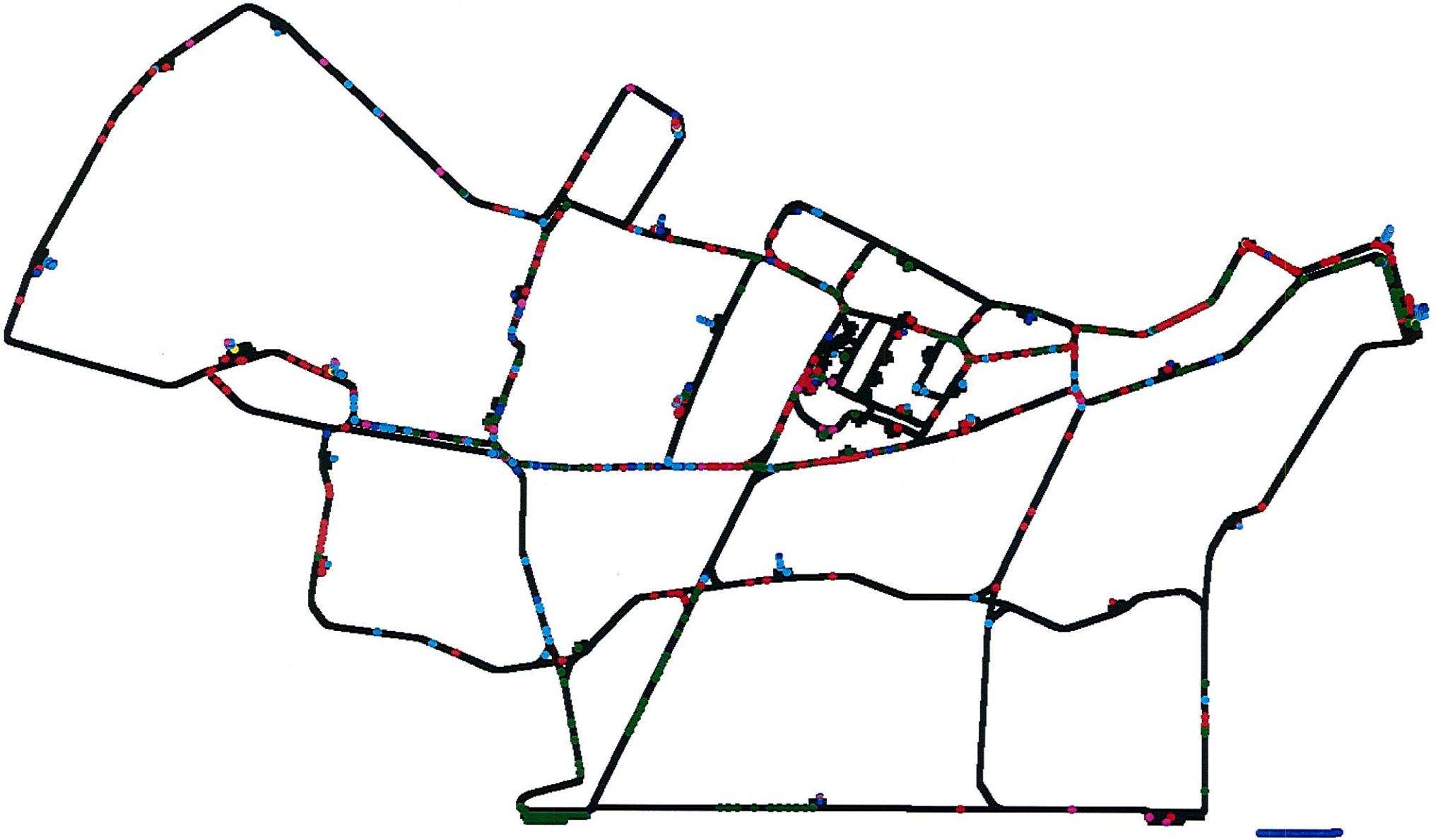
Logistik CENTRUM

Network high/low speed + train

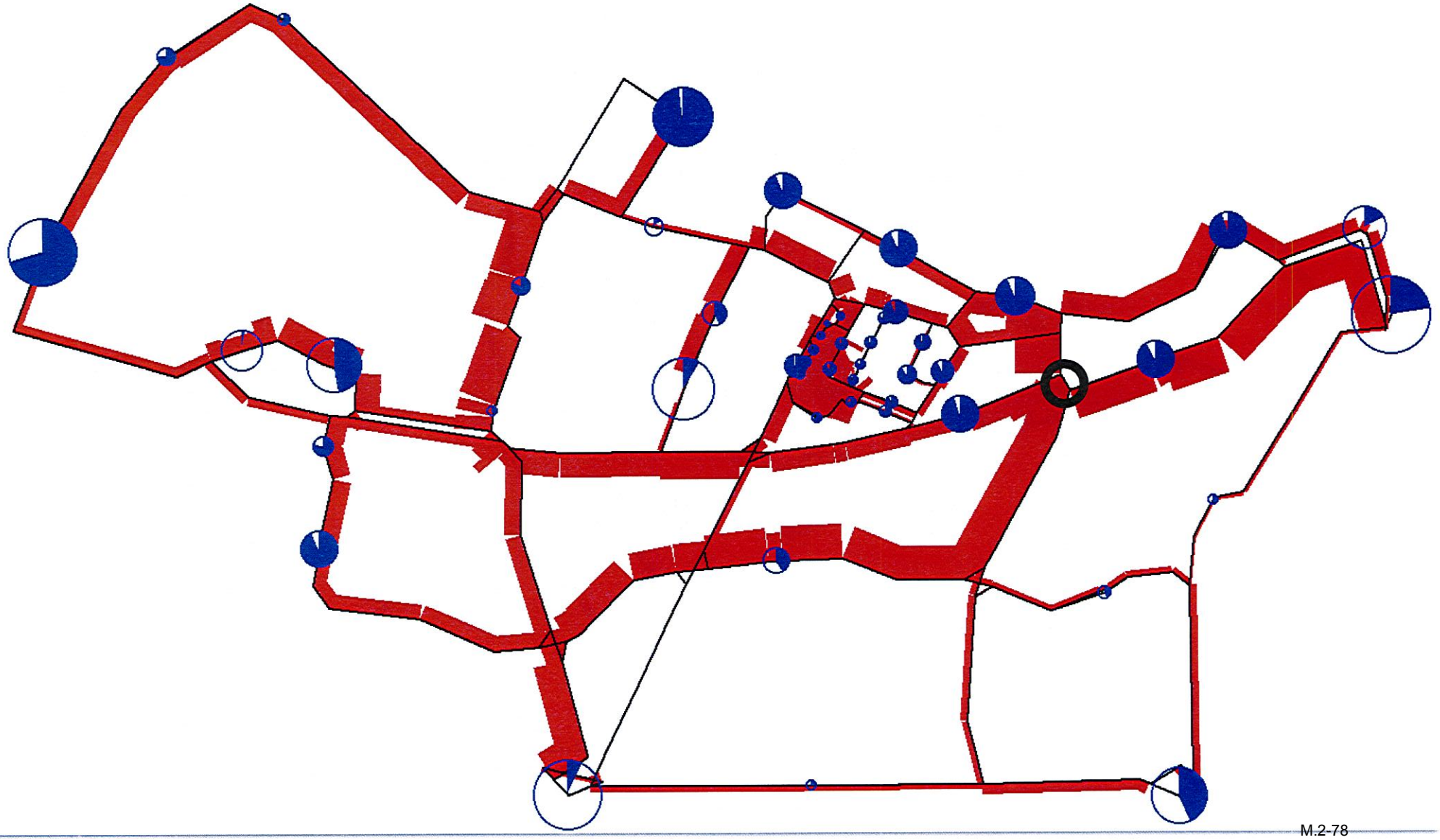


Animation 10 x real speed

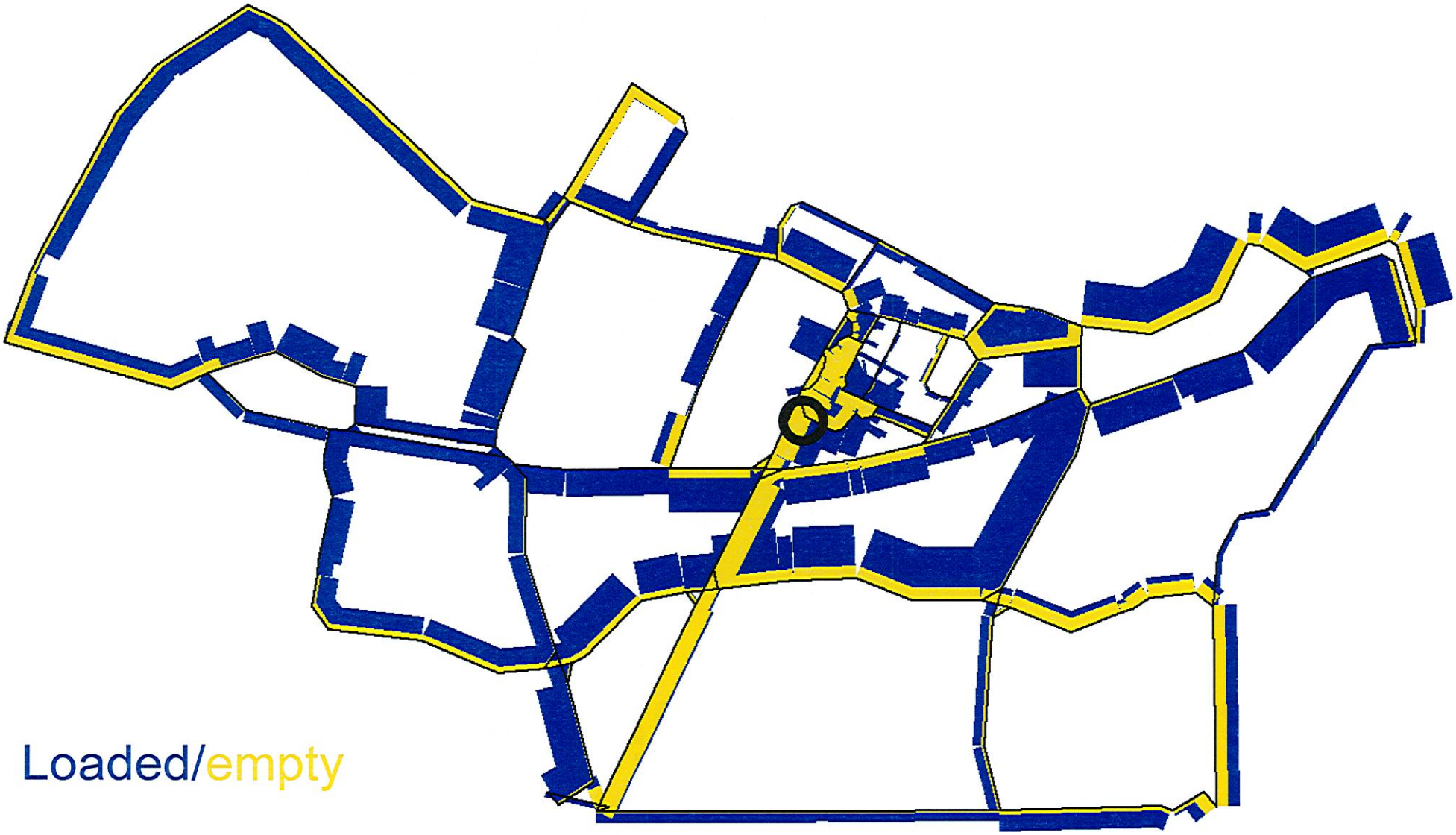
- Empty vehicle
- 1 passenger
- 2
- 3
- 4 or more
- Load/unload
- Couple



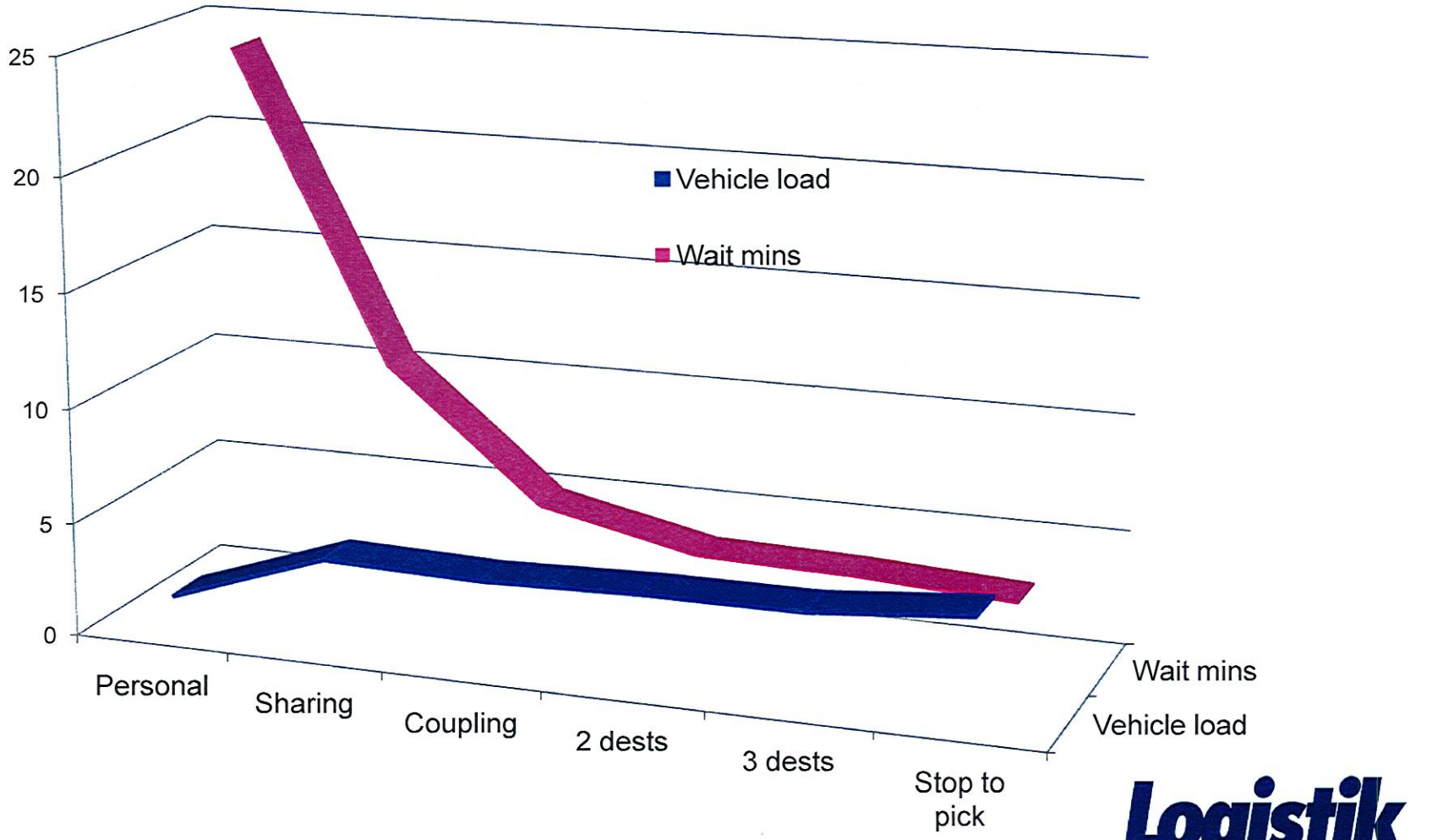
13 400 trips evening peak (6 000 link)



910 vehicles (1800 vph on link)



Less waiting with more ride-sharing



Logistik CENTRUM

All strategies combined

- Up to 1 800 vph on link (average coupling 1.5)
- Up to 6 passengers per vehicle
- Up to 6 000 pph on link, 13 400 in network
- 85 % of vehicles running with passengers
- 8 % running empty
- 7 % in stations

Logistik CENTRUM

APM for same capacity

- Stopping on-line => double travel time
- Can only serve 30 out of 50 stations
- Minimum headway 90 secs (40 deps/h)
- To achieve link flow 6 000 pphpd
- Needs to load 6000 / 40 = 150 passengers

APM or LRT



200 pass / 90 sec * 75 % load = 6 000 pph corridor

PRT



6+6 pass / 3 sec = 14 400 pph (all paired & full)
Case 6 000 on link, 13 400 in network

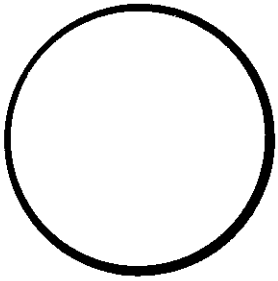
Conclusions

- Apply ride-sharing and pick-ups during peaks
- On demand, almost non-stop (0.3 extra stops)
- Slightly longer trips (+10 %)
- Can handle mass transit flow
  - 6 000 pph on link, 13 000 in network
- Not always Personal, but very Efficient
- Mass Rapid Transit, but faster & cheaper

PRT MInnesota Inc
11330 86th Ave N
Maple Grove MN 55369

SDEIS [redacted] submission

Transit Systems Analysis



PRT Minnesota Inc.
info@prt-mn.com
612-247-6685

June 16, 2015

Comment Card

MP-01

Comment #36

SOUTHWEST
Green Line LRT Extension

Date 6/18/15

Comment: One last Piece -

I moved to Minneapolis 30 months ago. A SWLRT planning Meeting was my first Civic meetng. I was so excited to be asked about planning. Sigh. Naive

This "process" has been Such a disappointment. I Have lost any & all trust in Met Council. Lies upon Lies upon Lies. FP Riders / Equity train - all gone —

Need I say more - but there is more.

Be Honest about what you are doing. You are not saving the environment. You are not getting people to Jobs. Be honest about what you are doing & who is paying you what to do it. That's called transparency in government.

Met Council may make me vote Republican — Sigh.

Comment Card

MP-02

Comment #37

SOUTHWEST
Green Line LRT Extension

Date June 18, 2015

Comment: The freight crossing at 21st Street (by planned 21st St. Station) is currently a quiet zone. Since trains will be stopping there this should remain as a quiet zone (no bells & whistles). This is currently a quiet area that is directly next to a public park. The SDEIS suggest this will have a severe noise impact - this needs to be mitigated.

Finally co-location of freight rail & light rail raises many safety concerns to nearby residents when one considers the hazardous materials carried by freight rail. This needs to be addressed and is not considered by the SDEIS.

Mike Farrar / Marcus Collins

2515 W. 21st St.

Comment #38 MP-03

Comment Card

DE-WATERING WILL HAUNT YOU!

SOUTHWEST
Green Line LRT Extension

Date 6/10/15

Comment: Keep our lakes safe & clean. We never agreed to co-location in the neighborhoods directly near SWLRT and we now need transparency and honesty around the route. "Right to know" We need to know much more about safety and plans for construction not mentioned in the Study. We're already dealt with bait and switch on many levels for this train, please reconsider. The costs are huge on every level. RETHINK.

- Cars don't come off highways Soon enough w/ SWLRT
- STUDY IS MISLEADING & deficient & Not credible
- We need Penn Station!
- This area near the lakes is EVERYONE'S BACK YARD

Get people there safely, with safety for the lakes, bicyclists, pedestrians, animals, as well. That's real equity.

Oh, wait. We already have that. IMPROVE it. MAKE IT WORK FOR LESS MONEY, MAKE IT BETTER.

M-2-89

Comment Card

MP-04

Comment #39

SOUTHWEST
Green Line LRT Extension

Date 6/18/15

Comment: ① How deep is contamination of Kenilworth segment? Old RR Yard Field of much contamination what is plan & cost to mitigate so ground water is safe.

② How will costs be covered? Since neither blue or green lines generate enough revenue to cover 30% of expense.

③ Maintenance costs will be increased if you short change the Costs to build. This is occurring with current line in St. Paul Now! Corners are too sharp & wearing out wheels too quickly.

④ Met Council made mistake 25 years ago by not bldg bridge over Hiawatha Ave. Why do we citizens now have to pay for this mistake with this project which will NOT work?

Comment Card

MP-05

Comment #40

SOUTHWEST
Green Line LRT Extension

Date 6/18/15

Comment: Where to start? I have filled out a number of these cards to ~~none~~ no end. Last year, You railroaded concerns w/ the "equity train" which was a clear lie at the time, & even more now. We were told that Eden Prairie people would use it - now, they ~~they~~ want ~~take~~ the bus. EP people now prefer the bus. North Minneapolis people now are going to take the bus to Target Field. Who is riding this train?

If N. Mpls riders go to Target Field, why wouldn't Franklin Ave riders do the same? And once at Target Field, why not take the Eden Prairie Bus? It's Faster & Actually Goes to the Mall - where the Jobs Are?

Seriously - Why Are You Building This? It makes no sense financially or environmentally - even w/ out additional costs & Environmental impacts.

One more Time - PLEASE - Someone - Stop This -
No riders = No need. The numbers do not add up!

Beyond that the plan is ABSURD! Inches from a grain elevator, inches from people's homes, piles will be driven 65ft + a 50ft deep tunnel built. WHAT! Any engineer who believes that will not cause significant issues, should be fired. Would you do the same next to your homes? - Would you? And who will be responsible for those?

Most Important - The Lakes. 50Ft deep tunnel next to Cedar Lake, below the water table? And then through the existing rail track pollution? This will destroy the Lakes. Who will be responsible for the destruction of the Lakes? Who wants that as a legacy? That is the legacy for you all - Build a train no one rides? destroy the Lakes & People's Homes. Unbelievable. Stop This.

Comment Card

MP-06

Comment #41

SOUTHWEST
Green Line LRT Extension

Date 6/18/15

Comment: 1. Please return to the Drawing board this route was way down on the list - 29th? Please look at the other routes — ones that will be safe, healthier, economically beneficial, equitable; racially + class beneficial. THIS ROUTE is BAD. explore Hways 100, West End, North/Northeast, Brownie Lake

2. Soil, groundwater, water will be prohibitively expensive to abate.

Comment Card

MP-07

Comment #42

SOUTHWEST
Green Line LRT Extension

Date June 18, 2015

Comment: No alternatives (other routes) in SDEIS. The original ~~AA~~ LPA was with no colocations, so it seems a serious alternatives analysis should also have been generated. The only option is to either move the freight or reopen the scoping process looking at REAL alternatives

Comment Card

MP-08

Comment #43

SOUTHWEST
Green Line LRT Extension

Date June 18, 15

Comment: Liability - who carries it in case of catastrophic loss in case of derailment associated with colocation. TC+W only carries liability on its train infrastructure and rolling stock but what happens if there is a derailment that causes catastrophic loss of life and property

Comment Card

MP-09

Comment #44

SOUTHWEST
Green Line LRT Extension

Date June 18, 2015

Comment: There is no substance to ~~the~~ freight Safety in the SDEIS, including running the train along a tunnel ~~Construction~~ pit where freight carries 20-30% of all freight hazardous cargo including ethanol, propane, fertilizers, anhydrous ammonia + fuel oil. No crash walls will exist during construction. At a minimum ALL hazmat should be moved out of the corridor at least during construct

Comment Card

MP-10

Comment #45

SOUTHWEST
Green Line LRT Extension

Date June 18, 2015

Comment: The original project assumed freight would be gone So SDEIS needs to base all ~~phases~~ topic areas (noise, visual impacts, safety ...) from the base perspective of no freight since freight will be now change from temporary status to permanent status.

Comment Card

MP-11

Comment #46

SOUTHWEST
Green Line LRT Extension

Date July 18, 2015

Comment: No access for fire safety equipment during construction. No fire safety plan or public evacuation plan through Kenilworth

Comment Card

MP-12

Comment #47

SOUTHWEST
Green Line LRT Extension

Date _____

Comment: Hennepin County's scoping report original did not take into account freight.

Comment Card

MP-13

Comment #48

SOUTHWEST
Green Line LRT Extension

Date June 18, 15

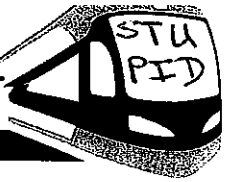
Comment: T C + W is a Class III RR whose infrastructure is currently poor. There are rotted ties, missing railroad spike, grade crossing pot holes, places where bridges do not appear to be structurally sound. Colocation of LRT w/ RR seems unwise. Infrastructure, of maintenance is not necessarily the sexy project and long term improvement of infrastructure continues to not be maintained. Reassess the colocation of LRT + freight. Get rid of the freight as promised

Comment Card

MP-14

Comment #49

SOUTHWEST
Green Line LRT Extension



FOLLY

Date 6/18/15

Comment: Once again the Met Council has failed to address the real issues around the SWLRT - it is in the wrong place - going where there are no riders - and will never be any riders. Minneapolis is in danger of becoming a laughing stock for this $2B folly. You still aren't listening - only pretending to.

Comment Card

MP-15

Comment #50

SOUTHWEST
Green Line LRT Extension

Date June 18, 2015

Comment: Terribly worried about current plans:

1. Desecration of Greenway
   a. water table impact / water damaged
   b. noise from construction & trains
   c. vibrations from construction & trains
   d. crowds & cars with no parking for those who take train
2. Damage to property & property value
3. Safety hazard of oil/ethanol freight cars

Comment Card

MP-16

Comment #51

SOUTHWEST
Green Line LRT Extension

Date 6/18/15 I am a resident of Calhoun Isles

Comment: I have great concerns ~~and~~/fears for the safety of residents, visitors and the structures in the Kenilworth section - The risks to the area from possible accidents seem too great to not review the proposed route and the junctions of freight rail and light rail —

Comment Card

MP-17

Comment #52

SOUTHWEST Green Line LRT Extension

Date June 18, 2015

Comment: I live in the Calhoun - Isles Condominiums, whose foundation is within 2-3 feet of the proposed shallow tunnel. I am concerned about both the construction impact on my home, as well as the liveability of my home once SWLRT is up and running. The SDEIS identified 36 Ground-Borne Noise Impacts on our condos and mitigation plans are left for the final EIS. In the push to reduce costs, I worry that mitigation will be curtailed or eliminated. For the Green Line at UM and MPR, rails were installed in such a way as to reduce vibration. These efforts have not been totally successful, which adds to my concerns. Residents of Calhoun - Isles are being asked to sacrifice by having SWLRT operating in our backyard. I respectfully request that all efforts be made to mitigate the long term effects on our homes.

MP-18

June 18, 2015

I live in the Calhoun Isles high rise and am concerned about the effects of LRT vibration on our condo complex and town houses. The EIS discusses vibration but only for an at grade train and with the magnitude scale beginning at 50 feet minimum distance. In our case the train will be in a tunnel where ground transfers vibration much stronger than in air and the distance between our foundation and the tunnel wall is less than four feet. The EIS does not come close to recognizing the potential vibration problems with our condo complex. The mitigation must be extraordinary to avoid livability problems.

The noise levels discussed in the EIS do not address the fact that noise is amplified the higher the resident, as with the high rise. The noise generated by the LRT while running as well as the bells when entering the West Lake Street station could be extreme.

Robert Brockway
3145 Dean Court # 904
Minneapolis, MN 55416

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612-920-3441

MP-19

Light Rail Oppositional Statement

To Whom It May Concern:

I am a condo owner at Calhoun Isles Condominiums. The proposed Light Rail route is of grave concern for me for the following reasons:

1. The potential and likelihood of compromise to the structural integrity of the High Rise buildings both during and after construction. My condo is directly adjoining Kenilworth Trail. When freight rail trains pass, by my windows vibrate, cupboards shake and even dishes rattle. The proposed construction may come within 2 feet of the current pilings for the condos.
2. The livability factors during construction.. Again, as my unit faces and is adjoining the proposed route, the noise disruption is likely to immediately devalue my property and the enjoyment of my property which I have heard could last up to 4 years.
3. The market value of my property will be directly impacted if trains are frequently passing by. Many residents have undersold their properties in order to sell before the property is not sellable due to construction. Property values have dropped.
4. The environmental concerns are numerous. Cutting of trees, destroying habitat, destruction of the pristine bicycle/walking/recreational route (one of the best in the country), interference of and potential contamination of wetlands and water in and around the lakes are also of concern.

Thank you for your attention.

Jan Search
Resident Calhoun Isles Condominiums

3151 Dean Court #105
Minneapolis MN 55416

In re:)
Public Hearings on Southwest Green Line LRT Extension)

TRANSCRIPT OF PROCEEDINGS

The following is the transcript of proceedings, taken before Rebekah J. Bishop, Notary Public, Registered Professional Reporter, Certified Realtime Reporter, at Dunwoody Institute, 818 Dunwoody Boulevard, Minneapolis, Minnesota 55403, commencing at 6:04 p.m. on June 18, 2015.

A P P E A R A N C E S

Metropolitan Council:

Adam Duininck
Steve Elkins
Sandy Rummel
Gail Dorfman
Jennifer Munt
Cara Letofsky
Wendy Wulff

P R O C E E D I N G S

MR. DUININCK: All right. Everybody, we're going to get started here in a minute, so if you could find a seat.

All right. Good evening, everybody. Thank you so much for being here. Welcome to the public hearing on the supplemental draft environmental impact statement for Southwest LRT. The hearing tonight is hosted by the Metropolitan Council.

We have a number of council members up front here joining me. I think I'll start by introducing them on the far left and kind of working this way: Council Member Steve Elkins, Council Member Sandy Rummel, Council Member Gail Dorfman, Council Member Jennifer Munt, Council Member Cara Letofsky, and Council Member Wendy Wulff. So thank you to them for being here and being here to listen.

There's also been a handful of elected officials that have either been here and left or are here; I just want to say hello to them: Commissioner Marion Green, Commissioner Linda Higgins, and Representative Frank Hornstein. So thanks for being here tonight. And Park Board Commissioner Anita Tabb, too.

So I think what we'll do, as in the way of a

format, we have a quick little presentation that Nani Jacobson from the Southwest Project Office will walk through that will cover how we got to where we are today and the environmental impact statement process and some next steps. So I'll turn it over to her for a few moments to give a presentation before we start with the -- the public hearing portion.

Go ahead, Nani.

(Per request, presentation not reported.)

MR. DUININCK: Thank you, Nani.

So if you would like to testify and haven't signed up already, there's sign-up sheets in the back. We have a full sheet here; I'm sure there will be -- they're coming in and signing up as we go. Please sign in, and we'll call you up in the order in which you've signed up.

And I just want to make sure that everyone knows this is your opportunity to testify to the Met Council. We're here to listen tonight; we're not going to answer questions or have a discussion, but, rather, you just come to the microphone and give your testimony.

A number of us were here beforehand, and I'm sure we'll hang around afterwards, too, if there are other questions either related to the project in

general outside, kind of, the scope of the Supplemental DEIS.

Individuals have to up two minutes to give their presentation tonight. If you're representing a group or organization, you can speak for up to three. We'll have somebody keeping time here. We'll try to keep people as close to on-time as best we can. There will be little one minute and 30 second reminders when your time is getting close to be up.

And let's see here. I will call -- I think what I'll do is I'll call out two names, so that way, the person who knows that they're next can get ready to speak.

And with that, we will just jump right in. The first person on my list -- and I'll do my best to pronounce names; don't hold it against me if I mispronounce it -- Russel Palma, and the second person is Representative Frank Hornstein.

Comment #55

MP-01 MR. PALMA: Hello, I live in the Calhoun Isles condominiums. These historic grain silo buildings lie closest to the Southwest LRT along its entire route, with the proposed shallow tunnel coming within two to three feet of the building's foundation. I am concerned about Southwest LRT's impact on the building's integrity and liveability issues once the

light rail is up and running regularly.

The SDEIS identified that there are 36 ground-born noise impacts on our condos and leaves mitigation plans for the final EIS. In the push to cut costs, I worry that mitigation plans could be curtailed or eliminated.

I know that in the building of the Green Line at the University of Minnesota and Minnesota Public Radio, the light rail lines were built in such a way so as to minimize vibration effects. Although these efforts have not been completely successful, we respectfully ask that our homes be given equal consideration.

If the residents of the Calhoun Isles condominiums are asked to sacrifice by having the Southwest LRT operating within feet of our building and to put up with two years of construction noise, congestion, and inconvenience in our backyard, I ask that the Met Council and the City of Minneapolis at least do everything within their power to mitigate the longterm effects on our homes.

Thank you.

MR. DUININCK: Thank you very much. And you did a very good job of this, but I was asked to remind people to just speak slowly and clearly. We're trying

to type down and take for the record everything that's said tonight, so just -- if I could just ask folks to do that. And, also, make sure to state your name when you come up to give your remarks.

Representative Frank Hornstein, and next is Sara Brenner.

Comment #56

MP-02 REPRESENTATIVE HORNSTEIN: Thank you very much, Mr. Chair and Met Council members.

I am Representative Frank Hornstein, and I represent District 61A and the Minnesota House of Representatives. And I apologize, I'm going to have to run out; there was a long, scheduled forum on freight rail safety issues in Northeast Minneapolis that I'm speaking at, and that actually is very much related to the comments I want to make tonight.

I've been working very hard over the last year and a half on the issue of freight rail safety, particularly as it relates to the transportation of Bakken crude oil, and more recently, ethanol.

Thanks to citizens in my district who brought to my attention the dangers of ethanol also being very, very important for the State to address, we were able to update some of the oil transportation safety legislation that we passed last year to include ethanol and other hazardous materials.

The reason I bring up ethanol is that this is a really very, very dangerous item that is being now transported through the Kenilworth corridor. When co-location was foisted on the City of Minneapolis, it was pointed out was not part of the original plan and one of the three areas that needed to be examined in the supplemental EIS.

This issue was very much not as much on the public radar as it is now. We have had many accidents involving Bakken crude oil, and several involving ethanol, just over the last year and a half, including an ethanol train that exploded and burned and landed, eventually, in the Mississippi River not too far away from here in Dubuque, Iowa. So the dangers of transporting oil and ethanol are real, and, unfortunately, were not addressed in any meaningful way in the Supplemental DEIS.

And I would implore you and urge you to take this issue very, very seriously. In fact, in the section of the DEIS under Potential Freight Rail Impacts, the issue is completely glossed over. In fact, under -- it talks about the Met Council having the freight rail operations coordinations plan whose purpose is to minimize impacts on freight owners and operators. I would urge you to look at minimizing the

impacts on our residents and our people here.

In terms of emergency response plans, there's really nothing in this document that talks about how first responders would respond to a -- a catastrophic event involving an ethanol train explosion, if that were to occur.

We have many issues with the freight rail industry in terms of disclosure of hazardous materials; that needs to be addressed.

What are the impacts during construction? You're right in the Supplemental DEIS that there would not -- freight rail operations during construction would not be obstructed, disturbed, or slowed. That is a very, very significant concern when there is all kinds of activities around construction. And at a minimum, I would implore you to not be having hazardous materials coming through this corridor during construction.

I think that rerouteing is a real issue, and perhaps these ethanol trains should be rerouted. We're not saying in St. Louis Park, but maybe there's some other options that need to be explored in terms of eventually rerouteing freight out of this corridor, because, again, co-location was not part of the original deal. And now that it's being foisted on us,

I think there's a myriad of safety issues that need to be addressed.

And, finally, you say in the DEIS that no longterm impacts of freight rail are -- because of freight rail are anticipated, and, therefore, no mitigation measures have been identified.

And, again, we -- I would implore you to look at safety measures in terms of negotiating very, very assertively with the rail industry about what safety measures they can take.

And I can tell you, in our discussions with the freight rail industry at the legislature, I'm very concerned that, unless really pressed, you won't -- we will not see the types of mitigation and public disclosure and right-to-know issues that need to be addressed because, you know, the -- I bring up right-to-know because, you know, in conclusion, I will say that we have 20,274 residents in this co-located area within a half mile of the -- of the track. And this has been known now as the blast zone.

Citizens across the country who are dealing with hazardous substances going by rail through their neighborhoods are referring to the areas a half mile from their house as "the blast zone."

The State has identified 326,000 Minnesotans

that live in the blast zones for oil trains -- Bakken oil trains, and we have 20,000 here in Minneapolis; 3,000 businesses; 54,000 employees; 11,148 households. All of these people need to be assured and need much more assertive work done at the public sector level with the rail industry in terms of mitigating impacts and assuring public safety.

So please, you know, in the intervening time that you have to address these issues and update your SDEIS, we need to have much more information in this document concerning freight rail safety.

Thank you so much for your time, and I appreciate your attention.

MR. DUININCK: Thank you very much, Representative Hornstein.

Next is Sara Brenner followed by Shawn Smith.

Comment #57
MP-03

MS. BRENNER: Sarah Brenner from Minneapolis.

The SDEIS is a remarkable document, more for what it doesn't include than what it does. It was triggered by the substantial design change of co-location and the necessity of a tunnel through Kenilworth, yet the SDEIS makes no mention of the considerable safety concerns triggered by co-location.

No consideration is given to the fact that TC&W carries hazardous cargo, including ethanol, fuel

oil, distiller's oil, and hydrous ammonia, propane, and fertilizer. Any of these, in a case of derailment, could cause incredible destruction, in some cases, near feet from some people's home.

During construction, the risks will greatly increase. Construction, by its nature, will interrupt freight service and freight infrastructure. During construction, there will be a 35- to 40-foot wide and a 25- to 35-foot deep tunnel that runs mere feet from the freight and at a time where there will be no crash walls.

The geometry of the corridor at the pinchpoint is 57-feet and a 35- to 40-foot-wide pit dug for the tunnel to be 17- to 22-feet for the freight train and a buffer to the red town homes. That means that ethanol trains, called "bomb trains," will be perched on the edge of construction pit mere feet from the edge.

If there were to be a dilemma, those cars would fall into the construction pits in a domino-like fashion; yet, there's nothing in the SDEIS that even mentions risks of running daily ethanol unit trains that can contain 10,000 tons of ethanol purchased perched immediately adjacent to a deep pit prior to putting in a crash wall. Am I missing something? Did

anyone consider this?

Additionally, during construction, there would be no access for the firefighting equipment in case of derailment. If this project is to move forward, minimally during construction, all hazmat must be routed out of Kenilworth. Awareness of the danger of oil and ethanol trains has come into citizens' consciousness.

Thank you.

MR. DUININCK: Thank you very much.

Shawn Smith followed by Art Higinbotham.

Comment #58

MP-04

MR. SMITH: Good evening, Met Council members. My name is Shawn Smith, and I live at 2420 West 24th Street in the Kenwood neighborhood.

There's two things I want to talk about in the SDEIS, due to limited time; the first is cost. And in the SDEIS, I don't think we feel very confident in the cost that's expressed. The Blue Line went from 400 million to 715 million. The Green Line went from 840 to about a billion.

What will Southwest rail really, really cost us? Because in the SDEIS, we still don't know what the cost-cutting will be, and we also don't know if it's a valid document because we don't know what is coming out of what's in the SDEIS within the corridor.

I'm also here because Kenwood residents have been continually and actively engaged in this process with little responsiveness from the Met Council. And why do I feel that way? Well, that's issue No. 2, is co-location.

We somehow ended up right back where we didn't want to be, and SDIS with co-location, frankly, we're pretty freaked out about it. So 25-feet -- I actually brought a tape measure, but I don't think I need it -- basically is from where I'm standing to the back of the room. That's center rail to center rail.

This is the distance of the separation of the two lines, because we didn't move freight rail -- or should I call it ethanol rail -- you cut the north tunnel so that now puts them at-grade, which we didn't want, and the absolute co-location deal breaker, which was brought upon us by a historic flip-flop by our mayor.

If there is a derailment, the space that separates the tunnage of ethanol from high-voltage wires is a potential catastrophe, and we really ask -- we urge you to please relook at this line. Please relook at this alignment, the cost, and the danger. Please reconsider this route.

Thank you.

MR. DUININCK: Thank you much.

Art Higinbotham and followed by Bob Brockway.

Comment #59

MP-05

MR. HIGINBOTHAM: Good evening, panel members.

I am a former resident of 3431 Saint Louis Avenue. I moved to St. Paul in light of the co-location proposal for Southwest Light Rail. I moved because I share with Representative Hornstein the feeling that co-location of freight rail and light rail, whether during construction or on a permanent basis, is a severe personal threat. And I have to say I feel sorry for those who remain in the corridor if this proposal proceeds.

I've looked through the executive summary of the DIS -- SDIS, and I find that it's not very specific, which means that we're down to the final DIS to get specific input of the citizenry to the proposals.

One example: The tunnels proposed for the Kenilworth corridor will generate a bit of noise. They'll have 90-decibel fans to pump air out of the tunnels. And I lived a hundred feet from the tracks; that would have been a serious disturbance to reside there and live with that.

But the overriding factor, as Representative

Hornstein pointed out, is the potential for a derailment and explosion of the magnitude that killed 47 people in Lac-Mégantic, Quebec two years ago and 24 derailments in the past year.

Thank you.

MR. DUININCK: Thank you very much.

Bob Brockway and then John Shorrock.

Comment #60
MP-06

MR. BROCKWAY: My name is Bob Brockway, and I live in the Calhoun Isles highrise. And I'm concerned about the effects of the LRT vibration on our condo complex and the home housing and the townhomes there.

The EIS discusses vibration, but only for an at-grade train with a magnitude scale beginning at 50-feet minimum distance. In our case, the train will be in a tunnel where the ground transfers vibration much stronger than in air, and the distance between our foundation and the tunnel wall is less than four feet. The EIS does not come close to recognize the potential vibration problems with our condo complex. The mitigation must be extraordinary to avoid liveability problems.

The noise levels discussed in the EIS do not address the fact that noise is amplified the higher the resident, as is -- as in a highrise. The noise generated by the LRT while running, as well as the

bells when entering the West Lake Street station, could be extreme.

Thank you for listening.

MR. DUININCK: Thank you very much.

John Smorock (phonetic) -- Shorrock, thanks.

And next is Angela Erdrich.

Comment #61
MP-07

MR. SHORROCK: I'm John Shorrock, and I live at Calhoun Isles.

I support totally what Representative Hornstein was saying. There's a micro level; the trains actually stop in the corridor for hours on a time waiting for lights. Gas trains and electric 700-volt wires don't go -- just don't mix, and so the probability of catastrophe is very, very high when the rail is built.

There's also a huge catastrophe possibility during construction, so none of these issues are raised in the SDIS at all. And to us who are living right there, within a few feet of the line, these are very important issues and should be studied to the micro level. Just have the trains standing there for hours, and a gas train leaks gas. You know, they're not perfect; just like gas in the car, it leaks.

So I'm really asking you to look at this in great detail. Thank you.

MR. DUININCK: Thank you very much.

Next is Angela Erdrich followed by Richard Adair.

Comment #62
MP-08

MS. ERDRICH: Hello, my name is Angela Erdrich, and I live in Kenwood. I live about six blocks from where -- from the Kenilworth corridor, so not close enough to hear or see it when the line is built.

But my main interest in this has really been -- stems back to when I moved here in 2009 and someone sent me on an Earth Day clean-up trip, and I went into Cedar Lake park, fell in love with it, feel like it's a really beautiful, special, natural place that is quite unusual to have such a large, expansive, peaceful, green space right in the middle of the city.

I wanted to say I'm a pediatrician; I've always worked in a public health setting. And I want to thank Representative Hornstein for bringing up these safety issues.

And I just want to add one thing about the ethanol trains, is that they are presently -- they travel underneath the Twins stadium, which is amazing to me. Maybe people don't want to look at that, but it's actually happening right now, and it's highly flammable -- or anhydrous ammonia also travels under

there.

From a public health viewpoint, we don't talk about car accidents because -- we try to call them "car crashes" because on a population basis, they're somewhat preventible, and I hope you see your important role in preventing future environmental disaster by planning this to the best of your ability to prevent the -- the problems associated with co-location of these rails running so close together with hazardous material.

I also want to say, as a bleeding heart liberal, you don't often hear these stories about cooperation and sharing and breaking out, but I want to thank Bob Carney, because he's a Republican who, most recently, did an awesome job investigating and tracking down unused money and having it repurposed for -- for the Metro Transit uses.

And he's done a lot for equity to have that money used for immediate needs rather than using it as leverage to enlist people as the face of this program. He's -- what he's done is really going to serve people. He found $30 million that is going to be used for good purposes.

Thank you.

MR. DUININCK: Thank you.

Richard Adair, and next is Amity Foster.

Comment #63
MP-09

MR. ADAIR: My name is Richard Adair; I live in the Bryn Mawr neighborhood in Minneapolis.

And I'm -- I come to the mic this evening to thank the Met Council and the staffers for all the hard work that you put in on creating the SDIS. It's really a big document, and I think the quality of the work is very high.

I'm going to talk about something slightly different, the hazards of not building this line. And I -- I appreciate the concerns that have been raised by many friends of mine who are here this evening, and I think they're legitimate. And particularly the concern about transporting hazardous materials during construction, I can really get that.

But I think we need to take the long view. Starting in 1908, the first Model T Ford came off the production line in Detroit. Since that time, we've gotten used to getting around by car. And part of the reason for that is that we have -- this has been subsidized in an enormous way by the federal government building a huge system of roads and bridges.

Now we're realizing that getting anywhere we want to go using the internal combustion engine is just not going to work; it's going to damage our planet.

And some of us would like to live more compactly and to take transit, and the reason for that is not because it's a trendy lifestyle choice, but because we care about the generations who come after us. And I would urge you to take that perspective.

Thank you.

MR. DUININCK: Thank you very much.

Amity Foster, and next is Mary Pattock.

Comment #64
MP-10

MS. FOSTER: Hello, my name is Amity Foster; I live at 1605 Second Street Northeast in Northeast Minneapolis. I also work at ISAIAH -- ISAIAH, a faith-based community organizing group.

I'm glad that the environmental studies is being done, but part of a healthy environment includes the access to jobs for people in North Minneapolis. I want you to -- I'm here to encourage you to keep the Penn station on the Southwest light rail line. It will give people access to jobs; it will make their community more healthy and more environmentally safe.

I would also encourage you to consider -- to keep thinking about building in the bus lines that we need in North Minneapolis to connect to Penn and to connect to the Southwest light rail so that Minneapolis can get better overall.

Thank you.

MR. DUININCK: Thank you very much.

Next is Mary Pattock, followed by George Puzak.

Comment #65

MP-11

MS. PATTOCK: Thank you. My name is Mary Pattock; I live at 2782 Dean Parkway.

And I want to talk about the noise and vibration issues that we found in the SDEIS. We find it misleading and deficient in several ways. First of all, as Ms. Jacobson pointed out earlier, the whole point of the SDEIS is to evaluate the effects of the changes that have been proposed from 2012 until now.

Therefore, the baseline data should have represented the noise and vibration levels of 2012, which did not include a freight train. But the DEIS -- SDEIS does use freight train noise as its base level, and so it has the effect minimizing and falsely representing how much more noise and vibration there would be now compared to 2012.

Secondly, the SDEIS doesn't measure the impacts on residences closer than 45 feet from the LRT tracks, but the homes most impacted are only 31 feet away. They need attention, too.

Finally, the SDEIS ignores the impact of construction. Last month, impact pile driving on the Tryg site, restaurant site near the West Lake station,

caused serious damage to the Loop Calhoun condominiums and other buildings. There was so much damage that the project had to be halted, and the pilings had to be pulled out since going forward was deemed to be, quote, "catastrophic."

But the pile driving for Southwest LRT tunnel would take place as close and closer to these buildings and others. The SDEIS ignores this problem and gives no hint of what kind of remediation there would -- there should be.

MR. DUININCK: Thank you very much.

Next is George Puzak followed by Susu Jeffrey.

Comment #66

MP-12

MR. PUZAK: Good evening. I'm George Puzak; I live at 1780 Girard Avenue South, Minneapolis.

As I was walking in, I was fortunate to find these earmuffs. And they say Met Council, and I thought, "Great, you'll be able to hear us." And my teenage son reminded me and said, "Dad, just because they can hear you doesn't mean they're listening."

Even if cost surprises and lawsuits don't torpedo Southwest LRT, a fundamental flaw should. Hennepin County's failure to include freight rail in the project's scoping process required by the National Environmental Policy Act, NEPA, scoping is the first

step in the environment -- environmental review. It identifies the issues, alternatives, locations, and modes of transport to be studied in the transit project's environmental impact statement.

But Hennepin County, in both its 2009 scoping report and 2010 locally preferred alternative, failed to include freight rail as part of the Southwest LRT. Five cities then voted on this faulty plan.

Compounding the problem, in the summer of 2014, the Met Council imposed yet another fundamentally different plan. This time, using municipal consent, the five cities supported this, but the plan omitted freight rail from the project. All these decisions were made before the draft and the updated supplemental were in place.

Contrary to law, Met Council has limited the choice of reasonable alternatives and alignments, reduce in costs, studying freight rail in the Supplemental DEIS, and reopening municipal consent are not sufficient remedies.

There are two remedies: One, move freight rail out of the corridor then build your plan that's been studied, or, two, reopen the scoping process and include freight transport in there, and then maybe there will be another alternative.

Thank you.

MR. DUININCK: Thank you.

Next is Susu Jeffrey and followed by Nancy Green.

Comment #67
MP-13

MS. JEFFREY: Chair people, thank you for your time. I'm Susu Jeffrey; I'm speaking today for friends of Coldwater. I do live in the blast zone; I've lived in Bryn Mawr for nearly 30 years.

I remember when this project started with the PR, and it was an equity project. And now that equity has descended into busing people south on Penn Avenue and then east to Royalston -- a proposed Royalston station. With all of the racial problems that we're experiencing lately, I find that a horrible plan, an awful use of language, and I reject that equity argument.

I think that the tunnel with its 55-foot deep solid steel walls along about 2,800 feet is going to really mess up the lakes, and I think we're talking about losing the chain. The last time I swam across Cedar Lake at sunset, I couldn't see my fingernails at the end of my hands.

So what is this really about? It's about development, and with development, we have a choice. Uptown or Hidden Beach? Hmm, come on folks. Uptown is

a venue; it's famous; it's alive. People want to go there, and you want them to go two miles away to Hidden Beach? You are really going to bring in a bunch of people in that housing area in Hidden Beach?

I see that as a real police problem, just as this cantilevered artifice down 900 steps to the Bryn Mawr station at Penn Avenue. I -- it will require full-time security. It's just waiting for people to be hurt, so I say Uptown. Think -- rethink this. Start with Uptown.

Thank you.

MR. DUININCK: Thank you.

Next is Nancy Green followed by Claire Ruebeck.

Comment #68

MP-14 MS. GREEN: I also live in this Calhoun Isles association, and I live in the townhomes, which we are now referring to our area as the pinchpoint. This planned construction of a shallow tunnel scares us, and unfortunately, we have little trust in the process for the following reasons:

The structural aspects of our condo towers are unknown, as they were built a hundred years ago as green terminals, and we do not have blueprints of the foundation to give to the Met Council engineers, despite the hours and hours of searching we have done.

With only 40 percent of the engineering complete, we do not feel there's sufficient studies to provide us, the homeowners, with the needed information to feel safe, confident, as the construction will occur inches, not feet, inches from our homes.

Noise and vibration studies have not been done on our property as we've requested, and we do not feel confident that the current studies accurately reflect what the effect will be on our property and, specifically, the upper floors of that building.

Because we in Calhoun Isles are asked to sacrifice our safety, our current lifestyle, along with two years of construction noise, congestion, and inconvenience, we ask the Met Council and the City of Minneapolis to do at least everything they can within their power to reroute and assure us the needed safety net required.

Thank you.

MR. DUININCK: Thank you.

Next is Claire Ruebeck, followed by Bob Carney.

Comment #69

MP-15

MS. RUEBECK: Hello, I'm Claire Ruebeck, and I live in Minneapolis. And thank you having this hearing today; I think it's important that you do digest what the citizens are saying.

I just want to highlight a couple of things that struck me as I thoroughly studied the SDIS. There are many things I heard tonight that I had intended to say, and so I'm doing my best to not repeat.

The first thing I want to comment on is that the SDIS states that one of three justifications for the need of the Southwest LRT is to develop and maintain a balanced and economical multimodal freight system. I would like further explanation as to why now we have a transit system planned, but the focus -- one of three -- the focus is now to justify a robust freight system. I could not find any further explanation in the SDIS.

New point: The National Transportation's safety board has concluded that ethanol is as dangerous as oil, and ethanol actively runs in that corridor, as we've heard tonight. People don't want to think about it; I don't want to think about it. I live there; it's scary. I imagine you don't want to think about it.

The railroad that hauls it would prefer not to haul it, but federal regulations require they haul it. And there's no stopping it. It's as dangerous as the oil that we're reading about in the newspapers and that Senator Franken just wrote an eloquent essay on, and we need to treat it as such.

And, finally, I was surprised to find in the SDIS that the Met Council has requested the FRA, the Federal Railroad Administration, to advocate its jurisdiction in this corridor where freight rail will remain, and now we will introduce light rail. The FRA must oversee this dangerous situation.

Thank you.

MR. DUININCK: Thank you.

Next is Bob Carney, followed by Sandi Larson.

Comment #70
MP-16
MR. CARNEY: Hi, Bob "Again" Carney, Jr., I'm a registered lab use for We the People, an informal association.

I have been reporting since May 20th on the decision of the legislature to eliminate $30 million that had been appropriated for Southwest Light Rail. The current total for the State right now is $15 million.

I have a video online at YouTube talking briefly with Chair Duininck about this yesterday, and essentially, I asked him, "Where are you going to come up with $300 million?" And that is the 150 State money that's missing, because Speaker Daudt told me at the special session there's no more money coming in from the legislature to Southwest Light Rail. And Chair Kelly, in presenting it to the House, said, "We don't

want to throw good money after that." These are just facts.

Now, you have to clarify that this $300 million includes 150 matching money. Chair Duininck essentially said that, "Well, you know, if that money is not available, we're going to have to try to find it somewhere else."

So I want you all to know we're not three -- $341 million off right now; we're $641 million off. This is a totally unacceptable situation. We need to freeze spending on this thing and go back to the drawing board and to rescope this process and look at alternatives.

There is an additional $67.3 million that has been allocated to be disburse -- dispensed by the CTIB, another $10 million, $400,000 of that has been spent by Hennepin County. There's $67.3 million more that could get spent this year unless we shut this thing down and take a look at it.

And you've got to keep in mind that if this thing keeps going on and we spend more and more and more money, we start arguing that we've spent so much money that we can't stop now. That takes away a reasonable alternative, and the reasonable alternative is no-build, to take a look at other options and

rescope it.

Thank you.

MR. DUININCK: Thank you.

Next is Sandi Larson, followed by Cathy -- and I apologize on the last name -- Deikman or Deilkman.

Comment #71
MP-17

MS. LARSON: Good evening. My name is Sandi Larson, and I live at 2800 Dean Parkway in the blast zone.

As a result of co-location, the current design calls for that south tunnel to run from just south of the Kenilworth lagoon to just north of the Lake Street station. The SDEIS, nor any of the supplemental documents or technical drawings, addresses the fact that there is an existing sewer main that runs and crosses the proposed location of the south tunnel, and that will need to be removed and relocated.

That force main was just installed in 2013, and it runs underneath the railroad tracks and the Kenilworth trail between Depot Street and West 28th Street, which is right next to Parkside and park -- a fourth Minneapolis park.

And the force main consists of a five-foot-wide casing pipe that's the top of the casing pipe is 17-feet below ground level, and the bottom of

the casing pipe is 22-feet below, and then two 18-inch force main sewer pipes run through that.

The south tunnel construction plan indicates the construction pit on the diagram over there to be done to a depth of approximately 35 feet in that very location, and the drawings don't include anything about the existing sewer force main that's there, and it's in the path of the tunnel.

So that force main needs to be relocated and -- and put somewhere else. There are going to be a lot of costs associated with this, removing and relocating it, reengineering lift stations if it has to go deeper below the tunnel, remediations of the park if there is any damage, cost of road work at 28th Street and Depot, cost of potential damage, cost of mitigation, noise, and vibration.

And I'm just requesting that you please be transparent and address this removal and installation -- reinstallation of the sewer force main line in the design of the project as well as all the associated costs.

Thank you.

MR. DUININCK: Thank you very much.

Next is Cathy -- is it -- Deekman (phonetic)? I'm sorry.

MS. DEIKMAN: It's Dikeman (phonetic.)

MR. DUININCK: Deikman. Thank you.

And Stuart Chazin is next.

Comment #72

MP-18

MS. DEIKMAN: I'm a resident of Minneapolis, and others have spoken regarding very important omissions and risks that were not described in the SDEIS, so I'm not going to repeat those.

I'm speaking to you today because of the risk posed to the Minneapolis Chain of Lakes by category issue. I strongly question the land use designation of the Kenilworth channel as category 3. The SDEIS designates the grassy banks of the channel as falling within the most noise-sensitive category, category 1. However, the channel itself is not included in that most sensitive designation, but instead, it's classified as institutional land use.

The SDIS states that the grassy area on the banks of the lagoon fall within category 1 due to the passive and noise-sensitive recreational activities that occur there where quietude is an essential feature of the park.

The designation of category 1 versus 3 for the channel appears to hinge excessively on one word, "passive." However, quietude is equally and very clearly an essential feature of the Kenilworth channel

itself, and everyone knows this. And the activities that occur there, though peaceful, very peaceful, they're not passive, include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on.

Most significantly, the consequences of placing the Kenilworth channel at category 3 is that both the obligation to mitigate impacts is lowered, and the threshold to establish severe impact is higher and harder to reach.

Had the Kenilworth channel been accurately designated at category 1, then the channel would have been only one DBA below severe impact. The difference in obligation on this work project office to mitigate the severe versus moderate impacts is critical.

Thank you.

MR. DUININCK: Thank you.

Stuart Chazin, and next is Jeanette Colby.

Comment #73
MP-19

MR. CHAZIN: Hi. Thank you for having me. My name is Stuart Chazin; I represent the Kenilworth preservation group. Before I go forward, I just want to thank Mark Furman and the staff for doing this difficult work that they have been doing, so thank you.

What I would like to ask is -- I'm confused why we're spending $1.685 billion or $2 billion to do

this -- this line when the numbers aren't there. The governor originally said that he wanted to add the Mitchell Road if this light rail is going to be done, now we're talking about getting rid of the Mitchell Road and maybe one or two other stations. You're talking about getting rid of one or two other stations in Minneapolis -- in North Minneapolis.

If we cut those out, where's the ridership? The purpose of this LRT from day one, from what I understand, is getting people from Minneapolis to Eden Prairie, and Eden Prairie to Minneapolis. But if we're cutting out these three to five stations, the ridership, the numbers, are not there. I'm confused.

Even in your numbers, the new numbers that you have given for the three stations in North Minneapolis, ridership has gone down.

Don't I get three minutes? KPG. "Groups will get three minutes."

Ridership has gone down at those three stations, so, really, there is no ridership in North Minneapolis because they -- there is no residents. They have to take a bus from the other side of 55 to get to the three stations, and so there's nothing there; there's no ridership there.

At the 21st Street station, you're saying

there's 1,500 people that will be riding that every single day. Tell me where they're coming from, Franklin Avenue? They're going to take that bus five miles, three miles, whatever it is, and people from North Minneapolis where you're saying you're trying to benefit them from, there's only 300 at one station, 300 at another station, and approximately 300 at another station? That makes no sense.

There is no ridership at 21st station, and you have it. There is no ridership at the three stations in North Minneapolis. And if you cut out the two stations -- or three stations in Eden Prairie, where does it benefit? You're going to take a bus to the stations? That defeats the purpose.

Why are we spending $1.685 billion of our money for a project that doesn't make sense anymore? I never thought it made sense in the first place why it wasn't going through the Uptown, but it does not make sense now.

I'm in favor of light rail. I'm in favor to go where there are ridership; there isn't. The population is in -- the population of -- it doesn't matter where it is, it's just not where you guys are building it.

I guess I'll leave it at that. Thank you for

your time. Have a good night.

MR. DUININCK: Thank you.

Jeanette Colby and next is Camille Burke.

Comment #74
MP-20

MS. COLBY: Good evening, Chair Duininck and council members.

I want to say that I am incredibly impressed with some of the points that have been raised tonight and the way that they've been raised, and I hope that you all are hearing them and taking good note. I'm going to say -- I'm going to echo some of the things that have been said. And I'm just going to say something a little bit differently, and I hope that you can hear that, too.

The -- the LPA that was selected for this route and approved by all five municipalities was based on the alternatives analysis that said that in order to make way for the LRT, the freight rail needed to be moved. The alternatives analysis was kind of the fundamental document for this project.

We didn't -- that didn't happen; there was a new vote from municipal consent, and this SDIS is supposed to cover those areas that weren't covered in the previous DEIS that was based on the -- on the alternatives analysis.

But what we're doing now is we're taking a

temporary situation that was supposed to go away and making it permanent. We're making -- so in -- in a sense, it's a new project. We're taking something that was supposed to be gone and making it permanent. We're spending hundreds of million -- tens of millions of dollars anyway to do that.

I was just at a meeting yesterday looking at the freight bridge that's going to go over the channel, and that's a big, heavy bridge that's going to cost a lot of money; it's a permanent fixture.

So the SDIS needs to assume a basis of no freight for all impacts, including noise, safety, and visual impacts. And just on the visual impacts, I'm going to speak to a detail here: The SDIS is much different from the DEIS. And the SDIS has the nerve, I'm sorry to say, that there will be not a substantial impact in the area of the Kenilworth corridor where we will have co-location at grade.

The Canton area is the -- the tracks, all the noise and visual mess is considered by a consultant in Colorado looking at Google Earth and some photos as not significant. So I would strongly contest that finding in the DEIS.

But just to reiterate: We need to assume a basis of no freight for all aspects, including noise,

safety, which many other people have spoken to, and visual impacts.

Thank you.

MR. DUININCK: Thank you.

Camille -- Camille Burke followed by Kathy Low.

Comment #75

MP-21 MS. BURKE: Camille Burke; I live at 2400 Thomas Lane. I'm in the blast zone as well.

I have three primary concerns. The first one concerns the freight bridge that's being built. It's my understanding that it will be 50-feet from where the current track is going.

As I walk that path, right now, the track is quite close to homes. I've, in a joking way, say it looks like it's going to be going on someone's deck. I think that that is something that I'm not sure that you really realize, and I would encourage you to walk that and see where that 50-feet, that new freight train track is going to go. It will double the size of the current bridge that's on the channel right now, and that's a very, very large environmental statement.

My second point: This is an old railroad that is an old railroad yard. It is contaminated, contaminated, contaminated, and you all know that. How far down is it contaminated? That's one thing I'm

concerned about: When you dig that 50-foot tunnel, are you going to be disturbing all of that old railroad bad contamination, and is that going to effect our ground water? Is it going to affect the water of Cedar Lake and Lake of the Isles and our whole chain of lakes?

And my third point: The Green Line and the Blue Line, the revenue costs rights now are 30 percent or less of the cost to operate it. What is -- what allowances -- and I learned that from St. Paul Pioneer Press.

What allowances are you planning on to make this financially viable, particularly when it's real clear we're not going to have the ridership? I'm concerned about that because that means I, as the taxpayer, have to do pay that, and I don't want to do that.

Thank you.

MR. DUININCK: Thank you.

Kathy Low followed by Michael Wilson.

Comment #76

MP-22

MS. LOW: Hi, Kathy Low, Minneapolis. Thank, you commissioners and Sophia.

Despite the 2011 report by Hennepin County stating that there was 20 years of understanding that freight rail would be removed from the Kenilworth corridor regardless of LRT or any other project,

despite the City of Minneapolis' stance against co-location, despite your own DEIS conclusion that recommended against co-location, despite the fact that fitting light and freight rail into this narrow corridor will require massive tunnel portals, crash walls, large cement structures and bridges, and removal of vegetation, despite your own conclusion that this plan will have an adverse effect on the lagoon and the Grand Rounds Historic District, despite your legal obligation to avoid or minimize harm under Section 4F law, you make the literally incredible statement in the SDIS that the LPA, with their attention of freight rail in the Kenilworth corridor is the project's environmentally-preferred alternative and would result in less harm to Section 4F protected properties.

I think that most people can recognize that's not credible. Your process has permanently diminished my trust in government.

MR. DUININCK: Next is Michael Wilson, followed by Eric Larsson.

Comment #77

MP-23

MR. WILSON: Good evening -- excuse me -- my name is Michael Wilson; I live at 3439 St. Louis Avenue, and I represent the 57 property owners of Cedar Lake Shores Townhome Association.

One thing I would like to talk about first

is -- the railroad corridor was just brought up a few moments ago -- St. Paul and Pacific Railroad first put railroad tracks through this corridor in 1864. We've had 151 years of heavy freight rail running through this corridor, with the exception of 12 years from 1986 through 1998 when the Twin Cities and Western began running freight again through the -- the Kenilworth corridor on a temporary basis.

So 150 years of running freight through the corridor. I'm concerned about contamination from a railroad of use of that corridor. I'm also very concerned about contamination at the former Cedar Lake yards at the north end of the Kenilworth corridor. You can check your -- your Hill and Lake Press tomorrow for more information on contamination of the Cedar Lake yards that has only began to be touched on in the Supplemental DEIS.

So far, you have done a phase 1 ESA and discovered that there is considerable pollution and ground water contamination, but all the SDIS does is list things that are typically found in former rail yards, typically found in former and -- and active rail corridors, including extensive arsinic poisoning. I'm very concerned that the Supplemental DEIS has only began to touch on these issues.

Second thing I'm concerned about, before I get specifically to the townhomes, is the residents of Cedar Isles deemed neighborhood have been asked to bear a heavy cost for having co-location go through our neighborhood, yet, we are being almost barred from using the West Lake Street station. Your cost cuts, the 50 cost cuts which you have advanced, include eliminating vertical circulation to the West Lake Street station -- no, three minutes.

Okay. Then I'll go on from that to talk about the tunnel which others have done very eloquently. We're talking about vibrating down sheet pilings, which may or may not work, but what I'm concerned about is that this is just humorous to think that you can build that tunnel inches away from the Cedar Isles towers and only a few feet away from the Cedar Lake Shores Townhome Association.

The SDIS does not talk about the ventilating machines that are going to be at either end of the tunnel. They won't be running all the time, but they will be tested. The SDIS does not talk specifically about the piston effect of trains entering the tunnel and pushing air the other direction traveling 45 miles an hour through the tunnel. It doesn't talk about those things which directly affect us in our townhomes.

I learned when I was growing up that when you get it wrong, say so. I think that putting both freight and light rail through the corridor, you've gotten it wrong. I wish you'd go back to the drawing board.

Thank you.

MR. DUININCK: Thank you.

Next is Eric Larsson followed by Doug Peterson.

Comment #78

MP-24

MR. LARSSON: Hello, I'm Eric Larsson of 2440 West 24th Street, also in the blast zone. We are told that the dangers of co-location can be managed, yet the NTSB has been forced to investigate one ethanol explosion per year since 2006. Each time, it finds unpreventable causes that will be exacerbated by this into alignment, and yet the SDIS does not mention these risks or the necessary abatement procedures.

Here is a representative timeline from an event in Cherry Valley, Illinois in 2009. This train departed from an ethanol plant in Tara, Iowa on its way through Illinois with 75 tank cars loaded with over 2 million gallons of denatured fuel ethanol, which is typical of what travels through the Kenilworth.

A half hour earlier, the train dispatcher had received two weather reports warning of severe flash

flooding, yet he did not advise the train crew as per the manual of the railroad. At 7:16, the train crew requested and received clearance to proceed into Illinois, still receiving no warning of the weather.

At 7:35, the first of several citizens started calling 911 warning of the washing out of the tracks. At 8:16, the 911 center began calling the emergency call center for the railroad, and the call center, in turn, started making repeated calls to the local train dispatcher, whose phone was busy.

At 8:17, when the train was 30 miles from the wash-out, they again requested a proceed signal, which they received with no weather warning. When the train did cross the wash-out, the -- both the engineer and conductor were sitting in front, did not see the wash-out. The only reason they knew that it happened was because the automatic brakes were applied. They had to get out and walk back 58 cars to see the explosion.

They also were not warned that there was an underground natural gas pipeline, and they were not warned that the -- and the investigators, sorry, were not warned of what the contents of the train were until three hours later.

Thank you.

MR. DUININCK: Thank you.

Next is Doug Peterson, followed by Arlene -- I apologize, I can't spell the last name. It starts with an "F," I believe.

Comment #79

MP-25 MR. PETERSON: My name is Doug Peterson; 3315 St. Paul Avenue. I'm a cack (phonetic) representative of CIDNA. I've got two concerns which -- I've got lots and lots of concerns, but most of them have been approached by other speakers.

One of the concerns is the sewer line that has gone from Depot Street to twenty -- 28th Avenue that was put in in 2013. I talked to the head of the -- or at least the PR person for that particular project. This was a Met Council project.

And I asked him how deep that was going to be and what was going to be happening in the event that there was going to be a tunnel in there, and he said, "Well, there's -- the top of it would be 27 feet below the surface, and it would be able to be" -- I've got three minutes; cack (phonetic) representative from CIDNA.

The person from the Met Council, the PR person, said that things could be taken care of; it could be raised or lowered, or whatever. At that same time in January or February in 2013, I talked to Mark

Furman. He wasn't aware of any possibility of any shallow tunnel or any other kind of a tunnel.

Now, as was stated earlier, there was nothing in the SDIS about the sewer and what's going to happen. There has been talk amongst -- or from some representatives of the State or the -- the council that they don't know whether or not the tunnel is going to go above the sewer or below the sewer.

I'm concerned that the engineers are going to wait until they get up close to that and then find out, "Oh, boy, this is going to cost a whole lot of money. Maybe we better run just right on top, co-location."

The other concern that I have is the pile driving and the retaining walls that are going to be going into the corridor there by -- by my house. The Tryg restaurant teardown and Trammell Crow installation of -- or construction of a new building there was stopped because of the damage done by pile driving to nearby buildings.

We've got -- our neighbors are four feet away from the tunnel. There's going to be pile driving. There's going to be retaining walls. Has any of that been considered, and has anybody talked to Trammell Crow about what the problems are going to be and what the costs are going to be and what the resolutions are

going to be?

I'm concerned that this is going to be one more bait-and-switch type of thing where you finally get to that area, and you say, "Oh, this is too expensive. We're going to have to have co-location here, too."

Thank you.

MR. DUININCK: Thank you.

Next is Arlene Fried followed by Mathews Hollinshead.

Comment #80

MP-26

MS. FRIED: My name is Arlene Fried. I live in south Bryn Mawr, and I have rollerbladed along the trail; that's one of my relationships with the trail. I'm also a co-founder of an organization called Park Watch, which has been around for about 10 years now, and we can meet concerns about park board issues. We have a wonderful new superintendent; however, we did not when we started.

I have multiple reservations about Southwest LRT and also about the construction process. Many of these have been mentioned here already, so I don't have to mention them. So I'll just say I want to mention a special concern about the negative effects of dewatering on Cedar Lake.

Thank you.

MR. DUININCK: Thank you.

Mathews Hollinshead followed by Captain Jack Sparrow.

Comment #81

MP-27 MR. HOLLINSHEAD: I'm Mathews Hollinshead; I live in St. Paul. I'm also a conservation chair this year for North Star Chapter, but I'm speaking personally tonight.

If you take $5,000, which is a very conservative estimate, of the cost of maintaining a car for one year -- I've seen studies that say $9,000 is a better average estimate -- multiply it by perhaps 500,000 motor vehicles in the Twin Cities, you get $2.5 billion per year for rolling stock alone for our highway system for individual drivers who own motor cars.

The entire budget of this stance now at $1.9 billion, and it's at least a 50-year life cycle, I would suggest to those who argue about the money that we get rid of some highways and get rid of some of the expense forced on people who drive who have no choice but to spend this $5,000 or $9,000 or whatever it is per year on their cars to get to jobs, to get to hospitals, to get to daycare, to get to grocery stores. The Twin Cities made a tragic mistake in past decades getting rid of a rail transit system and not building a

new one.

I would also like to say something on oil trains and ethanol trains. I agree, they shouldn't be in our cities. They shouldn't be on this line. I hope the Met Council can acquire some power over freight rail lines.

It's high time that we, like other advanced countries, did our own control planning and regulation of these privatized transportation companies which don't operate the same way in other developed countries.

I'll submit the rest of my comments in writing. Thank you.

MR. DUININCK: Thank you very much.

Up next is Captain Jack Sparrow; second -- followed by Sally Rousse.

Comment #82

MP-28 CAPTAIN JACK SPARROW: Hey, I'm Captain Jack Sparrow; I live at 3522 Bloomington Avenue South, and I'm a candidate for State Senate, District 62.

At the last municipal consent hearing, I referred to SWLRT as a billion-dollar boondoggle, but that was really wrong. It's really -- to do it right, it's going to be a multi-billion-dollar boondoggle, made cheaper by eliminating certain stations that were used in the argument that we're going to be providing

equity for people.

But if we're going to be eliminating stations, if we're going to be making involvement shorter than it was before, I think we're taking away many of the benefits to -- to people.

The flaws of the SDEIS are obvious. The internal analysis says that the south -- Southwest connects with the Blue Line. It connects with the Green Line. How much did you pay for this study?

I listened to a recorded interview with the president of the western -- Twin Cities & Western Railroad, and I'm going to talk about the ethanol and the oil and other chemicals that are being hauled. But according to Mr. Wegner, any chemical can be hauled on this -- on this -- on this railroad; it's required by federal law. They may not want to haul, it but they have to.

Chlorine -- and chlorine, of course, was used as a -- a poisonous gas in World War I, and more recently, in Iraq. So I think we have to be concerned about all the chemicals that might possibly, potentially be transported along that route.

Another point I wanted to make is it turns out that the Green Line was built more with development in mind than with actual ridership and efficiency and

speed. Now, it turns out that people can ride a bicycle faster than they can travel down the Green Line -- on the Green Line. And so I think it's important that we not -- thank you.

MR. DUININCK: Next is Sally Rousse -- Roose (phonetic), sorry if I'm mispronouncing that -- followed by Peter Wagenius.

Comment #83
MP-29

MS. ROUSSE: Hi, I'm Sally Rousse; I live in Bryn Mawr.

I want you to return to the drawing board. I think this route was number 29. I'd like you to at least look at the other ones.

And two main points to make: One, it's unsafe to the environment, the water and the soil; that was made clear. It's unsafe to the people in cars and skis and bikes and on foot.

The railroad -- last time I was at one of these meetings, the railroad announced they were changing the safety distance. It was 24-feet, and, boom, it was 12-feet. Suddenly, it was 12-feet, like, a train could tip over, and it would be okay if it was only 12-feet from another anything; it used to be 24.

Number two, abating these unsafe, unhealthy issues, will be prohibitively expensive, and I think you know that. And I hope that you are looking at

other routes, the other 28 routes that were considered before this one, parallel to your considering costs for this one.

I agree with the thousands of others who reject co-location. A tunnel is still co-location, and we demand that you return to looking at other routes.

I also, since I have a little bit of time left, want to just -- 60 -- 30 seconds left, just want to say that when you refer to the bike path and the people who use it, it's really condescending to only call it recreational. For a lot of people, this is essential to how they get to work, and that should be folded into it.

Thank you.

MR. DUININCK: Thank you.

Next is Peter Wagenius, and he's the last one to have signed up.

Comment #84

MP-30 MR. WAGENIUS: Thank you, Mr. Chair, and thank you Met Council members for your willingness to hold this hearing. Mayor Hodges -- I work for Mayor Hodges, and -- and she would like to extend her thanks to everybody here, the citizens present for their remarkable politeness and thoughtful comments in the face of this project's transformation from what it was premised to be into a totally different project than it

is today.

I will share this experience with Mayor Hodges as a refreshing tonic compared to the collective amnesia which permeates the conversation that takes place at the Corridor Management Committee.

At the CMC, they are saying it is time now for the burdens of this cost-cutting to be shared equitably among the five cities along the line, as if the burdens of this project have been shared equitably up to this point.

At those meetings, there is no recognition whatsoever that the burden of freight fell 100 percent on one city. At those meetings, there was no recognition that this project was planned to be and promised to be totally different than it is today with freight relocated from the corridor. This is beyond dispute. Whether or not St. Louis Park acknowledges their -- their promise, the fact that Hennepin County promised to reroute the freight is not disputed.

Mr. Colby and Mr. Puzak -- Ms. Colby and Mr. Puzak are absolutely right about their origin, the root cause of all these challenges. Southwest LRT has been a project devoid of accountability.

Why did the federal government have to force the project to incorporate freight issue into the

project's scope and budget? Did anyone ever think there was going to be a solution to the freight problem which was free, which did not cost money? How much more has it cost the project and the residents of Minneapolis because the first issue wasn't dealt with 5, 10, 15, 17 years ago?

If neither of the government agencies responsible for this situation are willing to tell the community, "Let the City of Minneapolis do it," you are right to be angry and frustrated. You are right, and your politeness in the face of this is entirely amazing. This is the opposite of what you were told this project was going to be.

So if no one else can say it, I'm sorry.

MR. DUININCK: Thank you -- thank you, Peter, and thanks, everyone. With that, the public hearing is done for the evening, so thanks, everyone, for being here. We really appreciate the feedback. We'll be hanging around afterwards if you want to talk with us about this project. Thanks. Bye.

(Proceedings concluded at 7:25 p.m.)

STATE OF MINNESOTA)
: ss CERTIFICATE
COUNTY OF ANOKA)

BE IT KNOWN that I, Rebekah J. Bishop, took the foregoing transcript of proceedings;

That the foregoing transcript of proceedings is a true record of the testimony given;

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That the cost of the original has been charged to the party who noticed the transcript of proceedings, and that all parties who ordered copies have been charged at the same rate for such copies;

WITNESS MY HAND AND SEAL this 25th day of June, 2015.

_____
Rebekah J. Bishop, RPR, CRR
Notary Public
My Commission Expires 1/31/2020

In re: Public Hearings on Southwest Green Line LRT Extension

TRANSCRIPT OF PROCEEDINGS

The following is the transcript of proceedings, taken before Rebekah J. Bishop, Notary Public, Registered Professional Reporter, Certified Realtime Reporter, at the Eden Prairie City Hall, 8080 Mitchell Road, Eden Prairie, Minnesota 55344, commencing at 6:03 p.m. on June 17, 2015.

A P P E A R A N C E S

Metropolitan Council:

Adam Duininck
Jennifer Munt
Steve Chavez
Deb Barber
Gary Cunningham

P R O C E E D I N G S

MR. DUININCK: The room got quiet; that must mean it's time to start. Good evening, everyone. Welcome. Thanks a lot for being here.

Welcome, this is a hearing on the supplemental DEIS being held by the Metropolitan Council, by myself, Adam Duininck, and a bunch of council members which I'm glad to introduce:

Good evening, Jennifer Munt, who has been very active on this corridor on the CAC -- she coaches the CAC, the Citizens' Advisory Committee; Council Member Deb Barber from Scott and Carver County, most of -- both of those counties; and Council Member Gary Cunningham, who represents Minneapolis and a couple of communities just north and west of Minneapolis.

So, good evening. Before we get to the more formal part of the program to take testimony and everything from the folks that have signed up, we're going to have a quick presentation from Nani Jacobson from the project office.

(Per request, presentation not reported.)

MR. DUININCK: All right. Thank you, Nani. Thanks for the presentation.

Before we get started, I just want to recognize a few other folks who have joined us: One,

Council Member, Steve Chavez, from Dakota County, and Hennepin County Commissioner, Jan Callison. Thanks a lot for being here, Jan, and for all your work on this project.

Before we get started, I just want to just mention a few, kind of, ground rules here. Tonight is focused on the draft DEIS. There might be questions -- other questions related to the project, certainly, with what's been in the news for the last couple months. Please feel free to talk to our project office staff about that and the council members and myself about that after the meeting, but for the purpose of the public hearing, it's to -- to comment specifically on the supplemental draft environmental impact statement.

Individuals will have up to two minutes to give their presentation; groups up to three minutes. And I just ask that you state your name and address for the record. I'll do my best to read the handwriting and pronounce your name, so hopefully I -- as somebody who has his name routinely butchered, I'll try to do my best to pronounce everyone's names.

And I also just want to remind everyone that if you're not interested in speaking tonight, you have other ways to comment via e-mail and mail and certainly with registering your comments with us here tonight in

person. We did extend the public comment period 15 days to July 21st, so there still is just about a month -- a little bit over a month to give comment.

So with that, we'll begin going through the names. We've only had five people sign up tonight. So I'm not going to be too strict of an enforcer on the time, but we do want to respect everyone else's time here who is here tonight.

Comment #85
EP-01

So, first, we will hear from Bob Carney.

MR. CARNEY: Thank you.

MR. DUININCK: You ready?

MR. CARNEY: Oh, yeah.

Bob "Again" Carney, Jr., Minneapolis, Minnesota, 4232 Colfax Avenue South. Just by way of disclosure, I'm a registered lobbyist for "We the People," an informal association. I spoke yesterday.

Very briefly, first of all, the draft -- the Supplemental Draft Environmental Impact Statement, Section 5.2 says, "Remaining funding is assumed to come from . . . the State, 10 percent."

Now, as -- as many know, at this point, the State legislature cancelled $30 million in appropriation from 2013 for Southwest Light Rail. That brings the total the State has put in to about $15 million.

The current plan, as I understand it, is to try to cut back from $2 billion to $1.65 billion. Ten percent of $1.65 billion is $165 million, so the State is $150 million short at this point.

I talked with Speaker Daudt at the special session. I asked him, "Is there any chance of the legislature putting more money into Southwest Light Rail next year?" He said, "No."

So unless money comes from somewhere else -- and my understanding is CTIB said they're not going to go anywhere above 1.65; I don't know what Hennepin County has said. Unless money comes from somewhere else, there is a $300 million shortfall in the dollars available for the project.

In addition, I'm very concerned about the idea of continuing to spend to get to the point where you say, "Well, we have to do it now because we've spent so much."

Now, the current reported number has been $59 million spent so far, but I have an e-mail from a project engineer at Hennepin County who is working on this. I asked him what the current spending for the railroad authority has been, and he said $34 million. The number that I have from Met Council is $10.9 million.

I'm showing, actually, the total spending is closer to $90 million, but my real concern is that when you look at the amount that is scheduled to be disbursed from CTIB this year and the amount that is budgeted for Hennepin County and has not yet been spent, we're looking at an additional $67.3 million.

My real concern is that a very hard look needs to be taken at whether we should simply freeze spending at this point. This project is in such deep trouble. It has been cut already so substantially in terms of threatening viability, and now the money available is -- is in such doubt that we simply need to stop and take a look at whether we should simply put a freeze and go back to the drawing board.

Thank you.

MR. DUININCK: Thank you.

Comment #86 The next speaker is Melitta Mayer.

EP-02

MS. MAYER: Hi, I'm a resident of Eden Prairie, and I live at 13175 Spencer Sweet Pea Lane.

I am just going to keep this very short and sweet. I am totally against the LRT project. I think it's horribly costly, overly expensive, and we have a great bus system. The Southwest bus system should be expanded, made bigger and better. It's already in place; there's nothing wrong with it. Why can't we

just expand that and take whatever remaining money there is, fix our roads and our bridges?

That's all I want to say. Thank you.

MR. DUININCK: All right. Thank you for your comments.

Next speaker is Nancy Arieta.

Comment #87
EP-03

MS. ARIETA: You want me real close?

MR. DUININCK: Yes, that would be great. Thanks.

MS. ARIETA: Thanks, everybody, for doing the hard work. I appreciate the task; I don't appreciate light rail. There's a lot of misgivings that I have; one thing, in particular, is the cost. And I agree with the last speaker, our bus system is fantastic. I'm always in favor of that.

I also want to say the cost is horrendous, and because we're being pushed by the knowledge of federal dollars, and if we don't do this and we don't do that, I hope I'm correct in saying that there's a push and a shove behind all this.

As I understand, from what I heard speaking to people, too, a lot of it was an agreement with United Health that pulled a lot of this together, and I didn't -- I didn't like that idea very much on that.

Making us go forward with something may not

be the best thing. Progress is not always good. As a matter of fact, progress can also create a whole bunch more dilemmas. I see the accidents happening on University, the accidents on Hiawatha. I drive the Hiawatha area frequently, and I see -- I just see the mess that occurs a lot, and traffic tie-ups, snarls, people being in -- in danger by trying to scurry across things.

Anyway, I'm not for the light rail. My son disagrees with me, but that's okay.

Thank you for hearing me.

MR. DUININCK: Thank you. Thank you very much.

Comment #88 The next person is Ellen --

EP-04

MS. HOERLE: Hoerle.

MR. DUININCK: Hoerle. Thank you.

MS. HOERLE: Well, I wasn't sure what I was going to speak about, and I still am not, so -- but I'm here to support; I'm sorry. I am so thankful for you guys, and I'm so thankful for this project. And I don't commute, but I -- every time I try to get downtown in the evening, and any time of day, anywhere, it's a nightmare, and it's an hour to get downtown.

One day I -- okay. So we have two representatives; we have David Hann, and we have

Jenifer Loon. And both of them have been opposed to any money, one penny being spent on light rail.

And after they had -- was it last year we had a primary -- Republican Jennifer Loon was all about -- wonderful about how she supported the intersection of -- the improvements of 494 and 169. And I had to go downtown at about 5:00 in the afternoon, and as soon as I went through that brand-new intersection, I ran into a parking lot, because I was headed east on 494. It took me an hour to get to downtown.

If my -- if I -- we had Southwest Light Rail, my person I was picking up, he could have taken it from the bus. And he could have taken it all the way out to Eden Prairie, and I would have never had to go anywhere. I spent an hour getting there and an hour back. That's an hour of my time and my gas and everything else.

It requires private investment on my part to purchase a car to -- and that's what people don't understand. They say, "Oh, the cost is so high," but that's -- but you're getting a system. You're getting a system where you can sit in a seat, and you can take from Eden Prairie and go all the way to St. Paul. And you can sit there and -- and do whatever you want, so -- instead of having to spite traffic and, you know,

ruin the environment and everything else.

So I am so supportive of this project, and so I had -- once I heard everyone was against it, I'm like, "I'm going to get up and speak."

The other thing is it's just so good for everybody -- I mean, for this community. And it's just going to create so many more options for people to get out of this community in the evening and then for people to come -- come here, you know, in the evening and all of the wonderful things I've been -- you know, with the Green Line and how the ridership is well beyond projections.

I'm just -- I'm just here to support. So, you've got my name, and so -- I live in Eden Prairie, too. I forgot to say that part.

MR. DUININCK: Thank you. Thank you very much for your comments.

Yeah, just a reminder, if you'd state your name and address for the record.

Comment #89 Next is Joseph Lange [sic].

EP-05

MR. LAMPE: Lampe, L-A-M-P-E.

MR. DUININCK: Oh, M-P. I'm sorry.

MR. LAMPE: I may not have printed that clearly.

MR. DUININCK: No problem.

MR. LAMPE: I'm here to try to save the project.

MR. DUININCK: All right. Thank you.

MR. LAMPE: I have a 60-page submission of exhibits. You will get one by mail. I didn't think to bring yours; I wasn't sure you'd be here tonight. But I can turn in this unaddressed blank.

This is quite a dramatic change to the project, but it will save a lot of money and provide a very superior experience for Eden Prairie. In terms of environment impacts, think about no vibration or acoustic noise, no buried cable ducts, no at-grade street crossings or trail crossings, no pilings or retaining walls --

AUDIENCE MEMBER: He's not -- I -- we don't hear him.

MR. LAMPE: You're not hearing?

MR. DUININCK: A little closer, please.

MR. LAMPE: This thing is aimed low. I'll try to kiss it; is that better?

AUDIENCE MEMBER: Yes.

MR. LAMPE: Thank you. These are all environmental improvements that would result from the plan that I'm turning in. No at-grade street or trail crossings, no pilings or retaining walls, no overhead

power catenary, no traction power substations, no ongoing track and switch maintenance, no replacement of poorly-compacted soils, no relocation of freight rail, minimal utility relocations, almost no land acquisition, trivial wetlands impacts and mitigation, and minimal tree and brush removal.

It would take an hour to go through the presentation and PowerPoint. I can't do that; you're going to have to read the material.

Thank you.

MR. DUININCK: Thank you very much.

And the last person we have signed up so far is Frank Lorenz.

Comment #90

EP-06

MR. LORENZ: Frank Lorenz; I live in Edina, Minnesota.

I'm very much against light rail, in general, and the SWLRT, in particular. One of the hidden costs, regardless of whether you're going to be able to reduce costs by $341 million or not is what's going to follow on as you start to make land acquisitions and actually build the project.

I've attended a number of hearings, both at the Metropolitan Council's committee meetings and at the Hennepin County Board meetings. And I've watched the biggest lawyers in town in their $3,000 Italian

silk suits waddle to the podium and make, essentially, the same statements, "Although my clients are not categorically opposed to the alignment," which means the route, "At this time, we reserve the right to" -- and then they mumble something about a diminution of value because of noise, access to their property, or whatever, and then they sit down.

They have set their hook. It's well-known that the wealthy, politically connected residents in the Kenilworth corridor don't want light rail, and they either are the biggest lawyers in town or have brunch with them every Sunday.

So when you start to build this project, there are going to be two of the most powerful groups in the metro area with the deepest pockets, and they are going to sue Met Council. And they are going to win those lawsuits, and the residents in the Kenilworth area will be given awards of about $300 million because their $2 million houses will be worth only a million dollars.

The other commercial property owners, apartment buildings, office buildings, retail buildings, will sue you for half a billion dollars, and they will win those lawsuits because the case law is perfectly clear. And so you can forget about the

$341 million problem that you say you have. Now, excuse me, there are no problems in elitist Minnesota; there are only challenges, so excuse me, the $341 million challenge.

When you get done with this a couple years later, you're going to be on the hook for $800 million, and no penny of that will come from the federal government. They aren't going to share your mistakes. So the 900-pound gorilla at the end of the line, wherever that ends up being, is going to be these lawsuits. And you're going to lose them all, and then the taxpayers of Minnesota are going to have to pay every penny of this.

The other thing is that people in north Minneapolis are being sold a complete bill of goods that there are these huge, unfilled numbers of jobs in Eden Prairie or the much-vaulted golden triangle, and if only they can get quick access from north Minneapolis to the western suburbs, their jobs problems will be solved.

That's not true for two reasons: There is an outpost of more than 9,500 recent immigrants to Minnesota that live in supported housing in Eden Prairie. There's no shortage of unskilled labor or low-skilled labor in the area. The residents of

Minneap-- North Minneapolis who unarguably need better jobs are not going to find them at the end of the line of SWLRT.

So this is a -- this is a bad idea. You have a very good S -- Southwest bus system. You should use it; you should let them buy double decker buses which will cut the cost of operations in half. You should encourage them to run on the shoulders of the roads.

But this is -- this is a project driven only by the greed and egos of the elitist people who run the unelected government called Met Council.

MR. DUININCK: All right. Thank you, Mr. Lorenz.

There are no others who have currently signed up, but in case anyone has joined us that is interested in testifying, I'll just open it up for a moment; otherwise, we will conclude our public hearing for the evening.

Thanks, everyone, for being here. I think I'll just reiterate a couple points: One, thank you for your testimony. It all informs the public record which will be addressed in the final DEIS, hopefully, approximately a year from now, and if you have any other additional substantive comments, you can leave them via e-mail or via mail. We can provide you all

with that information.

So thanks again for being here, and I'm sure those of us in the front room and the folks in the project office will stick around for a little bit. So thanks again for coming. Have a good night.

(Proceedings concluded at 6:32 p.m.)

STATE OF MINNESOTA)
: ss CERTIFICATE
COUNTY OF ANOKA)

BE IT KNOWN that I, Rebekah J. Bishop, took the foregoing transcript of proceedings;

That the foregoing transcript of proceedings is a true record of the testimony given;

That I am not related to any of the parties hereto, nor an employee of them, nor interested in the outcome of the action;

That the cost of the original has been charged to the party who noticed the transcript of proceedings, and that all parties who ordered copies have been charged at the same rate for such copies;

WITNESS MY HAND AND SEAL this 25th day of June, 2015.

_____
Rebekah J. Bishop, RPR, CRR
Notary Public
My Commission Expires 1/31/2020

In re:	)
Public Hearings on Southwest Green Line LRT Extension	)

TRANSCRIPT OF PROCEEDINGS

The following is the transcript of proceedings, taken before Rebekah J. Bishop, Notary Public, Registered Professional Reporter, Certified Realtime Reporter, at the Hopkins Center for the Arts, 1111 Mainstreet, Hopkins, Minnesota 55343, commencing at 6:04 p.m. on Tuesday, June 16, 2015.

A P P E A R A N C E S

Metropolitan Council:

Jennifer Munt
Edward Reynoso
Steve Elkins

P R O C E E D I N G S

MS. MUNT: Hello, everybody. Welcome to the public hearing on the supplemental draft environmental impact statement for Southwest Light Rail Transit. This hearing is being hosted by the Metropolitan Council, and today, we have myself, Jennifer Munt, I'm a Met Council member; my colleague, Edward Reynoso, at the end of the table; and Steve Elkins to my other side. This is Sophia Ginis, and she's going to be our timekeeper tonight.

If you'd like to testify, please make sure you've signed up on the sign-in sheet located at the sign-in desk outside the door. We'll call you in in the order that you signed up. This is an opportunity to provide your input to the Met Council, and our job today as council members is to be listening.

The intent of these hearings is to listen to your comments on the Southwest Light Rail Transit DEIS. I understand that many of you may have questions on the project due to the current cost estimates, but tonight we really want to focus on comments about the supplemental DEIS.

We will not be responding to questions at this meeting, but recording your comments. Individuals will have up to two minutes, groups up to three

minutes. I ask that you state your name and address for the record. If you're representing a group, please identify the group as well as your name and -- and your address.

We'll let you know when you have one minute 30 seconds and when your time is up. Sophia here has got signs that she will show to you. To ensure that everyone that wants to speak has an opportunity, I ask that you respect the time limits and refrain from applauding or cheering during the public hearing.

To help expedite the process, I'll call three names at a time. If you're the second and third names, please come forward so that you'll be ready to speak as soon as the other person is done.

Before we begin taking public testimony tonight, Nani Jacobson, who is the assistant director of Environmental and Agreements at the Southwest Project Office, she'll give us a 10 to 12 minute overview of the supplemental DEIS. Welcome, Nani. She's got a presentation right behind me.

(Per request, presentation not reported.)

MS. MUNT: Thank you, Nani.

I want to first recognize two elected officials who have joined us tonight, Hennepin County Commissioner Jan Callison and Hopkins City Councilman

Gadd. They are both here to hear your comments.

Tonight we have got only two people signed up to testify. First is Bob Carney, and second is Stuart Nolan.

Comment #91 Bob?

HP-01 MR. CARNEY: Hi, I'm just curious: Are they still on that -- still two-minute rule?

MS. MUNT: Two minutes.

MR. CARNEY: Two minutes. Okay. I guess this is the two-minute warning.

The State has cancelled $30 million that had been appropriated for Southwest Light Rail. The total that the State has appropriated so far now is down to $15 million. The supplemental -- the impact statement says in section 5.2, "Remaining funding is assumed to come from," and then dot, dot, dot, "the State (10 percent)."

Now, you're talking about trying to cut back to a $1.65 billion budget; right now, it's at $2 billion. That's $165 million for the State's 10 percent. And they've contributed $15 million, so there's 150 missing -- $150 million missing.

I talked to Speaker Daudt at the special session and asked him, "Is there any chance that the legislature next year is going to put any more money

into Southwest Light Rail?" He said, "No." I asked him, "Is that on the record or off the record?" He said, "I don't care."

So you need to realize that there is a $300 million shortfall in the amount of money that you think is coming into this program. That's $150 million that the State is not going to do and another $150 million in federal match.

Now, the current reports show $59 million being spent on it. I've got an e-mail from a Hennepin County project engineer who says that Hennepin County Railroad has put $34 million into it; their numbers show $10.9 million. I'm showing about $90 million that has been put in so far. I'm showing another sixty -- $67.3 million scheduled to be disbursed or budgeted by Hennepin County Railroad or CTIB for the rest of the year.

This is just an outrageous process. The real issue is we've got to freeze this thing before more money is spent.

Thank you.

Comment #92

MS. MUNT: Next speaker is Stuart Nolan.

HP-02

MR. NOLAN: Don't start the clock yet. I haven't said a word. Can you pass those down, please?

Excuse me, I'm Stuart Nolan, Stuart

Companies. Among others, we own just about 500 rental housing units on either side of Hopkins and Minnetonka -- and the City of Minnetonka. As -- as the route comes south over the tracks, our properties begin and extend south on either side (inaudible) Smetana.

We object to that route through the middle of our properties and uprooting the lives of over a thousand of our residences. And it damage -- the damage to the environment, I won't harp on it, is considerable with our wetlands and our wildlife and -- and trail.

We propose an alternate. Instead of going through where the yellow is on the map I gave you, we propose -- and this is -- this is a problem for some people; to us, it makes a lot of sense. If the train came up Excelsior Boulevard and turned south at 11th Street instead of going up to 17th, and it connects to the same point south where you can see.

When it does, it decreases the cost of the train because it's -- it's shortening the route by 2100 and some feet; it reduces the travel time; it reduces the impact to the environment; and it eliminates the problem with the Hopkins Maintenance Facility because it doesn't go up to 17th, it turns at 11th.

It's a straight route. It saves money, the

environment, the maintenance facility, travel time, and I think it deserves consideration and not just shoveled under the map -- map because this is what some people decided to push.

And I made it in two minutes.

MS. MUNT: Folks, is there anybody else who would like to testify tonight? We've got two minutes for individuals, three minutes for groups.

HP-03 Comment #93

AUDIENCE MEMBER: I have a question: What is the total expenditure on Southwest Light Rail Transit planning to this point?

MS. MUNT: Sam, could you help the lady with an answer?

MS. O'CONNELL: Sure.

MS. MUNT: Thank you.

MS. O'CONNELL: So she asked in the group. I don't know if you know right now, it's been about $62 million for the planning that we've been doing on the engineering and the environmental study. So our staff would be happy to answer any questions that you have. We still have a lot of folks that are back in the open house, so --

AUDIENCE MEMBER: Are you talking about consultant fees or staff? Does that include staff?

MS. O'CONNELL: (Nods head.)

AUDIENCE MEMBER: So $62 million?

MS. MUNT: Folks, I'd also like to acknowledge Mayor Gene Maxwell from the City of Hopkins.

Anybody else want to testify? I think this is the one of shortest public hearings we've ever had. Well, I think what we'll do, folks, is folks at the table will stick around for another 15 minutes; our staff will stick around outside in the hall until 6:30. If anybody changes their mind, we'll be right here to hear your testimony.

HP-04
Comment #94

AUDIENCE MEMBER: As long as we're here.

MS. MUNT: Please.

AUDIENCE MEMBER: I just have a question about the Kenilworth tunnel. I thought that that was cancelled, and they were going to go over that track?

MS. MUNT: Folks, we've got questions about the Kenilworth trail. Can Nani help explain that?

AUDIENCE MEMBER: I just thought I heard on the news that the tunnel was cancelled and that it would end up being an overhead rail, still using the same track, just overhead.

MS. JACOBSON: Sure, I'll respond to that. With respect to the document, in Section 3.4, it does identify a tunnel in the Kenilworth. And that's still

part of the current project, so we would welcome any comments on the design in that line that does include a tunnel in the Kenilworth.

AUDIENCE MEMBER: So what I heard on the news is wrong?

MS. JACOBSON: I mean, the project is -- I'll be happy to take you out in the lobby and show you that particular section on that.

AUDIENCE MEMBER: I -- I guess I have another question. How much -- what soft soil, sandy stuff for what percentage of the line? Because I know there's some in Eden Prairie and there's some in Minneapolis, and certainly, there's some in Hopkins.

MS. MUNT: Nani, can you speak to the -- the wet soil that may be encountered in both Eden Prairie and in Hopkins?

AUDIENCE MEMBER: And Minneapolis.

MS. MUNT: And Minneapolis.

MS. JACOBSON: Certainly. We do have the -- we do have pretty minimal wetland packs in the three areas that we have identified in SDEIS. I would actually -- we have a board out there; it's at the end of the hall. That's going to be the best way to answer your question, and if there's not a staff person out there, I can certainly come out and show you what --

where those wetlands are.

AUDIENCE MEMBER: I saw that. I just wondered what percentage -- I know that the area of the Kenilworth trail was not just wetland; it was a lake. It was -- so it's filled in. Seems -- seems that the land that's left is wetland. So, I mean, how much soil stabilization?

MS. JACOBSON: There's a small amount of wetland in that area, but not the -- not that much. I think it's less than -- less than an acre along that Kenilworth area. So we look -- we do a very thorough analysis in the field, surveys to document the vegetation and the wetland coverage. So we've done that for the entire --

MS. MUNT: Anyone else wants to testify? Okay. I have got us, right now, at 6:30. We'll hang out here until 6:45, and if anybody changes their mind, just step to the microphone. Let us know your name and your address and the group you represent, if you're here on behalf of a group.

(Proceedings concluded at 6:28 p.m.)

STATE OF MINNESOTA)
: ss CERTIFICATE
COUNTY OF ANOKA)

BE IT KNOWN that I, Rebekah J. Bishop, took the foregoing transcript of proceedings;

That the foregoing transcript of proceedings is a true record of the testimony given;

That I am not related to any of the parties hereto, nor an employee of them, nor interested in the outcome of the action;

That the cost of the original has been charged to the party who noticed the transcript of proceedings, and that all parties who ordered copies have been charged at the same rate for such copies;

WITNESS MY HAND AND SEAL this 23rd day of June, 2015.

_____
Rebekah J. Bishop, RPR, CRR
Notary Public
My Commission Expires 1/31/2020

Comment #95

Comment Card

SOUTHWEST
Green Line LRT Extension

Date 18 JUNE 15

Comment: TO MARK FUHRMANN.

(1) WHY AT A COST OF $20M FOR A RAPID BUS FROM EDEN PRARIE WOULD YOUR SPEND $200M (20N) ON A RAIL SYSTEM. ALL THIS PROVES IS THAT STEEL WHEELS ARE NOT AFFORDABLE OVER RUBBER?

(2) WHY WOULD ~~DO~~ PEOPLE ONLY RIDE RAIL AND NOT BUSES ON THIS ROUTE?

MARK FUHRMANN

3) QUESTIONS FROM MARK FUHRMANN RESULTS FROM REPORT REQUIRED BY THE GOVERNOR ON THE COMPARISON BETWEEN RAIL AND RAPID BUSES FROM EDEN PRARIE TO MPLS

John Shannah Calhoun Isles

Support.

Rep Hornstein Safety along the Kennilworth Track

Trains Stops for hours along this track. High voltage lines and gas trains not ~~do~~ good.

M.2-193

MINNEAPOLIS MN 553

19 JUN 2015 PM 5 L



Southwest LRT Project office,
6465, Wayzata Blvd Suite 500,
St louis Park,
MN. 55426

SDEIS Feedback

B5426172899

HEARTLAND CORN PRODUCTS

20 Years

July 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

RE: Southwest Light Rail Transit

Dear Nani Jacobson,

Heartland Corn Products ("HCP") is a farmer owned ethanol production cooperative in Winthrop MN that is located on and utilizes the Minnesota Prairie Line/Twin Cities & Western railroad ("MPL/TCW"). The MPL/TCW provides the vital transportation link to domestic and international markets for HCP ethanol and co product production. Any changes to the MPL/TCW route that increase costs and impact their ability to deliver goods safely and efficiently will have an adverse effect on HCP and its 900 farmer members.

As discussions continue regarding the construction of the Southwest Light Rail Transit, we want to have some assurance that serious consideration is given to the economic impact on the HCP farmer members. In addition to HCP, any negative impact on rail shipments will affect thousands of Minnesotans located along the MPL/TCW railroad line in ten counties and 40 plus communities across south central MN. This decision not only impacts the Metro corridors, but the economic well-being of a large swath of south central MN residents. Safe and efficient access to the global marketplace is critical to the survival of HCP and other shippers in this region.

Sincerely,

Scott Blumhoefer
Vice President
Heartland Corn Products

53331 State Hwy. 19 • P.O. Box A Winthrop, MN 55396 • Phone: 507.647.5000 • Fax: 507.647.5010

HEARTLAND CORN PRODUCTS
53331 State Hwy. 19 • P.O. Box A
Winthrop, MN 55396

Hasler
07/01/2015
US POSTAGE
FIRST-CLASS MAIL
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ZIP 55396
011D10641891

Nani Jacobson
Assistant Director, Environmental Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St Louis Park MN 55426

55426$1724 C019

Kadence Hampton

From: Matthew Pawlowski <matthew_pawlowski@yahoo.com>
Sent: Friday, June 19, 2015 7:41 PM
To: swlrt
Subject: opposition to SW Metro Rail

SW Metro Rail Transit,

I would like to voice my strong opposition to the SWLRT. The project is over 2 billion dollars and keeps rising. The Twin Cities metro plain and simple does not have the population and or population density to justify these dollars being spent. Buses and bus lanes are still the most effective dollars spent in our metro area.

Thank you,
Matthew Pawlowski
952-221-0819

Kadence Hampton

From: Markmcgree <markmcgree@gmail.com>
Sent: Tuesday, June 30, 2015 11:00 PM
To: swlrt
Subject: SW LRT ROUTE

I used to live in the Kenwood neighborhood and was a regular bus rider. I do not think I would walk to the current proposed corridor to ride the train. I would continue to ride the bus. Hence, I do not think that 21st station would pick up much ridership even if MTC stopped running a bus through Kenwood.

So, I have another route suggestion. I understand that Lake St is forecasted to be the busiest station. So run the train to there and then turn it North to run along Cedar Lake Pkwy until it meets the rail corridor just S of 394. This path catches Benilde HS and Jones-harrison traffic. This path eliminates the Kenwood corridor, the project biggest headache with its cost and environmental concerns.

If you rejected this alternate path, please refer me to documents that eliminated it.

I no longer live in Kenwood having moved to Bloomington after 10 years in Denver, where I rode the train to work.

Thanks for the attention.

Mark McGree
Markmcgree@gmail.com

Sent from my iPad

Kadence Hampton

From: Chris Polston <christopher.polston@yahoo.com>
Sent: Wednesday, July 01, 2015 1:43 PM
To: swlrt
Subject: Route question

With all the delays and cost overruns, why not discuss dropping it down Hennepin Ave again? I always wondered why it got routed past swamps and some of the lowest density/no businesses areas in the SW quarter of the city.

Case study: I live in Hopkins, want to take family to Uptown for shopping and dining. As it stands, I would have to walk kids or older relatives almost a mile just to get where we want to go. Most cities (Chicago, NYC, DC, Boston) have rail lines that get you where you want to be.

Case study: The bars let out. 200+ drunk 20-somethings stagger to the train station. This is the neighborhood that had hidden beach razed because of 'the elements' hanging out there.

And why wouldn't the Hennepin Ave businesses want an extra 12,000+ people going by their store every day? Or was that estimate 20,000?

Thanks,
Chris

Kadence Hampton

From: Irwin Spirn <ispirn1@gmail.com> on behalf of Irwin <ispirn@yahoo.com>
Sent: Monday, July 06, 2015 4:56 PM
To: swlrt
Cc: sophia.ginis@metro.transit.org
Subject: light rail expansion proposal

Dear Metro Transit,

My husband and I live in a beautiful place- Calhoun Isles, originally grain silos, located amidst the Chain of Lakes and the Greenways in Minneapolis. This scenic area is internationally admired for the urban beauty, parks, and bikeways.

This is threatened by the proposals for a Light Rail. We are terrified of this project and the damage it will cause. Here are some of the reasons:

*Vibrations during construction and operation. Do you know that so much shaking occurred during the start of construction at he building next door to us that work had to be stopped? Building a shallow tunnel in the sandy soil will be even worse.

*A tunnel will disturb the water table. How often will the water be pumped out? We know the building on the lagoon connecting Lake Calhoun and Lake of the Isles dumped water into the the lakes from their indoor garage. We shouldn't fool with the delicate water system here.

*Dangerous oil tank cars now travel on the tracks below us. Adding electric light rail on narrow spaces close to our building and next to the hikers and bicycle riders is an invitation for an explosive catastrophe. (Even more dangerous during construction). Light rail and hazardous freight should not mix!!!!

*Noise from the frequent trains will increase through a tunnel and get louder and louder as it rises to the top floors of our building.

*This natural sanctuary will be disturbed by trains running though it and by more cars with no place to park.

Please do what you can to stop the light rail construction next to the freight trains and within the Greenways. Please preserve the pride of Minneapolis - beautiful nature and urban bike and hiking trails!

Sincerely,
Marion Spirn

S

Kadence Hampton

From: Marion Collins <colli090@umn.edu>
Sent: Wednesday, July 08, 2015 4:53 PM
To: swlrt
Subject: Supplemental Draft Environmental Impact Statement

I urge all members of the Metropolitan Council, and all those pushing for this particular alignment of SWLRT, to please take a very thorough look at this statement and not dismiss the impacts that have been discovered. There are many impacts to pushing LRT through the beautiful parkland of the Kenilworth Corridor.
-water quality and safety
-soil toxins that can be brought to the surface if disturbed, such as arsenic
-vibration damage to condos and homes
-noise impact
-destruction of trees, newly restored prairies, and parkland

Please do not ignore these things. What if you lived here? What if the bike trails you use to commute, and the parkland you enjoy were about to be destroyed?
WHAT IF YOU AND YOUR CHILDREN WERE PLACED IN A BLAST ZONE? Please listen to your citizens and what we are saying.

I support LRT - done properly. Now the cost of this project is so high that we are cutting things left and right - just more and more broken promises to the people in Minneapolis this is already negatively affecting.
THERE IS NO ECONOMIC DEVELOPMENT to be found along the Kenilworth Corridor, no businesses to help, no commercial property to develop. And the plan to then take a lot of buses into a neighborhood of single family homes with lost of kids, where buses were already cut due to lack of ridership, increases cost even more and doesn't make any sense.
THIS ROUTE IS DANGEROUS, both to the environment and families like mine that live along this amazing natural setting. With the current alignment, this does not help low-income families - these families are found along another proposed route, that is now cheaper and makes more sense - through Uptown, where there are many businesses that need support and people that need public transit - and bus hubs that are already there!

Please do not make decisions based solely on money (or if you must decide on a cheaper route, then take a look again at the Uptown route which is now cheaper and makes much more sense). Please listen to the citizens who are going to be seriously impacted, in negative and dangerous ways, as shown by the environmental research that has been done. We have to live with your decision - so respect our voice. Would you like a mine buried in your backyard? Would you like your trees cut down? Would you like arsenic getting into your groundwater? Please think about your choices and the legacy you leave for future generations. Please consider the families you are putting in danger, all for money.

Sincerely,
Marion Collins

Kadence Hampton

From: Safety In the Park <safetyinthepark@gmail.com>
Sent: Friday, July 10, 2015 12:23 PM
To: swlrt
Cc: Jacobson, Nani
Subject: Comment for the SWLRT - DEIS
Attachments: SDEIS comment.docx

July 09, 2015

Ms. Nani Jacobson, Project Manager

Southwest Light Rail Transit Project Office

6465 Wayzata Boulevard, Suite 500, St. Louis Park, MN 55426

Dear Ms. Jacobsen,

The attached document is the official Safety in the Park Comment to the Supplemental Draft Environmental Impact Statement. Please add this four-page document to the comments for review by the FTA.

Thank you,

Jami LaPray and Thom Miller – Co-Chairs, Safety in the Park!

--

safetyinthepark@gmail.com
Facebook-Safety in the Park!
www.safetyinthepark.com

SAFETY IN THE PARK!
RESPONSE TO THE SOUTHWEST LIGHT RAIL TRANSIT PROJECT
SUPPLIMENTAL DRAFT ENVIRONMENTAL IMPACT
STATEMENT (SDEIS)
JULY 9, 2015

This document constitutes a comment in response to the announcement of the Supplemental Draft Environmental Impact Statement (SDEIS) for the Southwest Light Rail Transit (SWLRT) Project published in the Federal Register on May 22, 2015. Note that this comment is post-marked before the published comment deadline of July 21, 2015.

This comment is officially from the neighborhood advocacy group, Safety in the Park, which, while led by a steering committee of seven residents, represents perhaps thousands of residents in St. Louis Park MN as evidenced by over 1500 signed names on petitions supporting our stated cause, an email/blog recipient list of over 1000 individuals, and a Facebook page with over 450 participants. Safety in the Park is a not-for-profit, volunteer neighborhood advocacy group based in St. Louis Park, MN. Safety in the Park fully supports the SWLRT project as a whole, but rejects any proposal to relocate freight rail traffic onto newly built tracks and tracks that were never built for such a purpose. Members of this group have worked on the freight relocation issue since the mid-1990's. Early in 2010 we began a more concerted effort to be heard, holding numerous public meetings, meetings with elected officials, and other stakeholders. We spent untold hours learning about railroad engineering and the railroad business. We also found and consulted with pro-bono rail experts, to help us by double-checking our findings. We know that our understanding of the issues and impacts of this project are strong.

St. Louis Park/Minneapolis Segment:

While we agree with the final Supplemental Draft Environmental Impact Statement conclusion that Co-location of freight and Light rail (LRT) in the Kenilworth Corridor of Minneapolis is the only viable option for the Southwest Light Rail Transit project, Safety in the Park challenges the very nature of the Met Council's decision-making process. In a September 2, 2011 letter from the FTA the Met Council was given the mandate to evaluate both freight rail relocation and co-location for the SWLRT project. Safety in the Park representatives to the SWLRT Community Advisory Committee (CAC), asked for written documentation confirming the need to retain re-location options into perpetuity. Responses from Mark Fuhrmann, SWLRT project director, confirmed that no where in the September FTA letter does it say that both options have to be carried to the end.

Furthermore, there are no subsequent written documents giving that direction. http://metrocouncil.org/METC/files/f8/f88ed9f2-a4a1-4190-b856-9bce04fbd003.pdf

Had the Met Council applied the criteria used (the taking of property, cost, above ground structures, and community opposition) in the culling of options equally for both co-location and re-location options all of the relocation options would have been dismissed after the first round of evaluations. Brunswick Central, the relocation option held to the end, ranks higher on this scale of negative impacts than all of the co-location options, many of which were eliminated after that first evaluation. Table F.5-6 St. Lois Park/Minneapolis Segment Alignment Adjustment - Third Step Evaluation, as well as, all of the explanations of the decision process, leaves the reader with the impression that there are only two possibilities for freight as part of the SWLRT project. Furthermore, the cost given for Brunswick Central does not seem to include the ongoing operating subsidy the TC&W Railroad would need in order to accept rerouting their trains to the MN&S.
http://metrocouncil.org/METC/files/82/82d110c1-cd37-4842-b37e-21b001a76d9d.pdf
This arbitrary and capricious evaluation by the Met Council in regard to re-location of freight continues to put the residents of St. Louis Park at risk.

***Action Requested*:** At least one of the co-location options that do not involve tunnels should remain in the list of viable options and/or all relocation options should be removed from contention after the step one evaluation. Due to the signed 1998 City of Minneapolis agreement with the Hennepin County Regional Rail Authority (HCRRA) to move the bike trail when the Kenilworth Corridor is needed for transit the most likely option to retain would be relocation of the bike trail. http://www.safetyinthepark.com/uploads/1/5/9/9/15992878/kenilworthtrail.pdf.pdf

The Freight Rail and Light Rail "Swap" and "Southerly Connection."

Safety in the Park, supporters believe that the SWLRT project needs to be built in such a way as to ensure its success. The case made in the SDEIS for the need for the Light Rail "swap" and the "Southerly Connection" in the Executive Summary (ES) page 11 and in Chapter 2 Alternatives Considered page 42 is very well done. Descriptions of short-term and construction impacts make it easy to understand the reasoning behind the expense of this addition. However, there are no significant descriptions of long-term impacts in Table ES-1 or anywhere else in the SDEIS.

While we understand the need for the "Swap" and "Southerly Connection", Safety in the Park has grave concerns regarding the dearth of public meetings about this addition as well as lack of information about the long-term impacts the change in

design of freight rail infrastructure will have not only on St. Louis Park, but on the communities of Edina, Bloomington and Savage. The wye configuration that is being replaced by the Southerly Connection effectively limits the potential of the TC&W Railroad to grow their business south of St. Louis Park using the MN&S. Moving unit trains through the wye, while possible, would be both time consuming and economically unfeasible.

During the Project Management Team (PMT) meetings that took place in late 2010 to early 2011 in conjunction with the Environmental Assessment Worksheet (EAW) for the proposed freight re-route, representatives of the TC&W Railroad made it clear that they are looking forward to the opening of the expanded Panama Canal so that shipping grain on the Minnesota River to the Mississippi, the Gulf of Mexico then through the canal to Asia will make economic sense. Near the Southern end of the MN&S the TC&W Railroad is rebuilding the bridge over the Minnesota River. This will make it possible for the railroad to connect with grain elevators in Savage. https://www.minneapolisfed.org/publications/fedgazette/the-little-railroads-that-could
When the Southerly Connection from the Bass Lake Spur to the MN&S in St. Louis Park is completed, the TC&W railroad will have an uninterrupted route from Eastern South Dakota to the Minnesota River, making it possible for them to ship unit trains of grain, ethanol and other products through St. Louis Park to the Minnesota River.

With the probable change in business plan for the TC&W railroad, come lone-term impacts that that need to be addressed. These impacts include, but are not limited to the following:

- Noise - mitigation will be needed for the area around the Louisiana Station – a noise study needs to be done.
    - Diagram 2.5.5 from Chapter 2 of the SDEIS shows the Louisiana Station and lines showing the position of the Southerly Connection
    - The Bass Lake Spur and the MN&S are not at the same grade. The Southerly connection will be a ramp connecting the two rail lines
    - Trains going up and down the ramp will be louder than trains currently going straight through St. Louis Park on the Bass Lake Spur
- Grade Crossings – the impacts of long trains regularly blocking crossings needs to be studied
    - Enhancements of crossing arms and signals may be needed at small crossing
    - Impact to traffic and businesses just West of Miracle Mile could be significant
    - Grade crossings in Edina, Bloomington and Savage will be impacted – Those communities need to be informed of the potential impact
- How long will it take for the City of St. Louis Park to realize the loss of tax base due to the loss of property and businesses in the Skunk Hollow area?

Action Requested: An enhanced study of the long-term impacts and implications of the new rail corridor being created from Eastern South Dakota to the Minnesota River through with a vital Southerly Connection in St. Louis Park. Once a complete study of the new corridor is complete, public meetings need to be held to explain what can be done to mitigate the traffic, noise and other problems created by adding the Southerly Connection to the SWLRT Project.

Prepared by: Jami LaPray, Thom Miller and the Safety in the Park Steering Committee - July 8, 2015
Safety in the Park! – safetyinthepark@gmail.com

Kadence Hampton

From: Irene Elkins <ireneelkins@earthlink.net>
Sent: Tuesday, July 14, 2015 12:09 PM
To: swlrt
Subject: Comment on SWLRT SDEIS plan - concern about southern arm

To: Nani Jacobson, Project Manager:

I am very excited that the SWLRT project appears to be moving forward at last! However, I was most concerned to learn about related implications that I think most of those in my Brookside (and adjacent neighborhoods) are completely unaware of, but which could substantially affect livability in our neighborhoods.

From what I understand, the current SDEIS plan eliminates the switching wye in the Elmwood neighborhood and replaces it with a very expensive freight-rail bridge that offers trains a route south through Elmwood, Brookside, and Brooklawn neighborhoods, then through Edina and other southern suburbs. A new bridge would make it easy for freight trains, potentially in large numbers, to move through these communities. While this clearly represents a serious livability and property value concern for everyone in these middle-class neighborhoods, I consider it a potential safety concern as well. These old tracks, which were never intended to handle large trains, are EXTREMELY close to homes on my street - it is NOT a wide corridor at all. With a large increase in rail traffic and/or the size of trains moving through this area, the increasing likelihood and consequences of a derailment (especially if trains carrying volatile fuels would be moving through the area) would be awful for those living close to the tracks.

Instead of an expensive freight-rail bridge, would it be possible to look into the comparatively less expensive possibility of adding a light-rail bridge over the existing wye as an alternative solution? Regardless, I hope you and your colleagues will seriously reconsider anything that might impact these neighborhoods adversely. Otherwise, the Wooddale and Louisiana SWLRT stations nearby may end up with fewer customers, as people choose to move elsewhere.

I greatly appreciate your consideration of my concerns as you move forward with what must be a highly complex project.

Sincerely,

Irene Elkins
4175 Zarthan Ave. S.
St. Louis Park, MN 55416

Kadence Hampton

From: fritzvandover@gmail.com on behalf of Fritz Vandover <fritz@fritzvandover.com>
Sent: Tuesday, July 14, 2015 3:58 PM
To: swlrt
Subject: Comments on latest SDEIS

Hello Ms. Jacobson:

I wanted to send in commentary about the latest SDEIS for the SWLRT project. My main concerns and questions are in regards to the new southern connection that is potentially part of the SW Light Rail project.

I, my wife, and our two young kids live 90 feet from the MN&S tracks at W. 42nd St. and the tracks in the Brookside neighborhood. We realize that the market determines the frequency of trains and that FRA classification restricts the speed of those trains to 10mph. Would a new southern connect mean that the:

1) MN&S tracks would be upgraded from Class 1, with a maximum speed of 10 mph, to Class 2, with a maximum speed of 30mph, in order to accommodate a presumably greater daily volume of trains?;

2) safety (signals and arms) and noise mitigation (quiet zones) measures would be implemented at grade crossings along the MN&S?

My hope is that the MN&S will remain a Class 1 corridor, with that maximum of 10mph, and that safety and noise mitigation measures would be implemented in order to ease the potential increase in rail traffic that a new southern connection would facilitate.

Thank you.

Sincerely,
Fritz Vandover, Ph.D.
612-296-1665

Kadence Hampton

From: Elise Durbin <edurbin@eminnetonka.com>
Sent: Tuesday, July 14, 2015 1:29 PM
To: swlrt
Subject: SDEIS comments
Attachments: Other_SDEIS comments-City of Minnetonka v1_0.pdf

Please see the attached SDEIS comments from the City of Minnetonka.

Elise Durbin, AICP
Community Development Supervisor

City of Minnetonka | 14600 Minnetonka Blvd | Minnetonka, MN 55345
p: 952.939.8285 | edurbin@eminnetonka.com

City of minnetonka
14600 Minnetonka Boulevard Minnetonka, MN 55345 952-939-8200 Fax 952-939-8244

July 10, 2015

Ms. Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit –Southwest LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

Re: Southwest LRT SDEIS Comments

Dear Ms. Jacobson:

The city of Minnetonka has reviewed the Southwest LRT Supplemental Draft Environmental Impact Statement. Attached you will find the city's comments and concerns regarding the Southwest LRT line.

We appreciate the opportunity to review the SDEIS, to provide comments, and look forward to continuing to work with you on this project.

Sincerely,

Julie Wischnack, AICP
Community Development Director

Enclosure

Executive Summary			
Page	**Issue**	**Why is this an issue**	**Proposed alterative/mitigation**
6	While most maintenance will occur within enclosed structures, some activities may occur outside the buildings.	This has the potential for noise impacts to surrounding businesses and residences.	Develop operating procedures as to which circumstances and days and times (following the city of Hopkins and city of Minnetonka's noise ordinances) as to when outside maintenance may occur.

Chapter Three: Affected Environment, Impacts and Mitigation			
Page	**Issue**	**Why is this an issue**	**Proposed alterative/mitigation**
3-107	The potential for long-term pumping of groundwater and potential risk for contamination.	May not offer the highest reduction of impact or the best impact mitigation strategy to minimize the impacts to our natural environment. Although the OMF is within Hopkins its close proximity to Minnetonka has the potential for negatively impacting the city's natural environments. City staff needs to ensure that the final plans are compliant with the city's regulation as it relates to any potential impact within Minnetonka's jurisdiction.	Although the analysis for the potential of long-term pumping of groundwater and potential risk for contamination will be available in the Final EIS and will comply with MPCA regulation, the city requests details associated with items such as; 1) the containment of the contaminated areas before and during construction and mitigation strategies to reduce long-term risk; and 2) mitigation strategies that address the details associated with the potential for long-term pumping of groundwater such as how often is it pumped, and where is it discharged, etc.?

3-110	Correction needed in the document under section 3.3.2.2 item A—The western portion of wetland NM-HOP-13 is within Minnetonka's jurisdiction and city (city staff field reviewed the boundary). Issue relates to the proposed wetland and wetland buffer fill/disturbance	May not offer the highest reduction of impact or the best impact mitigation strategy to minimize the impacts to our natural environment. Although the OMF is within Hopkins its close proximity to Minnetonka has the potential for negatively impacting the city's natural environments. City staff needs to ensure that the final plans are compliant with the city's regulation as it relates to any potential impact within Minnetonka's jurisdiction.	Appropriate permitting as outlined in the DEIS will need to occur including local permitting and regulation. Minnetonka will have regulatory authority for a portion of wetland NM-HOP-13. All attempts should be made to reduce any impacts to the wetland and buffer areas.
3-111	FEMA and DNR Q3 maps are used for 100-year floodplain areas.	May not offer the highest reduction of impact or the best impact mitigation strategy to minimize the impacts to our natural environment. Although the OMF is within Hopkins its close proximity to Minnetonka has the potential for negatively impacting the city's natural environments. City staff needs to ensure that the final plans are compliant with the city's regulation as it relates to any potential impact within Minnetonka's jurisdiction.	Confirm with the city's water resources engineer the elevation of the city's designated 100-year floodplain areas in addition to DNR Q3 and FEMA. Any floodplain alteration or fill located within the city of Minnetonka must comply with the city's regulation and result in no net fill, floodplain mitigation will be required.
3-111	Although the OMF is within the city of Hopkins, the final plans for stormwater management must adhere to the standards in the city of Minnetonka's water resources management plan as approved by the city of Minnetonka's engineer if	May not offer the highest reduction of impact or the best impact mitigation strategy to minimize the impacts to our natural environment. Although the OMF is within Hopkins its close proximity to Minnetonka has the potential for negatively impacting the city's natural environments. City staff needs to ensure that the final plans	Although the OMF is within Hopkins the final plans should be reviewed and approved by Minnetonka's engineer if resulting discharge will flow to Minnetonka wetlands. The storm water management plan should include BMPs to address those wastes associated with the long-term management of a rail line such as grease and hydraulic fluid,

	resulting discharge will flow to Minnetonka wetlands.	are compliant with the city's regulation as it relates to any potential impact within Minnetonka's jurisdiction.	spill prevention and mitigation and management techniques and strategies that address more common pollutants such as de-icing salt, phosphorous and suspended solids.
3-115	Erosion and Sediment control plans.	May not offer the highest reduction of impact or the best impact mitigation strategy to minimize the impacts to our natural environment. Although the OMF is within Hopkins its close proximity to Minnetonka has the potential for negatively impacting the city's natural environments. City staff needs to ensure that the final plans are compliant with the city's regulation as it relates to any potential impact within Minnetonka's jurisdiction.	Although the OMF is located within the city of Hopkins, the city of Minnetonka would like to review the final plans and associated BMPs to ensure adequate protection to our adjacent water resources
3-123	Traffic operations analysis criteria does not appear to fully evaluate traffic impacts to the greater areas, but rather only to a small section around the track crossings near the OMF.	Does not look at the traffic impacts in the near the OMF.	Expand and look at a larger area.
3-123	Indicates a 35 second delay on K-Tel Drive and is not definitive that level of service (LOS) will not be LOS E or F.	LOS E or F is not acceptable to the city. It appears, based on this LOS, other intersections will be impacted.	Further information must be provided on how this delay and LOS will impact Shady Oak Road, Excelsior Boulevard, 17th Avenue and 11th Avenue.

Kadence Hampton

From: Skoch203 <Skoch203@comcast.net>
Sent: Tuesday, July 14, 2015 10:48 AM
To: swlrt
Subject: St. Louis Park resident's concerns

Good morning. I understand that StLP is back on the SWLRT radar. I thought it was agrees to and written that StLP would never be subject to the same nonsense again? Doesn't that mean anything to anyone? Move the bike trail! It is still a lot easier and cost effective over the tearing down of homes, businesses, electrical station that powers 3 communities, etc. I believe there is an element of the haves and have nots once again. Classism at its finest. I thought that the RR was the be all end all judge and they said no to the STLP tear down!! This is ridiculous and outrageously frustrating. 3221 Sumter Ave South. Shea Koch.

Kadence Hampton

From: Susanne Wollman <sjw2847@gmail.com>
Sent: Tuesday, July 14, 2015 9:49 AM
To: swlrt
Subject: SWLRT remaining issues

I am concerned that when the Kenilworth tunnel is fully engineered, the cost could escalate to an unacceptable level and the only published remaining viable alternative is the SLP Freight Rail Re-route. As a St. Louis Park resident, I want to strongly request that the Met Council change this language to include those alternatives, such as moving the bike trail. The current SDEIS lists none of these alternatives as viable. In fact,as part of a documented agreement, Hennepin County and Minneapolis agreed that the bike trail, when originally created, would be "temporary" until the corridor was required for light rail. I fail to see why this agreed about temporary bike trail is NOT listed as a viable alternative, especially when it would impact less people.

Susanne Wollman
2847 Zarthan Ave South
St. Louis Park, MN 55416

From: Neil Baker
To: swlrt
Subject: Light Rail in St Louis Park
Date: Thursday, July 16, 2015 3:40:22 PM

Dear Ms. Jacobson,

I would like to make sure that an oversight or screw up in SDIES will be corrected and no longer remain either. It has been brought to my attention that the latest "Alternatives" for co-location of freight and light rail in the Kenilworth corridor has some serious flaws and omissions. In the middle of this process, you may recall that there were several alternatives to co-location of freight and light rail in the Kenilworth corridor (the now agreed-option featuring a tunnel for light rail). One option that was included previously but is no longer listed was simple: Move the bike trail out of the corridor.

Apparently the current SDEIS lists none of these alternatives as viable. The only published remaining viable alternative is the SLP Freight Rail Re-route. This alternative has been roundly criticized by hundreds of families in St Louis Park as it would send countless daily trains within @ 100 hundred feet of the condominium complex in which I and 77 other families live. It would also go within 20 feet of the public park directly in front of our building.

Why is this an issue. I understand the risk all the families of St. Louis Park is that when the Kenilworth tunnel is fully engineered, the cost could escalate to an unacceptable level and, according to the SDIES, that only published remaining viable alternative (SLP Freight Rail Re-route) would go into effect since all other alternatives have been removed.

Therefore I and my family strongly request that the Met Council change this language to include all previous alternatives, including possibly moving the bike trail. In fact, as part of a documented agreement, Hennepin County and Minneapolis agreed that the bike trail, when originally created, would be "temporary" until the corridor was required for light rail.

Please let me know how and when you plan to address this. I would like to be present at that meeting.

Neil Baker
1550 Zarthan Ave S #515
St Louis Park, MN 55416
c: 262.853.9606

From: Kathleen Pekach
To: swlrt
Cc: Richard Weiblen
Subject: Liberty Property Trust - OMF at Site 9A
Date: Friday, July 17, 2015 2:49:36 PM
Attachments: Scan.pdf

Attached, please find a copy of Liberty Property Trust's response to the proposed OMF at site 9A. Original to follow via US Mail.

Thank you,

Kathy Pekach
Marketing Assistant
Liberty Property Trust
O 952.947-1100 D 952.833.5263
10400 Viking Drive, Suite 130, Eden Prairie, MN 55344
kpekach@libertyproperty.com

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LIBERTY PROPERTY TRUST

July 17, 2015

Nani Jacobson
Assistant Director, Environmental & Agreements
Metro Transit – SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Re: Comments of Liberty Property Trust Regarding OMF to be Located at Site 9A

Dear Ms. Jacobson:

Liberty Property Trust is the owner of the developed industrial properties at 1515 Sixth Street South, and 1600 Fifth Street South, Hopkins Minnesota, which will be taken for the proposed Operations and Maintenance Facility (OMF), Site 9A, Hopkins K-Tel East. As a property owner that will suffer the loss of two important industrial investment properties, we are deeply concerned about how this taking will impact us. We have reviewed the SDEIS and have the following comments on that document.

1. OMF Site 9A Selection Evaluation:

Our review revealed that Site 9A was not part of the original DEIS review and was only added as part of the SDEIS process and not subject to the same site selection evaluation that was done during the DEIS review. We understand that as part of the SDEIS analysis for a preferred OMF site a four step process was conducted that initially identified approximately 30 sites and through each step dismissed potential sites until site 9A was the final selection.

It appears to us that SDEIS failed to fully or properly evaluate the OMF site (identified in the SDEIS as site 9A) against comparable sites that were also being considered. We believe that additional information should be provided that will explain why site 9A was preferred over a number of others.

2. A Total Taking of the Liberty Property for OMF at Site 9A is Required

The SDEIS under Section 3.3.1.2 Acquisitions and Displacement indicates that there will be a full taking of both our industrial properties within the site 9A footprint. Liberty Property Trust concurs that any taking must be a full taking of each property.

The SDEIS notes that land which is acquired for the SW/LRT Project but not fully used for the OMF may be considered a remnant parcel and sold. Liberty Property Trust has no interest in buying back a remnant piece and there should be no expectation that such remnants will have any

LIBERTY PROPERTY TRUST

material economic value to Liberty. Liberty has previously conveyed this same information to representatives of the Met Council.

Liberty Property Trust has been an active participant in the public process and planning of the SWLRT. We are supportive of the project but recognize that a number of our properties will be taken if the project goes forward. Our concerns regarding the SDEIS reflect our past comments on the DEIS regarding our properties in Hopkins, Minnetonka and Eden Prairie, adjacent the Golden Triangle Station. Our earlier DEIS comments are attached for your convenience.

Finally, if the project goes forward, it is essential that our industrial tenants are fully compensated for their relocation costs and are given sufficient lead time to plan and execute a complex industrial plant relocation.

Liberty Property Trust

Richard Weiblen
Vice President, Development.

From:	Wanda Lambert
To:	swlrt
Cc:	Mark Wegner; Victor Meyers; Tina Ryberg
Subject:	Response to SDEIS
Date:	Friday, July 17, 2015 2:34:15 PM
Attachments:	07172015123552300.pdf

Good Afternoon,
Please find for inclusion in the office record the response of Twin Cities & Western Railroad on the Metropolitan Council's Southwest Transitway Supplemental Draft Environmental Impact Statement. These comments are set forth in the attachment.

Kind Regards,

Wanda Lambert
Twin Cities & Western Railroad Company
Minnesota Prairie Line, Inc.
Sisseton Milbank Railroad Company
2925 12th Street E.
Glencoe, MN 55336
PH: 320-864-7234
www.tcwr.net

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T&W
TWIN CITIES & WESTERN RAILROAD COMPANY

2925 - 12th Street East
Glencoe, MN 55336
(320) 864-7200
FAX (320) 864-7220

July 17, 2015

VIA EMAIL AND U.S. MAIL

Ms. Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426
nami.jacobson@metrotransit.org

Re: Response to Metropolitan Council's Southwest Transitway Supplemental Draft Environmental Impact Statement

Dear Ms. Jacobson:

Please find for inclusion in the office record the response of Twin Cities & Western Railroad on the Metropolitan Council's Southwest Transitway Supplemental Draft Environmental Impact Statement. These comments are set forth in the attached.

Thank you.

Sincerely,

Mark Wegner

Mark Wegner
President
Twin Cities & Western Railroad
Phone: 320-864-7204
Email: mwegner@tcwr.net
Website: www.tcwr.net

Enclosure

Twin Cities & Western Railroad Company Response to Metropolitan Council's Southwest Transitway Supplemental Draft Environmental Impact Statement

Twin Cities & Western Railroad Company (TC&W) responded to the Southwest Transitway Draft Environmental Impact Statement (DEIS) in December 2012, and the issues raised in that response remain valid for this response. TC&W's response to the DEIS can be found at http://tcwr.net/responsetodeis/.

TC&W's comments should be viewed in the context that TC&W serves numerous Counties, Communities and Customers in south central Minnesota and South Dakota. Over the last 10 years our shippers and their customers have collectively invested over $100 million in expanding and enhancing their freight rail facilities, creating additional jobs and economic growth in the area of rural Minnesota served by TC&W. These businesses have made these massive investments based on the understanding that their freight rail service will, at minimum, remain at its current level. This is a fair and reasonable understanding, given the protective mandate of the United States Surface Transportation Board (STB), which has exclusive jurisdiction over freight railroad transportation, including economics and service levels. Our response to the SDEIS, therefore, is made with the purpose of preserving TC&W's ability to continue to provide freight transportation economically and at current service levels.

Changes in Scope/Elements

There are two changes in scope/elements from the October 2012 DEIS to the May 2015 SDEIS that affect TC&W.

- **Freight Route:** The SDEIS avoids the relocation of freight traffic traversing north on the CP MN&S line (from a point in St. Louis Park just east of Louisiana Avenue), and instead continues freight traffic traversing north via the Kenilworth Corridor (at Cedar Lake Junction just west of downtown Minneapolis). This results in a co-location of freight trains and light rail between these points and through the Kenilworth Corridor (co-location was planned from approximately Shady Oak Road in Hopkins to the point in St. Louis Park just east of Louisiana Avenue in both the DEIS and the SDEIS). TC&W will refer to this change as "Co-locate" within this document.

- **Freight Alignment Change:** The SDEIS contemplates moving the SWLRT from the north side of the existing freight rail to the south side of the future freight rail location, by shifting the freight rail to the current bike trail alignment by angling the freight rail north, just east of 169, and building a bridge to carry the LRT from north of the freight rail to south of the freight rail just east of Hopkins. TC&W will refer to this change as "Alignment Change" within this document.

Comments Related to above Scope/Element Changes

Freight Route – Service Disruption during Construction:

TC&W staff and consultants worked diligently with Met Council's staff and consultants from January 2013 until present to arrive at a plan that would retain the freight service south central Minnesota depends on, while at the same time preserving the "Locally Preferred Alternative" (LPA) for the Southwest Transitway.

There have been extensive documentation and discussion of the engineering and construction challenges of building the SWLRT in the Kenilworth Corridor from the point southwest of the lagoon connecting Cedar Lake to Lake of the Isles to the point where the LRT's Lake Street station is planned. It is TC&W's understanding that with the SDEIS, the SWLRT is at the approximately 30% engineering phase. The discussions with Met Council and staff have occurred with the understanding that TC&W will allow the SWLRT contractors to work during the day and the freight trains will be able to operate safely from the close of the SWLRT construction day until the beginning of the following construction day. This will delay freight rail, but with careful planning, managing and communication it can be done. It has also been noted at the 30% engineering phase that the bridge swap at State Highway 100 would create a significant service outage for TC&W customers. Having TC&W cease operations during construction for periods longer than the work windows described above would be disruptive to TC&W's service obligation that its customers rely upon.

Freight Route – Safety & Public Perception:

Our comment is made in the context that freight railroad operations are largely a mystery to the general public. They get noticed if the motorists must stop at a railroad crossing for a train, or a derailment makes the news, but otherwise the general public has little knowledge of freight railroads. Unfortunately, public perceptions of freight rail service are colored by highly publicized but relatively isolated incidents such as the ignition of flammable Bakken crude oil that occurred when a train derailed and ruptured in December 2013 in eastern North Dakota. Most Minnesotans do not know that 99.999997% of freight rail shipments arrive safely at their destinations.

Given the public's current perception of freight rail (particularly the safety of freight rail), it is important that Met Council communicate with the affected neighborhoods not only the safety precautions built into the construction plan, but also any contingency plans should a natural disaster occur during construction (wind storm, rain, deluge, etc.). Also, an emergency response plan ought to be part of the construction plan and this should be communicated to the affected neighborhoods and public officials.

Freight Alignment Change – Cost cutting options affecting TC&W:

Our comment is made in the context of the announcement in April 2015 that the costs of the SWLRT, as shown in this SDEIS had increased to approximately $2 billion. The reaction by elected officials and decision-makers, since that announcement, has been to cut the costs of the SWLRT to approach the earlier $1.6 billion estimate.

In comments relating to the Alignment Change, the SDEIS discusses, as a result of the Alignment Change, the elimination of the side tracks that TC&W currently uses for sorting freight and staging freight cars. The SDEIS does not mention building replacement track capacity at a location further west along the TC&W. Replacement track capacity must be built by Met Council as part of the cost of the SWLRT project in order to meet Federal STB requirements and preserve the existing shipper service levels provided by TC&W to its customers. The expense of providing replacement track capacity must be factored into the project, and cannot be included in the cost cutting being considered by the Met Council. It should also be noted that severing the southerly connection from the CP Bass Lake Spur to the CP MN&S is not a cost cutting option as this connection provides freight rail access for grain producers in south central Minnesota to move their product to the river barge terminals located in Savage, MN.

Conclusion

TC&W remains committed to providing safe, efficient and reliable freight service to its south central Minnesota customers, as well as providing safe passage through the neighborhoods in the Twin Cities metropolitan area in which we operate. As planning moves towards 90% engineering, within the context of cost cutting, the safe passage of freight during and after SWLRT construction and effective and continuous operations must not be compromised.

Attached is a list of the Cities, Counties and Customers that provided letters of support of TC&W's response to the DEIS (http://tcwr.net/responsetodeis/). All of these constituents remain extremely interested in the SWLRT process with respect to the preservation of their freight rail service.

List of entities that responded to the DEIS in support of TC&W's response

ADM – Benson Quinn (Minneapolis, MN)
Agri-Trading (Hutchinson, MN)
Bird Island Bean Co, LLC (Bird Island, MN)
Bird Island Soil Service Center (Bird Island, MN)
Central Bi-Products (Redwood Falls, MN)
Clifton Co-op Farmers Elevator Association (Clinton, MN)
Cloud Peak Energy Resources, LLC (Decker, MN; Broomfield, CO)
Co-op Country Farmers Elevator (Renville, MN)
Corona Grain & Feed (Corona, SD)
Dairy Farmers of America (Winthrop, MN)
Equity Elevator & Trading Company (Wood Lake, MN)
Farmers Co-operative Elevator Co. (Hanley Falls, MN)
Farmers Union Coop Oil Company (Montevideo, MN)
Farmers Cooperative Oil & Fertilizer (Echo, MN)
FGDI (St. Louis Park, MN)
Form-A-Feed, Inc. (Stewart, MN)
Glacial Plains Cooperative (Murdock, MN)
Granite Falls Energy, LLC (Granite Falls, MN)
Hanley Falls Farmers Elevator (Hanley Falls, MN)
Heartland Corn Products (Winthrop, MN)
L.G. Everist, Inc. (Sioux Falls, SD)
Lyman Lumber Company (Excelsior, MN)
Meadowland Farmers Coop (Lamberton, MN)
Midwest Asphalt Corporation (Hopkins, MN)
Minnesota Grain & Feed Association (Eagan, MN)
Minnesota Valley Regional Rail Coalition
Mosaic Company (Savage, MN)
RPMG Inc. (Shakopee, MN)
Seneca Foods Corporation (Glencoe, MN)
Seneca Foods Plant (Arlington, MN)
South Central Grain & Energy (Fairfax, MN; Gibbon, MN; Hector, MN; Buffalo Lake, MN)
Southern Minnesota Beet Sugar Cooperative (Renville, MN)
Step Saver, Inc. (Redwood Falls, MN)
United Farmers Cooperative (Winthrop, MN)
Western Consolidated Cooperative (Holloway, MN)
Western Co-op Transport Association (Montevideo, MN)
Wheaton Dumont Co-op Elevator (Wheaton, MN)
United Grain Systems, LLC (Winthrop, MN)

City of Arlington
City of Bird Island
City of Buffalo Lake

City of Glencoe
City of Hector
City of Milan
City of Montevideo
City of Morton
City of Norwood Young America
City of Olivia
City of Plato
City of Sacred Heart
City of Stewart
City of Winthrop

Big Stone County
Carver County
Grant County (South Dakota)
McLeod County
Minnesota Valley Regional Rail Authority
Redwood Area Development Corporation
Redwood County
Upper Minnesota Valley Regional Development Commission
Renville County
Renville County HRA/EDA
Roberts County
MinnRail, Inc.
Sibley County Economic Development Commission
Sibley County Auditor
Sibley County
Sibley County Attorney
Wright County
Yellow Medicine County

From: John Erickson
To: swlrt
Cc: Ginis, Sophia
Subject: SDEIS Response
Date: Friday, July 17, 2015 1:41:35 PM

July 17, 2015

RE: Supplemental Draft Environmental Impact Statement Comments

To whom it may concern:

On behalf of the elected Board of Directors of the Cedar Lake Shores Townhome Association (CLSTA), we are responding to the Supplemental Draft Environmental Impact Statement (SDEIS) issued for the Southwest LRT project. Our association is comprised of fifty-seven homeowners and we are located immediately to the west/north of the freight rail tracks between the Lake St. bridge and Cedar Lake Parkway (also known as the pinch point of the proposed fifteen plus miles SWLRT line). We have both concerns and comments about this document that we believe need to be addressed and considered in order to protect our homes and neighborhood should this transportation project be approved and funded. In the following paragraphs and with appropriate reference to the SDEIS document, we will highlight our concerns or comments.

Light Rail Tunnel

We continue to strongly support the building of this tunnel from just north of the Lake St. bridge to north of Cedar Lake Parkway (p. 2-52). This is the singularly most important change from the original DEIS and the only recommended solution that provides for the maintenance of our immediate neighborhood and our homes as well as the continuation of the current trails, freight rail traffic and LRT development in the Kenilworth corridor portion of the proposed LRT route. We also need to add that in addition to the challenges during the construction phase of the tunnel for all of our homeowners, particular attention will need to be given to vibration, noise, bell and light mitigation for those homes immediately adjacent to the SWLRT tunnel entrance.

Freight Rail

In order to build the LRT tunnel in the Kenilworth corridor, freight trains will have to be temporarily moved closer to our homes. The SDEIS states that this movement will last for approximately one week (section 3.196). The SDEIS also states that the freight rail speed of 10 mph or less will be maintained during construction and beyond (Table 3.1-4). We want to strongly support both of these plans as they will greatly enhance safety for workers and residents, reduce the need to remove vegetation and trees on our property and ultimately

make the construction phase more tolerable.

Vibration

Ground Borne Noise (reradiated noise from ceilings and walls) is one of the issues noted in the SDEIS that will have impacts on our homes (3.4-14, p.3-187). Specifically, three unidentified impacts on our townhomes are noted and there are references to "vehicle source input characteristics". As we do not feel we currently know enough about this expected effect and what can be done to mitigate it, we need additional engagement about this issue. Until that occurs, we have very serious concerns about what this means for our association.

Noise

Station related bells will produce a very intrusive noise to nearby homes and neighborhoods (88dBA according to Appendix H-5). We know this is a standard issue in LRT operations. What we don't know is whether the specific design for the West Lake Street station and surrounding immediate area can be adjusted or whether there are any available mitigation strategies to reduce these decibel levels. We strongly urge that creative design efforts be employed to address this old but continuing serious problem in LRT operations.

Visual Quality and Aesthetics

The SDEIS states that the overall impact of the LRT development near us is "substantial" as it relates to these important considerations (Section 3.167). It also notes that "..the Council will consider mitigation measures for visual quality impacts that are deemed substantial..." (p. 3-168). We are requesting that whatever can be done to preserve the current natural world ambience of this portion of the corridor be implemented. Also, we have a unique problem related to LRT lights at night. Because of the LRT track curvature going downtown out of the West Lake Street station into the tunnel entrance, certain townhomes in our association may be lit up. We believe that possibility can be mitigated by placing something on top of the rail crash wall. We strongly urge the design team to look at this problem and create a reasonable solution.

Closing

Thank you for both the opportunity to read and respond to the SDEIS. We sincerely hope that our concerns expressed in this memorandum are addressed in the final design. If we can be of any assistance in achieving that goal, please don't hesitate to contact us.

Sincerely,

Richard Johnson, President CLSTA Dickatcls@aol.com

John Erickson, Vice President CLSTA eldonjohn@hotmail.com

From: Tom Cremons
To: swlrt
Subject: SWLRT SDEIS comments
Date: Friday, July 17, 2015 8:29:47 AM
Attachments: 2015 July sdeis comments.doc

Attached is a letter commenting on the recently released SWLRT SDEIS for inclusion in the record.

Thomas P. Cremons
3035 Brunswick Ave. S
St. Louis Park, MN 55416
July 17, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

To Whom It May Concern:

I would like to take this opportunity to comment on the recently released supplemental DEIS for the Southwest LRT project.

My primary concerns with the document lie in three specific areas:

The first is the description of the process for selecting option 3A, specifically relating to citizen input. In the process of selecting this alternative, the objections of the residents of the affected neighborhoods in Minneapolis as well as the objections of the City of Minneapolis itself were discounted. The consent of these entities was granted, with great reluctance, only after they had been promised, or thought they had been promised, that freight rail would be removed from the Kenilworth corridor. At the same time, citizens of St. Louis Park who would be impacted by the freight rail reroute were being told that freight relocation was a separate project and that neither their concerns nor the additional costs associated with moving the freight traffic would be considered as part of the route selection process. The lack of openness in dealing with the freight issue distorted the process which resulted in the selection of option 3A. The reality that these issues and the concerns of the affected communities were not dealt with in an open, honest manner has poisoned this project from the beginning, causing years of delays and tens of millions of dollars of extra expenditures.

My second concern is the retention of the “Brunswick Central” plan as an option for dealing with the freight problem. All of the freight relocation options, including “Brunswick Central” have encountered strong opposition in St. Louis Park due to concerns about safety, community cohesion, noise, sound and air pollution, impacts to the school system, and livability issues for those living near the tracks. In fact, the “Brunswick Central” option is among the most expensive of all the options considered and requires the taking of more property than most of the other options. Co-location of freight and LRT at grade in the Kenilworth corridor, by relocating the trail, is far less expensive and requires the taking of little or no property. In fact, the land on which the trail was built was acquired by the Hennepin County Regional Railroad Authority specifically for future transit needs and the lease between the HCRRA and the City of

Minneapolis specifies that the trail is to be abandoned if the land is needed for transit development. By any objective criteria, the at grade co-location option should have been retained and the "Brunswick Central" option should have been discarded.

Finally, I am concerned about the lack of study and citizen input regarding the "southern connection" between the Bass Lake Spur and the MN&S. This is a very expensive, unnecessary and potentially destructive feature in a project that is grossly over budget before one shovel of dirt has been turned. Businesses will be removed and jobs will be lost to construct this connection. The construction of this direct connection between the Bass Lake Spur and the MN&S will greatly increase the efficiency, ability and likelihood of the railroads to run more frequent and longer trains, possibly including 100 plus car unit trains from the eastbound Bass Lake Spur onto the southbound MN&S as well as in the opposite direction. This has the potential to cause major traffic problems as well as noise, safety, pollution and neighborhood livability issues in St. Louis Park as well as communities to the south, all the way to the Minnesota River. To my knowledge, little or no study has been done regarding these impacts, nor have these communities been truly informed of the implications or given a chance to respond. As with many issues in the past, these impacts will be a direct result of the SWLRT project but are not being adequately considered.

I strongly believe in transit and in the need for better transit options for the southwest metro area. If the route selection and planning process for SWLRT had been truly open, honest, objective and comprehensive, the project would probably be have been completed by now at a reasonable cost and we would now be riding on it. Because the process was flawed from the beginning, millions of dollars have been wasted, not one rail has been laid and the budget has doubled with no end in sight. Continuing to follow the same flawed path will, I fear, only lead to more delays, more expenses and, possibly, the death of the SWLRT project.

Sincerely,

Tom Cremons

From:	CDeJarlais@bachmans.com
To:	swlrt
Cc:	DBachman@bachmans.com
Subject:	SWLRT SDEIS
Date:	Friday, July 17, 2015 9:58:52 AM
Attachments:	SWLRT SDEIS from Dale Bachman 071715.pdf pic13261.jpg

Good morning,

Attached is a letter from Dale Bachman, Chairman/CEO of Bachman's, Inc., expressing comments relative to the SWLRT SDEIS.

As indicated on the document, we have also sent the original of this letter to Ms. Nani Jacobson via US Mail; we elected to send it via email, as well, as the deadline for comments of July 21, is fast approaching.

Thank you,
Cherie DeJarlais

(See attached file: SWLRT SDEIS from Dale Bachman 071715.pdf)

Cherie DeJarlais
Bachman's Executive Offices
Phone: 612-861-7691
Fax: 612-861-7745

(Embedded image moved to file: pic13261.jpg)

BACHMAN'S

July 17, 2015

SENT VIA US MAIL and EMAIL

Ms. Nani Jacobson
Assistant Director, Environmental and Agreements
Metro – Transit – Southwest LRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson:

The purpose of this letter is to provide comments for Bachman's, Inc. and its Eden Prairie location, 770 Prairie Center Drive, on the SWLRT Supplemental Draft Environmental Impact Statement (SDEIS).

Chapter 2: Alternative Considered:

All of the rail alignments recommended in the original DEIS showed the SWLRT line along Technology Drive. This reasonably demonstrates that the preferred route and the route best suited for the SWLRT is along Technology Drive. We understand the SDEIS was authorized to review this alignment based on political requests by the City of Eden Prairie and a few impacted businesses. However, it must be assumed that Technology Drive is the most advantageous alignment for the efficient operation of the rail corridor as originally concluded. If the line could be located on the north side of Technology Drive the objections of those businesses could be resolved. Moving the line from Technology Drive will do the following:

- Lengthen travel times
- Impact more businesses
- Impact more roads and intersections
- Require the construction of a new road
- Require crossing more intersections
- Create more safety risks

We appreciate the fact that the at-grade alignment along Singletree and Prairie Center Drive is not being considered. We have significant concerns about that alignment for safety reasons and negative access impacts on our property. We prefer a north side of Technology Drive alignment to the proposed alignment along the steep slope between Bachman's and Costco.

Ms. Nani Jacobson
Metro-Transit-Southwest LRT Project
July 17, 2015

Chapter 3.2 Eden Prairie Segment, Wetlands:

We have concern about the impact to the steep slope and the Costco stormwater pond/wetland along the north side of our site. The impact of grading is not addressed adequately in the SDEIS. We would request the Project Office to provide grading plans as they become available to ensure that the grading of the steep slope does not negatively impact our property. In addition the SDEIS notes that the Costco stormwater pond/wetland will be impacted. We are concerned about the potential impact that may occur with the removal/replacement of the Costco pond. Additional information must be provided on how and where the stormwater pond will be replaced.

Chapter 3.2 Eden Prairie Segment, Acquisitions:

The Construction Plans available on the Project Office website show the project will need a temporary construction easement along the north side of our property. The proposed easement is shown to come up against our north wall and within our parking, loading dock, and storage areas. We require more information on the length and impact of the construction work on our store operations. We must not lose access to our only loading dock. Losing access to our only loading dock would have significant negative impact on our business operations.

Thank you for this opportunity to provide comments on the SDEIS.

Sincerely,



Dale L. Bachman
Chairman / Chief Executive Officer

DLB:cad

From: Diane Hedges
To: swlrt; Anne@AnneMavity.org
Subject: SW Light Rail Freight Bridge
Date: Friday, July 17, 2015 10:20:10 PM

I just read an e-mail from Irene Elkins in the Nextdoor Brookside. She said:

> I was concerned to learn about an issue that I suspect most residents in my Brookside (and other neighborhoods south of Excelsior and west of 100) may be unaware of that could potentially adversely affect our neighborhoods. According to Safety in the Park, the current SDEIS plan (part of Southwest light rail planning) eliminates the freight rail switching wye in the Elmwood neighborhood, replacing it with a very expensive freight-rail bridge, offering freight trains a route south through the Elmwood, Brookside, and Brooklawn neighborhoods, through Edina's Todd Park neighborhood, etc.. This new bridge would make it easy for freight trains, potentially in large numbers, to move through these communities. While this may benefit the railroads, as taxpayers, we would be paying for something that would negatively impact livability - and likely property values- in our neighborhoods. I would therefore encourage similarly concerned residents to contact our SLP City Council to support the comparatively less-expensive possibility of adding a light-rail bridge over the wye (which would allow the SWLRT project to proceed) or at the very least, to advocate that money for mitigation should be set aside to offset the livability issues. If concerned, please contact Ms. Nani Jacobson, Project Manager, at SWLRT@metrotransit.org, as well as to ask our City Council to speak out in their official comment. The deadline for commenting is July 21, 2015. City Council members e-mails are available on the following website: http://www.stlouispark.org/contact-infor... (Scroll down until you get to Mayor Jacobs e-mail, followed by those of other City Council members). Thanks!

If this is the case, I would be very opposed to the expensive freight-rail bridge. I live on Brookside and the train runs right next to my house and Jackley Park. I'd hate to see and hear more trains than we already deal with.

Diane Hedges

From: Anna
To: swlrt
Subject: Considerations
Date: Sunday, July 19, 2015 3:47:28 PM

Greetings- I understand there is still a small chance the bike trail may be replaced bY the new light rail by the kenwood area . Is there any consideration for a multi level track/path? Rail on lower level and bike rail on top? Share the space. Doesn't that seem to be a viable option?

Thank you,

Anna Mulfinger
St. Louis Park

Please excuse typos
Sent from my iPhone

From: Angie Erdrich/Sandeep Patel
To: swlrt
Subject: SDEIS- One Citizen Response
Date: Sunday, July 19, 2015 6:14:41 PM

The SDEIS fails to adequately study safety and environmental impacts, especially in two areas:

1. Temporary freight (what we have now) should not be considered an existing condition. All visual, noise, vibration, safety and other environmental impacts should be measured from a basis of no freight and no light rail.
2. The SDEIS does not address the safety of co-locating freight trains (which presently carry hazardous materials like anhydrous ammonia and ethanol) through what is now going to be a very narrow pinch point. These hazardous trains will now be squeezed in next to homes, parks, trails, passenger trains, and electrical wires...all located between two lakes. Ethanol spills/explosions carry across bodies of water. These issues are not addressed in the current SDEIS.

I oppose this SWLRT route. I have written and participated in your processes and have given feedback to the Met Council and numerous politicians over the past two years. I have done everything my time allowed to fight this route and co-location. I am currently drafting a public apology to future generations to be signed by as many neighbors as I can get. I would LOVE to be on the wrong side of history on this one but if not, at least I can say that I tried my best to fight this and I will continue to fight it.

Angela Erdrich, MD
2217 Oliver Ave S
Minneapolis, MN 55405

Home: (612) 377-5632
Angie Cell: (612) 516-6866

Lebold, BillieJo

From: Jeanette Colby <colbyjeanette@gmail.com>
Sent: Sunday, July 19, 2015 11:02 PM
To: swlrt
Subject: Comments on the 2015 Supplementary DEIS

Dear Southwest Project Office Team,

Please find attached my personal comments on the 2015 Supplementary Draft Environmental Impact Statement.

Regards,

Jeanette Colby

Comments on the SW LRT SDEIS.docx

Comments on the Southwest LRT Supplementary Draft Environmental Impact Statement
July 20, 2015

Submitted by Jeanette Colby
2218 Sheridan Ave South, Minneapolis

To the Metropolitan Council:

As you know, the process that led us to the Supplementary DEIS for the SWLRT has been riddled with political and technical problems and, sadly, the 2015 SDEIS continues in this vein.

In addition to downplaying or ignoring critical environmental issues with the latest iteration of LRT in the Kenilworth Corridor, it completely overlooks the fact that the temporary freight rail is being transformed into permanent infrastructure.

I will comment here on <u>just a few</u> of the most pressing specific issues:

1) Visual Impacts will be substantial throughout the Kenilworth Corridor



The Kenilworth Trail, where open green space and trees are highly valued

The 2012 DEIS correctly stated that SWLRT visual impacts would be substantial throughout the corridor. This statement included the premise that freight rail would be removed. Now, the

2015 SDEIS states that only about half of the corridor will be substantially impacted by the introduction of LRT and its infrastructure, as well as the introduction of permanent freight rail and its infrastructure. The SDEIS deems the area north of the Burnham Bridge as "not substantially impacted."

Regardless of the methodology used (and well-articulated in the SDEIS attachments), this is an absurd statement. Freight and LRT tracks, overhead catenaries, 220 daily LRT trains, and an increasing number of freight trains will replace open space, green space and trees. It should be clear to anyone who has walked, bicycled, or otherwise found peace and recreation in the beauty of the Kenilworth Corridor that the visual impact throughout the corridor will be substantial and must receive the highest, most thoughtful level of mitigation.

Also absurd is the idea that an LRT station would be a positive visual addition to the area at 21st Street, currently a green space at the edge of Cedar Lake Park. Even with the smallest of the proposed station types, the replacement of trees with metal, wires, cement, and fencing will clearly have a negative visual impact in this park-like environment.



A station on University Avenue: A harsh built structure would replace natural elements at 21st Street

2) Noise impacts are underestimated in the SDEIS

The Kenilworth Corridor is quiet. When I'm working in my yard, I can often hear trail users conversing. Last summer, I heard a cyclist fall hard and was able to call 911.

Adding 220 LRT trains per day to this quiet, tree-lined recreational and bicycle commuting trail area will be a major environmental disruption, critically increasing noise even if moving LRT trains were the only noise source. However, train braking, crossing and station bells, mechanized announcements, and other activity at the proposed 21st Street Station will add to the noise impact. The corridor will be permanently changed from a uniquely tranquil area to one in which many neighborhood residents – not just those few in properties identified in the SDEIS – will have only two hours (between 2:00 a.m. and 4:00 a.m.) of uninterrupted quiet. This impact is substantially worse with co-location at grade, with freight bringing its own set of noise impacts.

The 2012 DEIS identified 96 moderate and 406 severe neighborhood noise impacts with co-location at grade between the proposed West Lake station and the proposed Penn Avenue station. More specifically, between 21st Street and Penn Avenue the DEIS identified 67 moderate noise impacts and 7 severe impacts with co-location at grade. The 2015 SDEIS, however, says there would be only 28 moderate and two severe impacts in all of Kenilworth with LRT and freight rail co-location at grade. The SDEIS states that the tunnel will address many noise impacts, especially on the adjacent townhouses and condos south of Cedar Lake Parkway. However, north of the Kenilworth channel freight and light rail run would together at grade per the SDEIS. The SDEIS does not explain, nor did the Southwest Project Office explain when I requested information on June 12, 2015, why 55 of the 67 moderate impacts and six of the severe impacts north of 21st Street have been downgraded or eliminated in the SDEIS. The discrepancy between the DEIS and the SDEIS, when both looked at co-location at grade between the Kenilworth Channel and the Penn Avenue station, remains a mystery.



A quiet snowy day on the Kenilworth Trail

3) SDEIS overlooks public safety issues

The proposed SWLRT 21st Street Station is situated in very close proximity to the beautiful Cedar Beach East (Hidden Beach). While this beach is used by hundreds of law-abiding sunbathers and swimmers in the summer, it is also known by some as a place to use drugs and alcohol. This beach annually generates among the most citations of any park in the state, and most violators come from cities other than Minneapolis according to police reports. An SWLRT station at this location will have particular public safety issues and needs. The Met Council must be responsible for designing a station area that won't exacerbate problems that the neighborhood has fought for many years.

Further, the SDEIS does not consider the infrastructure or access needs of emergency responders should a fire, police, or medical emergency occur in or near the Kenilworth Trail area, at Cedar Beach East, Cedar Lake Park, or Upton Avenue South if LRT and freight rail occupy the corridor.



Firefighters unable to access a grass fire in Cedar Lake Park because of a passing freight train

4) Freight rail is a new, permanent project

When freight rail was reintroduced into the Kenilworth Corridor, it was done so on a temporary basis. Until 2013, all studies and plans for LRT in the Kenilworth Corridor assumed that freight would be moved to make way for LRT. The Met Council now proposes to upgrade and make permanent the freight infrastructure used by one private company, even claiming in the SDEIS that doing so is a Metropolitan-area need that the SWLRT project should meet.

The myriad environmental impacts of this new, permanent freight project – which will transport hazardous materials in a narrow urban corridor next to passenger trains and trails – must be completely and thoroughly studied. The current SDEIS does not do so, and in fact barely touches on the co-location element of the revised SWLRT plan.







From: kristina patterson
To: swlrt
Subject: Brookside resident light rail concern
Date: Monday, July 20, 2015 6:45:26 PM

I support the comparatively less-expensive possibility of adding a light-rail bridge over the wye (which would allow the SWLRT project to proceed) or at the very least, to advocate that money for mitigation should be set aside to offset the livability issues.

Thank you

Kristina Patterson

From: Arlene Fried
To: swlrt
Subject: Danger of Co-location of Freight and Lightrail
Date: Monday, July 20, 2015 5:47:52 PM

Danger of Co-location of Freight and Light-rail

I am opposed to the SWLRT co-location of freight trains and light-rail.
I want to make the point that the freight cars carrying flammable
liquids can leak or exude flammable fumes and should not be located
adjacent to light-rail and light-rail's electrical wires because of
the danger of an explosion. This is particularly dangerous in the
Kenilworth residential area. Co-location should be banned.

Arlene Fried
1109 Xerxes Ave.
Minneapolis, Mn 55405
Co-founder of Park Watch
www.mplsparkwatch.org

From: Doug Jones
To: swlrt
Cc: Sue Sanger
Subject: Light-Rail Alternative and the Southern Arm
Date: Monday, July 20, 2015 3:07:34 PM

Dear Ms. Jacobson,

On behalf of myself and our 86 members I want to express our chagrin to learn that the Met council, with the current SDEIS, was going back on their original agreement to move the bike trail rather than reroute rail traffic thru SLP if the Kenilworth Tunnel fully engineered out becomes to expensive. Clearly the entire SWLRT project's cost are escalating at such a rate that the economic viability not to mention funding is suspect.

At the very least we need to begin taking steps that pass the test of common sense and make it clear that if the Kenilworth tunnel once fully engineered out is cost prohibitive then we will move the bike trail rather than reroute an en entire freight line. In addition, we need to demonstrate stewardship to our citizens by planning the addition of a Light-Rail Bridge over the wye for the Southern Arm rather than embarking on the more expensive and intrusive alternative of building a new Freight Rail Bridge.

Sincerely,
Doug Jones
President
Pointe West Commons Homeowner Association
St. Louis Park, MN

From: Paul Petzschke
To: swlrt
Subject: Response to SDEIS regarding construction of Shallow Tunnel
Date: Monday, July 20, 2015 11:25:21 PM
Attachments: Response to SDEIS F.docx

Met Council,

Here's my response to the SDEIS.

Paul Petzschke

--
Paul Petzschke
paulptz@elitemail.org

Executive Summary:

Calhoun-Isles Condominiums are converted 90 year old grain silos located at the narrowest point, commonly called the "pinch-point", along the proposed Southwest LRT route. To accommodate the passage of two LRT rails, the Kenilworth Bike Trail, and the single TC&W heavy railroad track through this narrow gap, a shallow or "cut-and-cover" tunnel is proposed to be constructed for the LRT tracks, with the TC&W line and bike path to be above the tunnel at grade. Construction of the proposed tunnel comes within two feet of the Calhoun-Isles footings.

In April 2015, a high frequency vibratory hammer driving technique was used to install sheet piling at a six-story apartment site located at 3118 West Lake Street. Heavy vibrations were felt and structural damage occurred at the adjacent site of Loop Calhoun Condominiums, 3104 W Lake St., and at Calhoun-Isles Condominiums, located 180 feet away at its closest point. These damages and vibrations resulted in the cessation of construction and the implementation of a different method for installing pilings, namely an "H" pile structural piling system.

Seismic readings recorded at Calhoun-Isles by engineering firms contracted by the construction companies' engineers did not correlate to vibrations and damages incurred. Whether these inconsistencies were the result of the unique structure of Calhoun-Isles concrete silo construction or unknown environmental conditions is unknown.

Furthermore, it has been learned that a hydraulic "press-in" technique is typical to an installation more common to a harbor, waterway or soft soils conditions. This condition does NOT exist in the 3118 Lake Street environs.

Therefore, we feel the Met Council's two stated techniques for driving the needed sheet pilings for the construction of the shallow tunnel are not suited for the conditions found in the Kenilworth Corridor. The hydraulic, high-frequency vibratory hammer method presents a unique risk to residents and structure at Calhoun-Isles. The hydraulic "press-in" method is not feasible given the soil conditions that exist.

We urge the Met Council to suspend the SDEIS process, to develop a viable method for installing sheet piles or its facsimile, and to demonstrate the feasibility of this yet-to-be-developed method at the "pinch-point". If this rigorous, but necessary process is not accomplished successfully, there is concern that the construction of the shallow tunnel will not be able to go forward, that private residences will need to be expropriated, and that the two LRT rails, the Kenilworth Bike Trail, and the railroad track will all wind up at grade at the south end of the Kenilworth Corridor.

Findings:

Trammell Crow acquired the 1.89-acre site at 3118 Lake Street to develop a six-story apartment building with 164 units. Trammell Crow hired Big D to construct the apartment complex. Big D hired AET (American Engineering Testing) to do monitoring and engineering work and Trammell Crow hired Braun Intertec to do replicate monitoring and engineering work.

The construction phase of the project began in early 2nd quarter 2015. Two types of piling were installed at 3118 Lake Street, driven "H" piles and Sheet Piles. The driven "H" piling that was installed in mid-April caused initial neighborhood concerns and damage to both Loop Calhoun and Calhoun Isles Condominium Associations. Only a limited number of driven "H" piles were installed, and this phase of the project is complete. In late April and early May, Dig D conducted various trials using vibratory hammers to install sheet piles.

On April 30th, the Calhoun Isles Condominium Association Team met with Big D, American Engineering Testing, and Braun Intertec personnel on the 10th floor of the Calhoun Isles High Rise to discuss the status of the construction project and to help gain further insights on its impact on the High Rise. During the meeting, we learned that no pre-existing condition surveys were recommended for our Association because it is ~180 feet away from the nearest point of the construction site. It was thought that our Association buildings were too far away from the construction site to be damaged.

This situation was quickly addressed by installing monitoring devices in the High Rise to obtain vibration measurements. The results of these measurements are pending. The preliminary indications from the monitors supported the initial assumption. The readings were at the low end of scale; in fact, the monitors had to be adjusted, in order to obtain any readings at all. It was also agreed that American Engineering Testing would conduct pre-existing condition surveys at Calhoun Isles.

This meeting was held while trials using vibratory hammers to install sheet piles were occurring. The High Rise is ~180 feet from the construction site. The vibrations that were felt in the 10th floor conference surprised Big D, American Engineering Testing, and Braun Intertec.

Despite the low readings on the monitors, seven High Rise and three Lateral units have since reported damage as a result of the construction activities. A number of home owners reported feeling high levels of noise and vibration during the April/early May construction activities. Vibrations were felt in the elevators.

Given the fact that the shallow tunnel construction is to occur within 2 to 3 feet (not 180 feet) of the High Rise, our Calhoun Isles Condominium Association Team had a number of follow-up discussions about the impact that the SWLRT would have on our Association Buildings. The vibratory sheet piling installation is one of the options that the Met Council is considering for the construction of the shallow tunnel.

The speed of sound through concrete is as much as 3600 m/s; it is a very effective vibration transmitter. The High Rise was constructed from a series of grain silos. The concrete footings that support the silos go well below ground level. It is a unique building not only when compared to other local structures, many of which are wood construction atop concrete foundations (wood will not transfer vibration energy nearly as well as concrete will). It is also unique compared to other tall concrete structures in the area as it walls are ultra-thick. The entire structure is great at transmitting sound and vibration.

The High Rise has a number of features, which are susceptible to vibration. The underground garage was built when the silos were converted to residences. Three elevators were installed in the High Rise. The silos have an exterior stucco coating; it is a high-maintenance exterior. Balconies have been installed on nearly all High Rise units.

Based on discussions with a number of civil engineers and physicists, the impact on the High Rise from vibratory hammers to install sheet piles at a distance of 2 to 3 feet could be catastrophic. The possible consequences include:

1. Damage to nearly all the resident units in the 3151 Building (the structure closest to the proposed SWLRT line).
2. The elevator service in the High Rise would probably need to be shut down because of safety concerns.
3. The stucco could fall down in sheets due to resonance effects. This situation could result in injury or worse to residents.

4. The integrity of balconies could be compromised. This situation could result in injury or worse to residents.
5. The integrity of the garage could be compromised. This situation could result in injury or worse to residents.

On May 18th, Big D announced that the vibratory sheet piling installation was halted, that any installed sheet piling will be removed, and that an alternate foundation system will be developed. We since learned that the damage that the vibratory sheet piling installation caused to Loop Calhoun (primarily) and Calhoun Isles (secondarily) during the trial period was instrumental in the abandonment of this approach at the 3118 Lake Street Site. All the sheeting piling that had been installed has since been removed.

On July 6th, Trammell Crow/Big D announced the revised foundation plan that will be installed. This system will be an "H" pile structural piling system. It will involve these operations: 1) a hole, approximately 24" in diameter is drilled with an auger and filled with structural concrete as the drill bit is removed; 2) the "H" pile will then be pressed into the structural concrete hydraulically and allowed to cure. This process repeats approximately every 8' on center; 3) once structural "H" piles are complete, an additional drilling process will occur between all "H" piles to install a 24" concrete slurry piling as the structural piles to serve as the structural site retention component.

Big D will conduct trials to install this "H" pile structural piling system starting the week of July 20th. The drilling will not be vibratory or driven in methods and while not particularly quiet, the level of noise and movement of equipment will be heard and occasionally felt but remain significantly below industry standards and city ordinances.

Discussion:

The Met Council provides limited reference to the construction methods that they propose employing in the SDEIS. These construction methods are referenced in their attachment, "Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Council, 2014d)". This document describes two methods for installing the required sheet piling for the shallow tunnel: "Sheet pile installation is anticipated to be performed by a method that avoids hydraulic drop hammers. Methods such as a high frequency vibratory hammer or a hydraulic "press-in" device would minimize vibration and noise created by the sheet pile installation. Actual construction means and methods will be determined prior to construction in coordination between the contractor and the SPO (page 4)".

The vibratory driving technique for installing sheet piling has caused too much damage to the neighborhood based on the experiences at 3118 Lake Street and has been eliminated as a means for installing sheet piling by the contractor in the CIDNA neighborhood.

The hydraulic "press-in" methodology was discussed at some length with Big D, American Engineering Testing, and Braun Intertec to determine its feasibility. Based on their feedback, it was learned that a "press" technique is "typical" to an installation more common to a harbor, waterway or soft soils conditions. This condition does NOT exist in the 3118 Lake Street environs. It should also be noted that the current proposal for installing sheet piling (drilled "H" piling) at this site will be substantially more expensive to install than employing a hydraulic pressing technique.

Met Council personnel were questioned about these two proposed methods for installing sheet piling for the shallow tunnel. In one response, a Met Council spokesperson informed the public that the vibratory hammers

that Dig D employed to install the sheet piling at the 3118 Lake Street site were of inferior quality and this factor resulted in the damage to the two neighborhood associations. It was further reported that the Met Council would be using higher quality vibratory hammers and no problems would occur.

This matter was brought to Big D's attention; they reported it is unreasonable to label the equipment that they used as "inferior", but would be more appropriately labeled as "typical" in the industry.

In another instance, a Met Council Engineer was questioned about the proposed hydraulic "press-in" methodology. He insisted that this approach was valid and that it was the preferred route, despite the feedback that has been received from Big D, American Engineering Testing, and Braun Intertec.

An attempt was made to discuss these sheet piling methods directly with American Engineering Testing (AET) to gain additional information and insights. AET personnel informed me that they were under contract to the SWLRT and could not talk to me because of a conflict of interest. They told me to contact Met Council personnel directly.

Given this feedback from Big D, American Engineering Testing, and Braun Intertec, there is sufficient documented information available that demonstrates that the Met Council will not be able to use either a vibratory hammer or a hydraulic press to install the sheet piling for the shallow tunnel. These constraints will force the Met Council to employ alternate methods for installing sheet piling for the shallow tunnel.

The only other known method known for installing sheet piling is to employ the drilled H-pile Lagged System that will be attempted at the 3118 Lake Street site. The engineering company (AET) that is working on this site developed this recommendation. This very same engineering company is now under contract to the Met Council. One would logically conclude that they will make the same recommendation to the Met Council.

This installation method will complicated by several factors:

1. This drilled H-pile Lagged System approach will be substantially more expensive than what is advertised in the SDEIS.
2. The concrete to stabilize the drilled H piles will need to be installed below the water table. This factor will complicate the installation. In addition, it may compromise integrity of the installation.
3. The drilling operation will occur within one to two feet of the Calhoun Isles Condominium Association and within close proximity of the Cedar Lake Shores Condominium Association and to many private residences along the Kenilworth Corridor. This drilling operation is anticipated to be noisy. The Met Council may need to find temporary housing for residents who live in proximity to the shallow tunnel construction site.
4. The size of the holes to install the drilled "H" piling raises additional concerns. As noted, holes approximately 24" in diameter will be drilled with an auger at the 3118 Lake Street site. This system will support a piling system that is 25 feet below grade. The shallow tunnel will require a piling system that will be 50 feet below grade. The holes for the drilled "H" piles may need to be larger for the shallow tunnel. There is limited space at the pinch point, ie the short distance between Calhoun Isles and Cedar Lake Shores Condominium Associations. It may not be possible to install this drilled "H" structural piling system without infringing upon and/or taking private property (including homes) at this point.

Conclusion and Recommendations:

The experiences at the 3118 Lake Street site raise a number of serious questions about the proposed methods that the Met Council intends to employ when constructing the shallow tunnel. The proposed methods include using a high frequency vibratory hammer or a hydraulic “press-in” device to accomplish the sheet pile installation.

The high frequency vibratory hammer driving technique for installing sheet piling caused too much damage to the CIDNA neighborhood based on the experiences at 3118 Lake Street and has been eliminated as a means for installing sheet piling by the contractor. It has also been learned that the hydraulic “press-in” is typical to an installation more common to a harbor, waterway or soft soils conditions. This condition does NOT exist in the 3118 Lake Street environs.

The information about sheet piling installations that has been gathered during the past 12 weeks is based actual field experience and expert opinion from quality engineering companies. It has also been learned that American Engineering Testing, a company that acted as a primary consultant in developing an alternate sheet piling system for the 3118 Lake Street project, is under contract to the Met Council.

It is imperative that the SDEIS process be suspended until a viable construction method for installing a sheet piling like system for the shallow tunnel is properly developed with input from a quality engineering company such as American Engineering Testing. Once this alternate (and most likely more expensive) system is developed, its feasibility must be successfully demonstrated.

If this rigorous, but necessary process is not accomplished successfully, there is concern that the construction of the shallow tunnel will not be able to go forward, that private residences will need to be expropriated, and that the two LRT rails, the Kenilworth Bike Trail, and the railroad track will all wind up at grade at the south end of the Kenilworth Corridor.

I wish to thank Trammell Crow, Big D, American Engineering Testing, and Braun Intertec for the rigorous process that they employed at the 3118 West Lake Street construction site. While the noise and vibration from the initial sheet piling installation methods were below industry standards and city ordinances, they realized the problems that were being caused to the neighborhood in short order. They had the integrity to go back to the drawing board and to develop a system that would conform to the neighborhood requirements, despite the added cost. They should be commended for their willingness to share their findings and their process with the public.

Submitted By: Paul M Petzschke, 3116 Dean Court, Mpls, Mn July 20, 2015

From: Doug S
To: swlrt
Subject: Southerly connection and removal of skunk hollo wye in St Louis Park
Date: Monday, July 20, 2015 10:05:06 PM

Hello Ms Jacobsen

It was recently brought to my attention that there is a proposal in the latest SDEIS for the southwest light rail transit to add a southerly connection for the freight rail connection onto the Dan Patch rail corridor, effectively making it easier to route additional rail traffic through the residential neighborhood of Brookside and neighborhoods to the south.

In the proposal I did not see any justification for this change or any estimation of the increase in volume of traffic that would come with it. The rerouting of this interchange is not something that I had heard of, prior to this week, being included in the swlrt plans or having any additional study attached to it to justify the additional cost other than making an improvement for the railroads at someone else's expense.

Needless to say I would be opposed to any change that would stage up putting more freight rail traffic twenty feet from neighborhood parks and through people's backyards. I don't believe this is something that should magically appear in an addendum given the potential impact and risk to a part of St Louis Park that is finally starting to see real revitalization and investment by its residents.

Doug Seitz
612.207.6533

From: Shawn Smith
To: swlrt
Cc: Jeanette Colby; Shawn Smith
Subject: Southwest Light Rail SDEIS Response - Kenwood Isles Area Association (KIAA)
Date: Monday, July 20, 2015 5:41:29 PM
Attachments: KIAA SDEIS Response July 2015.docx

Attn: Met Council Commissioners and Planning Office

Whereas public comment has been asked for by the Met Council and SW Project Office regarding the SDEIS for Southwest Light Rail Transit,

Whereas the Kenwood Isles Area Association (KIAA) is the elected board representing the Kenwood neighborhood,

Whereas on July 6th, KIAA voted unanimously to submit the attached SDEIS response to the Met Council on behalf of the Kenwood neighborhood,

Whereas KIAA and the Kenwood residents have substantive concerns and questions regarding the SDEIS and the Minneapolis Segment, Kenilworth Corridor, of the proposed Southwest Light Rail Line, we do submit this response on July 20th, 2015.

KIAA would appreciate an acknowledgement of receipt of this document and the opportunity to discuss the concerns within in further detail.

Should there be an issue opening the file, two identical hard copies will be delivered to the Project Office in the morning of July 21st.

Sincerely,
KIAA Board

Jeanette Colby (Chair)
Larry Moran (Vice Chair)
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Kenwood Isles Area Association

Southwest Light Rail Supplemental DEIS response

July 20th, 2015

Introduction to SDEIS Comments by the Kenwood Isles Area Association

The Kenwood Isles Area Association (KIAA) represents the neighborhood that extends, on its west side, from the proposed SWLRT Penn Avenue station to the Kenilworth Lagoon.

KIAA has participated in the SWLRT planning process in the spirit of cooperation and compromise for approximately nine years. For most of this time, we were assured verbally and in planning documents that freight rail in the Kenilworth Corridor was a temporary condition and would be moved to make way for LRT. The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's policy is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the two following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor will be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured from a basis of no freight and no light rail.

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation will continue to grow as transport of oil, ethanol and other volatile materials expands and freight trains grow longer.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor – and included "co-location" making the temporary freight rail permanent – they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. KIAA does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: In Short-Term Acquisition and Displacement Impacts, the Council states "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see:
http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf.
In the case that the MPRB decides against owning these properties, KIAA expects that the spirit of the agreement be upheld, i.e., that any remnant parcels remain publicly held.

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office, an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that may be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

These items will not avoid, minimize or mitigate the long term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS. Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The bridges over the Lagoon will have an adverse impact because of their the size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure will alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation and avoidance/minimization/mitigation measures to be identified. The possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific

mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need to ensure that plans are in place to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction as well as an agreement that specifies how these potential impacts will be monitored. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction.

The SDEIS also lists "station area development" as an item to be addressed through continued consultation. Numerous statements have been made that development is not anticipated at the 21st Street Station. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station
The discussion of development potential at the Penn Station does not relate to the Kenwood Parkway side:
http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf
The Council must explain what development is being referred to in Table 3.4-5.

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS response.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect the environmentally sensitive parkland, recreation areas, and open spaces along the Kenilworth Trail and adjacent parks. During construction, how can the safety of park and trail users (East Cedar Lake Beach, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed? Please also explain how emergency vehicles will maintain access to East Cedar Lake Beach and Cedar Lake Park.

Section 3.4.1.5 Visual Quality and Aesthetics

> ***Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:***
>
> ***Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.***
>
> ***Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.***

Comment: While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial." (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be <u>substantial throughout the corridor</u>.

Throughout this area, the SWLRT project will remove a large amount of green space and trees, and replace them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the degree of change in the visual resource will be great, and, with well over 600,000 annual visitors to the Kenilworth Trail, the exposure to viewers will be high. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

It appears that the consultant determining the visual qualities of the corridor relied entirely on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). If this is true, it is very discouraging that the area was not visited in person by the evaluator, nor were any stakeholders consulted.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent

neighborhood. The 21st Street Station – a slab of concrete and metal with fencing and catenaries – will certainly "create a focal point," but it is not credible to assert that this will positively impact the visual qualities of a place that is now adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. **We assert that the Council must recognize this and identify robust and meaningful mitigation measures for incorporation into the project. In fact, many feel that the adjacent parkland and the park-like environment of the Kenilworth Trail will be forever disrupted, and this alignment was selected when other, better alignments exist.**

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: Given its history as a marshy area that in many places was made solid by landfill, and its former use as an active freight corridor, KIAA is very concerned that so much remains unknown about the soil and groundwater conditions in the Kenilworth Corridor under which the SWRLT tunnel and other elements will be built.

On page 3-170, the SDEIS notes, "the amount of settlement below and in the vicinity of the tunnel would be negligible." KIAA urges the Met Council to consult with the builders and managers of Calhoun Village about settling. Our understanding is that the buildings in Calhoun Village are built on pilings; the parking lot has settled and been raised, perhaps more than once, so the step from the walkway in front of the stores to the asphalt remains within reach. KIAA has no engineering data, but we have been told that an underground flow from Cedar Lake to Lake Calhoun is believed to be responsible for the parking lot sinking. With the longer, heavier freight trains that have begun to use the Kenilworth Corridor – which will likely increase with the upgraded rail facilities that the Met Council plans to build as part of the SWLRT project – and the frequent LRT trains, KIAA is not confident that "construction and operation of the light rail system would not affect the performance of the proposed tunnel or the other structures located in the vicinity of the tunnel, such as roadways, utilities, and nearby buildings."

Regarding groundwater, the SDEIS further points out that "in areas with high groundwater elevations and granular soils, there is an increased potential for groundwater contamination as a result of previous hazardous and contaminated materials spills" (page 3-168). We appreciate the Council's plan to create a system of filtration tanks and infiltration basins to accommodate a 100-year storm event during construction, but urge the Council to fully understand the nature of the contaminants in the soil before digging begins. The Council assumes that it will obtain permits from all local, state, and federal agencies for impacts to wetlands and other aquatic resources, but it would, of course, be irresponsible for these agencies to grant permits if unknown contaminants cannot be safely managed. We also urge the Council to understand the costs of dealing with this contamination before proceeding with construction, as we understand these cost are not currently known.
KIAA requests that there be a much more significant and transparent presentation regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially potential for damage to the Kenilworth Channel and Cedar Lake.

While a permit application is required, the SDEIS identifies that there will be damage done to Minneapolis' aquatic resources but does not specify the level of damage that may be done during construction and operation of the SWLRT. The further impairment of these resources is a violation of the EPA Clean Water Act. The Minneapolis Chain of Lakes is a vital recreational and natural resource; while we appreciate that the Council will apply for a Section 404 permit, to knowingly degrade the Chain of Lakes is unacceptable.

Further, KIAA is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. The Kenilworth Corridor north of 21st Street is a former rail yard that housed up to 58 rail lines during its peak and was in service for decades. The SDEIS specifies the numerous toxic contaminants in the area due to this former use. Much of the rest of the Kenilworth area was constructed through landfill when standards for waste disposal were not stringent. When disturbed, contaminants from freight operations and landfill could enter the nearby lakes and groundwater.

In a June, 2015, Community Advisory Committee meeting, Southwest Project Office staff told the committee that contamination beyond what was identified in the SDEIS is likely to be found. Advancing the project without thorough knowledge of the type and degree of contamination elevates the risk to our water resources. The SPO staff further stated that measures to address the additional contamination are to be covered by contingency monies from the overall project budget. The SPO admits it does not fully understand the scope of the contamination nor does it know whether there will be adequate funds to address the potential

contamination of soil and water resources due to the construction and operations of the SWLRT. KIAA finds this approach to be irresponsible both financially and environmentally.

Noise 3.4.2.3

The SDEIS simply states that the noise issues described below will be addressed in the Final EIS and that they will be mitigated. We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.

Comment: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT through Kenwood and CIDNA will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Kenilworth Corridor. This proposed SWLRT route is not comparable to the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue), which are immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**.

A **National Scenic Byway** is *a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. The program was established by Congress in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).* The Kenilworth Corridor accommodates pedestrian and bike traffic, along with a slow moving freight train – two to five times per 24 hour period – which was intended to occupy the corridor only on a temporary basis.

The noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the Kenilworth Corridor and the adjacent neighborhood with near-constant noise and vibration.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet, 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT 3 - car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, critically increasing the noise generated. This holds true even if the only noise increase resulted from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

The result of LRT noise is the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, to a severely noise disrupted, highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise, a research review published in the December 2014 edition of Sleep Science, summarizes:

> emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article goes on to review that:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased

mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [1]

Further, there is growing evidence that the opportunity for experiences in greenspace and nature supports social and psychological resources and recovery from stress. [2] The perpetual and repetitive noise from SWLRT would interrupt the current experience of the Kenilworth Corridor, nearby beaches, parks, the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Opportunities for experiences in natural environments, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally if not more critical for the mental health of urban residents.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be simply ignored.

A. Existing Conditions (p. 3-180)

Fundamental defect with baseline noise measurements

Comment: The SDEIS uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] ***This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.***

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS. KIAA requests that the SW Project Office contact CIDNA to obtain a copy of this report.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted that "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise every 5 minutes is measured as having a lower impact than actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as 51 – 64 dBA in Tables **3.4-11, 3.4-12**. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non –existent, moderate or severe. <u>This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting</u>.

Repetitive bell noise does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations.

The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

[1] Sleep Science, Volume 7, Issue 4, December 2014, Pages 209-212).

[2] British Journal of Sports Medicine 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG."

[3] http://metrocouncil.org/swlrt/sdeis

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel

KIAA strongly questions the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word -- the term "passive" to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Most significantly, that the consequence of placing the Kenilworth Channel in Category 3 is that both the obligation to mitigate impacts is lowered, and the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Breaks the *System* of Minneapolis Parks.

Horace Cleveland's visionary masterplan, Suggestions for a System of Parks and Parkways for the City of Minneapolis, proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a Minneapolis Park System.

The scenario of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area breaks the larger *system* of the Minneapolis Parks.

Site N 17 (p. 3-182)

21st Street Noise Impacts

We strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

As we currently understand the SWLRT project, crossing and station bells will generate a noise level of 106 dBA and LRT bells generating 88 dBA for 22 hours; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents be able to sleep uninterrupted.

Further, freight trains, which were supposed to have been relocated out of the Kenilworth Corridor to make way for LRT, may need to use bells and horns to safely cross 21st Street. This noise impact, which we regard as *new* since the status of the freight rail is going from temporary to permanent, does not seem to have been considered in the SDEIS.

We disagree with the assessment that the SWLRT project will create only 22 moderate noise impacts and one severe impact within the 21st Street station area. With appropriately robust measurement of the existing conditions (*without* freight), many of the residences with noise impacts deemed "moderate" would likely experience severe impacts. In addition to the residences identified in the SDEIS, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least moderate noise impacts. It's clear that although measurements may not rise to the "moderate" or "severe" level as defined in engineering manuals, noise from the 21st Street station will degrade a large portion of the Kenwood neighborhood. We underscore the need for the highest level of noise management and mitigation.

NB: It appears that the SDEIS may misidentify some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses may actually be on Sheridan Avenue South.

LRT Horns are Likely

According to the federal Train Horn Rule[4], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it may not be safe to silence LRT horns at this crossing. That does not mean that KIAA welcomes the horns being sounded due to the prestated tranquility of the corridor and the severity of the noise impacts. If they were reinstated for safety reasons, the noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood. KIAA has no evidence that there is a viable solution to the conflicting imperatives of safety vs. quality of life.

Not addressed: Impacts near Portals

Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS.

First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be identified and made public prior to the final DEIS.

Not addressed: Tunnel Ventilation System

Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building, among other things, before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations

The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment,* the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[5]

The SDEIS says that 54 residences[6] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". The impact of vibration of the freight rail, which the SW LRT is making into a permanent condition, should be included in this analysis.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed in this SDEIS. The FDA manual states: [7]

> …the degree of [ground-borne vibration and noise] annoyance can not always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

SHORT TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within a month of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The project had to be halted (the piles were extracted), since going forward was deemed to be catastrophic. The pile-driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Tryg's site incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile-driving for SWLRT is planned.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the project cost estimates. There is a "contingency" line item in the budget, but it should be used for truly "unpredictable" costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.

Note that KIAA submitted concerns about building conditions during the 2012 DEIS scoping period. During this period, Kenwood residents showed that new construction in the 2500 block of Upton Avenue South required extra deep footings due to the unstable nature of the soil. Architects' drawings and technical information were submitted to Hennepin County.

KIAA requests that the nature of the building conditions be better understood before proceeding with the tunnel and bridge construction. Further study is needed of:

[5] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*

[6] All of them are Category 2 receivers: "residences and buildings where people normally sleep."

[7] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-6*

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION

The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

KIAA understands that an online search of MPCA and MDA databases was conducted to identify documented hazardous and contaminated soils in the Kenilworth Corridor (page 3-189). While we appreciate that several sites were located with this method, people who have lived in Kenwood for many years have reported that undocumented disposal of hazardous waste formerly occurred in the Kenilworth Corridor area. KIAA has only anecdotal evidence, but we urge the Met Council to thoroughly investigate the possibility of undocumented contamination prior to commencing construction.

The SDEIS does not make clear whether the contamination risks throughout the corridor, including those areas of potential groundwater contamination or contamination that may infiltrate groundwater when disturbed, will be subject to Phase II evaluation prior to construction. Permanent pumping of an average of up to 520 gallons per day of water that has seeped into the tunnel would, if contaminated with the residue of freight operations or landfill, directly pollute the Chain of Lakes. We request that this risk and valid mitigation measures be identified before it is determined that a tunnel is environmentally safe and appropriate to build. The SDEIS states:

"Over the short term, four of the high-risk sites have the potential to directly affect LPA-related construction activities in the St. Louis Park/Minneapolis Segment (see Table 3.4-15). As previously noted, the high-risk sites would be investigated prior to construction using a Phase II ESA, which would include preliminary soil and groundwater investigations."

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts include:

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad. KIAA does not believe that the general public is even aware of the amount of wiring and electrical current and sparking in the LRT infrastructure, and we request that the Met Council make a public statement informing the general public of such. Below is a photo of a green line junction of a power tower that will be in very close proximity to the ethanol trains. KIAA strongly objects to this alignment and the risk to those families living in the "blast zone."



SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the SWLRT project budget.

The SDEIS comment, however, seems to say that the cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they could become a Superfund site, requiring significant and expensive remediation.

Several members of the public requested budget information that would indicate what amount of the May 2015 increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in the Kenilworth Corridor. The SW Project Office provided only the highest level of information, and indicated that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project. KIAA is disappointed in this low level of transparency and is left to wonder if remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: KIAA disputes the statement that SWLRT will positively impact property values, especially around the 21st St station and Kenilworth Channel. The current freight alignment in the Kenilworth Corridor, which was supposed to be temporary, is already a negative and permanent defect on property values, and this becomes magnified as a negative defect on properties along the line with co-location of SWLRT. The threat of a collision and derailment as such incidents gain increased attention in the news media will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Much of Kenwood is within the half mile "blast zone." Currently there is no viable plan to contain the effect of a derailment and crash in any urban area other than to let the blast "burn out" for the safety of the overwhelmed first responders. Further, the increased noise, vibration, and light without the previously promised removal of freight rail is an exponential increase in the disturbance in an area that is well known for its park-like feel and "up north" atmosphere. The increased adverse effects of co-location will be a permanent defect to homes within earshot and sight of the line; auditory adverse effects would reach as far as Lake of the Isles Parkway based on the audible sounds of the current freight line, but as a much more disruptive cacophony of LRT bells and horns versus the current infrequent "low rumble" of freight.

Further, while studies such as *rtd-fastracks.com* and others show that the access to light rail increase property values in high density, transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor is not representative of those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods do not see the positive impact on property values, as they do in lower to middle income neighborhoods that more regularly use public transit.

While the projected 1600 ride/daily boardings and alightings appear unrealistic, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing on street parking in front of their homes. This will create a parking lot feel to the low density neighborhood and be a detractor from potential buyers, negatively impacting home values.

Finally we do not support denser development in Kenwood, nor would it be feasible on any meaningful scale due to the mature and stable nature of the neighborhood. Any development would further denigrate the existing green space in the corridor, especially around the 21st St station.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

Short-Term Direct and Indirect Economic Impacts

Comment: The SDEIS addresses only short-term economic impacts related to freight movements in the corridor. We assert that property owners in Kenwood would experience adverse economic impacts during construction; we are concerned that there will be a severe temporary degradation of property values due to the noise, traffic, vibration and uncertainties of the construction period, and we request that property assessments be reconsidered with the purpose of providing tax relief such as what was seen and acted upon during the upgrade of Highway 12 to Interstate 394. We request that a standard preconstruction survey be conducted on the route of construction vehicles or within the construction zone. We also request that there be a plan to ensure that school hours at the Kenwood School be respected – noise and activity should not take place in a manner that interrupts learning. Further, we request specification on what daily clean up and street sweeping would occur to minimize impact on the neighborhood.

3.4.4.2 Roadway and Traffic

As summarized in Table 3.4-1, there would be three new at-grade light rail crossings of roadways within the segment (Wooddale Avenue, Beltline Boulevard, and West 21st Street). At each crossing, light rail operations would impede vehicular traffic for approximately 50 seconds approximately 12 times per hour (six times per hour in both directions).

Comment: KIAA is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS. Police frequently need immediate access to the beach and park for the purpose of public safety and criminal matters; Water emergencies, fire, or medical emergencies would be exacerbated with each moment of delay. We see no possible way to mitigate this impact.

KIAA is concerned about the short-term impact on neighborhood roads that would be used for construction of the Kenilworth Corridor segment, including, but not limited to Penn Ave S, 21st St W. KIAA requests that funding be set aside for road repair

during and at the conclusion of construction to ensure that the burden of the cost of repair is not tendered to Kenwood residents via an assessment.

KIAA requests that passage of construction vehicles and materials through the neighborhood are limited to normal business hours to minimize neighborhood disruption. Please see Addendum #2 for the referendum passed by KIAA regarding the importance of this issue and we request some acknowledgement and plan for such mitigation during construction and repair post construction to any damage sustained to neighborhood housing or infrastructure.

3.4.4.3 Parking

Indirectly, the LPA could affect the supply of and demand for off-street parking in the St. Louis Park/ Minneapolis Segment due to development new light rail station areas. Any development occurring within the segment would, however, be required to comply with the City of St. Louis Park's and the City of Minneapolis' parking requirements, which would tend to ensure a long-term balance of parking supply and demand.

Comment: KIAA is concerned that there is complete disregard in the SDEIS for the impairment of on-street parking availability in its neighborhoods near the proposed 21st St Station for residents and their guests, as well as emergency access to those homes, especially in winter when streets are narrowed due to snow buildup. KIAA continues to oppose a park and ride lots at 21st St.

3.4.4.4 Freight Rail

Comment: Contrary to 15 years of previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (SDEIS page 1-1). The public, policy makers, and funders are generally unaware of this new "need" – one that has directed approximately $200 million of the Southwest light rail budget to improving *freight* rail and making it permanent in the Kenilworth Corridor.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. Despite public agreements and related state funding, none of the responsible parties secured appropriate legal documentation to ensure that freight would be moved to make way for light rail. Many of the parties responsible for this serious and politically tainted "mistake" have been, and continue to be, deeply involved in the SWLRT planning process.

Since the Alternatives Analysis assumed that "freight would be relocated to make way for light rail," the financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered at this critical juncture. Neither Hennepin County nor the Met Council has ever conducted an honest and unbiased analysis of alternative ways to serve the southwest suburbs' transit needs.

When the City of Minneapolis was required to vote on alignment 3A as the proposed Locally Preferred Alternative (LPA), the City Council members were told that freight rail would be relocated and that LRT would run at-grade in Kenilworth. The costs and concerns of freight relocation were again ignored.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

When the City of Minneapolis was pressed to accept co-location in 2014, the City Council lacked critical information to make an informed decision because freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS.

The present SDEIS does little to further the knowledge of risks to the environment and public safety of co-location of freight and SWLRT. It is remarkable more for what is not included than what is included.

Not addressed in this SDEIS are the following issues related to making freight permanent in the Kenilworth Corridor:

1) The current freight operator, TC&W, transports hazardous freight through Kenilworth, in very close proximity to homes, trails and parks. This freight includes such flammable and explosive products as ethanol, fuel oil, propane, and anhydrous ammonia. Should a derailment occur, the consequences could be catastrophic. The need for containment and evacuation plans in nowhere acknowledged in the SDEIS. The federal Freight Rail Administration (FRA) expects at least 10 to 20 oil or ethanol derailments annually. Nationwide, over 7000 train derailments occurred in 2014. These concerns are not just theoretical.

It is troubling that even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the

relocation of freight proposed the 2012 DEIS, the current SDEIS does not contain one word acknowledging the presence or dangers of high hazard freight through the Kenilworth Corridor. There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

2) TC&W is a private business and is free to operate as it deems appropriate. Since 1998 when freight was temporarily reintroduced, TC&W has significantly expanded the number of cars shipped through Kenilworth. The contents of these cars has also changed and will continue to do so as ethanol production increases – unit trains of 100 ethanol tankers have replaced short configurations of soybean and farm equipment carriers. Furthermore, the owners of TC&W are free to sell the company at any point to any one of the major railroads. This would cause an even greater expansion of traffic and movement of hazardous products in close proximity to homes. Upgrading the freight rail infrastructure at public expense and making it permanent increases the value of TC&W and thus increases the likelihood that it will be sold. Nowhere has this been made public.

3) Currently, TC&W trains voluntarily operate at a speed of 10 miles per hour through the Kenilworth Corridor. Our understanding is that they are under no legal obligation to do so. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. A long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.

4) The Met Council has requested waivers from the Federal Rail Administration in order to put the jurisdiction of the co-located freight and light rail under the FTA. We see no evidence that the FTA or the Met Council have the capacity to oversee the co-location of hazardous freight and passenger rail in a narrow urban corridor.

5) The distance between the newly permanent freight rail and the light rail with its overhead electrical wires does not appear to respect industry standards or best practices. Even with crash walls, the proximity of electrified freight rail to passenger rail adds to safety risks. Catenaries can and do spark, which could be disastrous if it occurs when an ethanol tanker is passing. The risk may be low, but the consequences would be extreme.

6) Heavy freight rail obviously causes vibrations that travel through the ground. We see no evidence that the potential for long-term damage to either LRT structures or to residences and other buildings from freight vibrations has been considered in this SDEIS. Upgrading and making freight permanent increases the risks that freight vibrations will damage homes; KIAA therefore requests a pre-construction assessment of potentially affected properties and long-term monitoring with agreements that damage to residences will be compensated.

7) The SDEIS does not explore public sector liability if SWLRT or freight causes damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor, this insurance liability assessment should be done prior to building SWLRT, made public, and included in construction and operating cost estimates.

3.4.4.5 Bicycle and Pedestrian

Comment: The Minneapolis Park and Rec board reported in 2010 the Kenilworth Corridor receives 600,000 discrete unique visits per year. And the current "north woods" feel of the area enhances those visits. That experience would be significantly impacted by the addition of light rail, especially co-located with freight rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users. KIAA asserts that this clearly constitutes a long-term adverse impact on bicycle and pedestrian experience in the Kenilworth Trail and must be mitigated to the greatest extent possible.

There is also a concern for safety at crossings, and a poor precedent set by previously constructed light rail lines on what we might expect. We find this photo to be an example of an unacceptable measure of safety:



As previously stated, is there any concern of having live wires for light rail within 25 feet of an active ethanol freight line? We ask for consideration on this matter per Rep Hornstein's statement at the Dunwoody SWLRT hearing.

3.4.4.6 Safety and Security

Comment: KIAA is concerned about the difficulty of providing emergency services to LRT users and freight trains throughout the Minneapolis portion of the corridor. There is limited operational infrastructure in the corridor (e.g., lack of hydrants), and few access points for emergency vehicles. In particular, we expect that the 21st Street access point will have to be used by police cars, fire engines, and ambulances to service points between the Kenilworth Lagoon and the Penn Avenue station. We request and urge the Council to design access in a minimally intrusive way, and consider mitigation that will limit the impact of these public services on the neighborhood.

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Comment: Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior. To reduce the risk of such behavior we request that the Met Council study whether it be appropriate for service at 21st St station cease at 10PM, which coincides with the normal evening closure of Cedar Lake Park.

SHORT-TERM IMPACTS

Cedar Lake Parkway is a critical artery for Kenwood residents and others. Currently, rush hour traffic produces backups that sometimes extend from Lake Street, along Dean Parkway and Cedar Lake Parkway. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.) The closing of Cedar Lake Parkway at the Kenilworth Trail would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period. Especially important are routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed.

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction.

Appendix – Addendum #1

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position is reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January, 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December, 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the

Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of space for light rail and the existing trails**. Currently, rails and trails safely coexist in more than 60 areas of the United States.

End of Addendum

Appendix: Addendum #2

January 5, 2015

Resolution to Recommend Review of Metropolitan Council's Policy Regarding Project Administration and Accountability to Property Owners

WHEREAS, It has come to the attention of the Kenwood Isles Area Association (KIAA) that a number of homeowners in the Cedar-Isles-Dean neighborhood apparently suffered damage to their properties as a result of the Metropolitan Council's Cedar-Lakes Sewer Improvement Project (MCES Project No. 804122), and

WHEREAS, Neither the Metropolitan Council's contractor nor the Metropolitan Council Environmental Services have taken responsibility or satisfactorily addressed CIDNA homeowners' documented property damage claims, and

WHEREAS, This lack of accountability leads to legitimate concerns about this and all other projects the Metropolitan Council administers, especially the construction and operation of the proposed Southwest Light Rail Transit (SWLRT), and

WHEREAS, This dereliction of responsibility with regard to property damage will potentially affect all properties – public, park or private property alike - along the 16-mile proposed SWLRT route.

THEREFORE BE IT RESOLVED, That the KIAA Board of Directors urgently requests that the Metropolitan Council review its policies for resolving property damage disputes resulting from its construction projects and its role in administering projects;

BE IT FURTHER RESOLVED, That based on this review and before construction begins on the SWLRT, the KIAA Board of Directors urges the Metropolitan Council to put clear and reasonable processes in place to resolve damage disputes and fairly compensate property owners who experience damage as a result of Metropolitan Council projects.

From: KIM and KENNY
To: swlrt
Subject: SWLRT comment
Date: Monday, July 20, 2015 2:09:52 PM

SWLRT Supplemental Draft Environmental Impact Statement comment

SWLRT Public Process

The SWLRT public process is seriously flawed when the governmental bodies decided on the projects alignment, had meetings behind closed doors, actually asked various municipalities involved to vote in favor of the project before the entire EIS process was completed. It is apparent that many citizens voices are not being heard. Many people living in the neighborhood were not informed of the SWLRT plans until it was already a done deal. Please address the following questions and concerns.

Questions:

- Will the various municipalities involved in the SWLRT project be taking a final vote on this project after the EIS process is complete?
- What alternative route plans were available for municipalities to review at the time of the vote to approve the current SWLRT alignment?
- If there is not another review and vote by municipalities should one conclude the project is already rubber stamped for approval without municipalities having up to date information on alternatives routes and environmental impacts?

SWLRT Alternatives Routes

To say that governmental bodies seriously explored other viable routes than the current SWLRT preferred plan is an immeasurable understatement. Light rail projects need to be built in high density population areas. The preferred SWLRT route plans and data were much more detailed than the other viable alternative routes; these plans were inadequate and not explored in depth with supporting data.

Please explain why the following alternative SWLRT routes were not seriously considered by providing comprehensive plans and detailed data equivalent to the current preferred SWLRT planned route to support rejecting the following viable alternative routes; where there is high density of population and significantly less potential for environmental damage.

- The Mid-Town Greenway an existing trail that runs east to west for many miles
- Lake Street connects the cities of Minneapolis and St.Paul and serves a high density population neighborhoods
- Using Lagoon Ave, 31st Street, 28th and 26th Streets in conjunction with the Lake Street option
- Cedar Lake Trail an existing train route that runs east and west for many miles

from downtown Minneapolis to western suburbs

- Highway 55
- Highway 394
- Highway 100

Environmental concerns surrounding Cedar Lake and Lake of the Isles

The groundwater in the area of Cedar Lake is very shallow. It appears as though the deciding government bodies for this project doesn't remember what recently happened at 1800 Lake Street Apartments in Minneapolis. Millions of gallons of groundwater spewed into the garage area of the apartments for many months then it was redirected into the channel of Lake of the Isles. After lawsuits were settled the developer was instructed to fix the groundwater issue. Please provide information on what preventative steps will be taken to ensure the groundwater in the area of SWLRT project will be protected and not abused.

Questions:

- How will the SWLRT construction process protect groundwater and the lakes from pollution?
- How many gallons of groundwater will be pumped and redirected?
- Will this project send recharged groundwater back into the aquafir?
- Is there money in the SWLRT ***budget*** for mitigating groundwater intrusion? If so how much?
- Will groundwater be wasted and diverted into our lakes, creeks, streams, wetlands?
- How will construction around Cedar Lake effect subterranean species?
- What endangered species, flora, fauna have been found and studied? Were experts in the specific areas of these individual species consulted? How will these species be protected?

Effect on property owners and condemnation of properties in the path of project

Questions:

- How will the project negatively impact or compromise adjacent homeowners property?
- Where are the specific plans of what homes will be impacted? Include addresses.
- Are there plans to compensate homeowners for damages to there properties, if so how will this be done?
- How much money is in the SWLRT ***budget*** for homeowner repairs and condemnation of properties in the path of project?

How will homeowners who will be displaced be compensated?

- How and who will actually determine the net worth of the displaced homeowners home values and relocation expenses?
- Who will be the governing body to pay displaced homeowners and how will that complete process work from beginning to end?

I am vehemently opposed to building the SWLRT in the Cedar Lake corridor. The environmental risks associated with this pristine urban forest is not worth building SWLRT in this location. In addition, there will be virtually no ridership in this area. **Please send me an immediate confirmation that you have received my comments.**

Thank you
Kim Ramey
2007 Ewing Ave. South
Minneapolis, MN. 55416
7-20-2015

From: KIM and KENNY
To: swlrt
Subject: SWLRT SDEIS comment
Date: Monday, July 20, 2015 10:42:08 PM

SWLRT Supplemental Draft Environmental Impact Statement comment

The Minnehaha Creek flows directly into Cedar Lake from Lake Minnetonka. The thought that the proposed construction of the current SWLRT preferred plan would only potentially effect Cedar Lake or the surrounding city lakes is short sighted. There have been several incidents around the world of lake water being diverted or lake water disappearing during the construction process, earthquakes and drilling operations. The Earth is experiencing accelerated climate change which now yields more frequent calamitous weather events. Please answer the following questions and concerns.

- Will Cedar Lake, Minnehaha Creek, Lake Minnetonka, Lake of the Isles water levels be monitored and measured during the construction process?
- Has there been baseline water levels measured in the Minneapolis city lakes and Lake Minnetonka? lf not when will the baseline measurements be completed before construction begins?
- How often and at what specific locations will lake water measurements be calculated during construction? And how long after construction is complete?

- What is the depth of the groundwater at Cedar Lake in the effected area where SWLRT preferred plan is being constructed?
- How many feet apart around Cedar Lake were groundwater depths calculated?
- During the construction process of SWLRT explain in depth what studies have been completed regarding pile driving around Cedar Lake?
- How many piles will be used around Cedar Lake and at what depth?
- How have the incidents surrounding other lakes around the world of water disappearances or water diversion been studied? What lakes were used to study this phenomenon?
- What studies have been done regarding the issues surrounding broken lakes seals causing the lake water levels to be diverted or disappear?
- In the case of a catastrophic environmental event of diverted or disappearing lake water which direction and where would this water go?
- Is there an emergency plan in place to deal with an unforeseen catastrophic environmental events? If so; Is the emergency plan in the current budget?
- Have the subterranean soils identified around Cedar Lake been studied for the viability to withstand the harsh environmental intrusion of construction process?
- How will the soil around the lake area be altered?

- What will soil correction cost?
- What matter will be used to stabilize soil around the lake area and will this matter be environmentally safe to use around lake water?
- How will altering soil conditions around Cedar Lake effect/protect subterranean species?
- What studies have been done on the effect of hydrostatic pressure during the construction process and after when the trains are fully operational around Cedar Lake?
- What will be the effect of hydrostatic pressure caused by the weight and vibration of the frequently passing trains on Cedar Lake and surrounding areas?
- Are there endangered species, fauna, flora in the SWLRT preferred plan construction route?
- What studies were done by Cedar Lake to assess the effect of changing the landscape of this environmentally sensitive urban forest on migratory birds, butterflies, bees?

Thank you
Mr. & Mrs. Kenneth Ramey
2007 Ewing Ave. South
Minneapolis, MN. 55416

From: Lynn Levine
To: swlrt
Cc: Sophia.Ginnis@metrotransit.org; Mockovciak, James
Subject: SWLRT Supplemental Draft Environmental Impact Statement comments
Date: Monday, July 20, 2015 5:40:13 PM

SWLRT Public Process

This process was "democracy" at its worst.
My understanding, after attending court hearings in a lawsuit to stop this bad alignment, is that governmental bodies decided on the project's alignment, had meetings behind closed doors, actually negotiated with various municipalities about the alignment to gain a favorable vote, and did all this behind closed doors in secret meetings. This hypocrisy took place before the EIS process was completed! To add insult to injury promises and commitments were made and certain routes eliminated with no regard to the real question about which route would be best for the environment. Voices of citizens took a back seat, at best, and many citizens were not informed or misinformed in the planning stages. Sadly, those most affected by the poor choice of route, including those who may lose their homes, were kept out of the process. We believe they were deliberately kept out.
We are asking that the following questions be answered:

Questions:

- Will the various municipalities involved in the SWLRT project be taking a final vote on this project after the EIS process is complete?
- What alternative route plans were available for review at the time of the vote to approve the current SWLRT alignment?
- If there is not another review and vote by municipalities should one conclude the project is already rubber stamped for approval without municipalities having up to date information on alternatives routes and environmental impacts?

SWLRT Alternatives Routes

Governmental bodies did not seriously explore other viable routes, alternatives to the current SWLRT preferred plan. Light rail projects need to be built in high density population areas. The preferred SWLRT route plans and data were much more detailed than the other viable alternative routes; these plans were inadequate and not explored in depth with supporting data.

The plan was driven by the fact that money was available, instead of the other way around (seeking money for a good plan). As a result so much money is already invested that going over budget (by a lot) becomes a selling point, instead of a detaining point. In other words, cutting some of the excess off the bloated budget is portrayed as a "saving" rather than admit the entire plan is flawed.

Please explain why the following alternative SWLRT routes were not seriously considered by providing comprehensive plans and detailed data equivalent to the current preferred SWLRT planned route to support rejecting the following viable alternative routes; where there is high density of population and significantly less potential for environmental damage.

- The Mid-Town Greenway an existing trail that runs east to west for many miles
- Lake Street connects the cities of Minneapolis and St.Paul and serves a high density population neighborhoods
- Using Lagoon Ave, 31st Street, 28th and 26th Streets in conjunction with the Lake Street option
- Cedar Lake Trail an existing train route that runs east and west for many miles from downtown Minneapolis to western suburbs
- Highway 55
- Highway 394
- Highway 100

Environmental concerns surrounding Cedar Lake and Lake of the Isles

The groundwater in the area of Cedar Lake is very shallow. It appears as though the deciding government bodies for this project doesn't remember what recently happened at 1800 Lake Street Apartments in Minneapolis. Millions of gallons of groundwater spewed into the garage area of the apartments for many months then it was redirected into the channel of Lake of the Isles. After lawsuits were settled the developer was instructed to fix the groundwater issue. Please provide information on what preventative steps will be taken to ensure the groundwater in the area of SWLRT project will be protected and not abused. Further, the Chain of Lakes has taken serious hits in the past, starting with the selling of the spring that feeds Cedar Lake to Prudential. The cumulative effects of this, the Ewing Wetland "compromise" granting permission to destroy a working wetland based on false facts presented to agencies and the current plan must be considered. An "acceptable" environmental impact should consider a starting point where our lakes were healthy. Instead, past damage is touted as a lower bar for impact evaluation.

Questions:

- How will the SWLRT construction process protect groundwater and the lakes from pollution?
- How many gallons of groundwater will be pumped and redirected?
- Will this project send recharged groundwater back into the aquafir?
- Is there money in the SWLRT ***budget*** for mitigating groundwater intrusion? If so how much?
- Will groundwater be wasted and diverted into our lakes, creeks, streams, wetlands?
- How will construction around Cedar Lake effect subterranean species?
- What endangered species, flora, fauna have been found and studied? Were experts in the specific areas of these individual species consulted? How will these species be protected?
- Will there be any penalties for sudden realizations that the impacts were greater than predicted (which they usually are).

Effect on property owners and condemnation of properties in the path of project

Questions:

- How will the project negatively impact or compromise adjacent homeowners property?

- Where are the specific plans of what homes will be impacted? Include addresses.
- Are there plans to compensate homeowners for damages to there properties, if so how will this be done?
- How much money is in the SWLRT ***budget*** for homeowner repairs and condemnation of properties in the path of project?
- How will homeowners who will be displaced be compensated?
- How and who will actually determine the net worth of the displaced homeowners home values and relocation expenses?
- Who will be the governing body to pay displaced homeowners and how will that complete process work from beginning to end?

My neighbors and I are vehemently opposed to building the SWLRT in the Cedar Lake corridor. The environmental risks with destroying this pristine urban forest are surely going to be much more than predicted by a biased group of proponents. There is a lawsuit still pending about the flawed process, and as usual, citizens are being taxed to pay for attorneys fighting against us. In addition we have to chip in our own money to pay our lawyers.

Furthermore, aside from environmental risks the alignment is (forgive my bluntness) stupid. There will be virtually no ridership here.

Please send me an immediate confirmation that you have received my comments.

Thank you for reading and responding to these comments.

Lynn Levine
1941 Ewing Avenue South
Minneapolis, MN 55416

From: Gail Freedman
To: swlrt
Subject: SWLRT through Kenilworth
Date: Monday, July 20, 2015 12:52:12 PM

Hi,

I'm writing to beg you to redirect this route to save our precious natural resources. Put the rail somewhere else, not through our beautiful biking/walking paths.

I appreciate it!

Thank you.

Gail Freedman
Bryn Mawr neighborhood of Minneapolis, MN
28 Thomas Ave So
Mpls, MN 55405

From: Bill McGaughey
To: swlrt
Subject: SWLRT
Date: Monday, July 20, 2015 10:11:57 AM

I live in Harrison neighborhood and am still in favor of building a light-rail line to the southwest suburbs.

William McGaughey

From: Erin Cosgrove
To: swlrt
Subject: Comment to the SDEIS
Date: Tuesday, July 21, 2015 11:59:02 AM

My comments to the SDEIS are the same as Safety in the Park (attached):

Regarding co-location options omitted from the SDEIS (why is a mystery to all common-sense folks):

Add the most simple solution back into the SDEIS: Move the bike trail out of the corridor!

Save money by doing this too.

At least one of the co-location options that do not involve tunnels should remain in the list of viable options and/or all relocation options should be removed from contention after the step one evaluation. Due to the signed 1998 City of Minneapolis agreement with the Hennepin County Regional Rail Authority (HCRRA) to move the bike trail when the Kenilworth Corridor is needed for transit the most likely option to retain would be relocation of the bike trail.

Thank you,

Erin Cosgrove

From:	Corbett, Michael J (DOT)
To:	swlrt; Craig, E (DOT); Nelson, Douglas (DOT); Jacobson, Nancy (DOT); Crockett, April (DOT); Lutaya, Andrew (DOT); Impola, Lars (DOT); Rauchle, Ronald (DOT); Kelly, Brian (DOT); Shekur, Hailu (DOT); Erickson, Chad (DOT); Lackey, Clare (DOT); Fischer, Jose (DOT); Wasko, Peter (DOT); Dalton, Richard (DOT); Gina Mitteco; Walding, Shawn (DOT); Bly, Lynne (DOT); Spencer, Timothy (DOT); Krom, Daniel (DOT); Henricksen, Jim (DOT); Paul Czech; Pat Bursaw
Cc:	Nill, Victoria (DOT); Tag, Aaron E (DOT); Sherman, Tod (DOT); Scheffing, Karen (DOT); Owen, Russell
Subject:	RE: DEIS15-002 Southwest LRT SDEIS
Date:	Tuesday, July 21, 2015 11:37:30 AM
Attachments:	DEIS15-002-SouthwestLRT-SDEIS.pdf

Ms. Nani Jacobson,

Attached is MnDOT's formal comment letter on the Southwest LRT Supplemental Draft Environmental Impact Statement to be entered into the public record. If you have any questions concerning the letter, please let me know.

Michael Corbett, PE
MnDOT Metro Division – Planning
1500 W County Road B-2
Roseville, MN 55113
651-234-7793
Michael.J.Corbett@state.mn.us

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

SUBJECT: Southwest Transitway Supplemental Draft EIS
MnDOT Review # DEIS15-002
Hennepin County

Dear Ms. Jacobson:

Thank you for the opportunity to review the Southwest Transitway LRT Supplementary Draft Environmental Impact Statement (SDEIS). Please note that MnDOT's review of this SDEIS does not constitute approval of a regional traffic analysis and is not a specific approval for access or new roadway improvements. As plans are refined, MnDOT would like the opportunity to meet with your agency to review the updated information. MnDOT's staff has reviewed the document and offers the following comments:

Commuter and Passenger Rail

In order to ensure sufficient capacity and maintain operational flexibility at Target Field Station, it may be necessary in the future to extend the tail track that currently exists between Target Field and Royalston Avenue farther to the west. It is MnDOT's understanding that the current design for the Southwest extension of the Green Line LRT will allow the placement of a single track between the LRT alignment and the Cedar Lake bicycle trail. Any future design changes between Royalston Avenue and I-94 should continue to allow the opportunity to construct a single track between Royalston Avenue and the I-94 overpass for future use managing train movements within Target Field Station.

For questions related to these comments, please contact Dan Krom (651-366-3193 or daniel.krom@state.mn.us) in MnDOT's Commuter and Passenger Rail Section.

Noise

It is MnDOT's understanding that further determinations need to be made as to which roadways are exempt under Minnesota Statue 116.07 for the FEIS. In addition, it is understood that further analysis on noise impacts/mitigation would be performed to address applicable MPCA and FTA rules and guidelines.

If you have any questions regarding MnDOT's noise policy, please contact Peter Wasko (651-234-7681 or Peter.Wasko@state.mn.us) in MnDOT's Design Section.

Water Resources

It appears that drainage permits will be required where the LRT corridor crosses and parallels state roads within MnDOT's right-of-way. MnDOT expects these determinations will be made when the final design plan is submitted.

Additional information may be required once a drainage permit is submitted and after a detailed review. MnDOT will not allow an increase in discharge to MnDOT right-of-way. For questions related to these comments, please contact Hailu Shekur (651-234-7521 or hailu.shekur@state.mn.us) in MnDOT's Water Resources Engineering Section.

Design

It is anticipated that all trunk highway impacts will be reviewed and approved through the layout approval process and proposed alterations will use the policy and criteria presented in the MnDOT Road Design Manual. Additional information on MnDOT's Geometric Design and Layout Development process can be found at: http://www.dot.state.mn.us/design/geometric/index.html

For questions related to these comments, please contact Nancy Jacobson, (651-234-7647 or nancy.jacobson@state.mn.us) in MnDOT's Design Section.

Right-of-Way and Permits

Any use of or work within or affecting MnDOT right-of-way requires a permit. It is anticipated that more specific impacts to MnDOT right-of-way will be determined during the FEIS and Engineering phases. Permit forms are available from MnDOT's utility website at http://www.dot.state.mn.us/metro/maintenance/permits.html. For questions related to permit requirements, please contact Buck Craig, (651-234-7911 or Buck.Craig@state.mn.us) in MnDOT's Permits Section.

Thank you for the opportunity to review the Southwest Transitway LRT Supplementary Draft Environmental Impact Statement.

Sincerely,

Pat Bursaw
MnDOT Metro District Office of Planning, Program Management, and Transit

Copy via Email
Buck Craig, Permits
Doug Nelson, Right-of-Way
Nancy Jacobson, Design
April Crocket, Area Manager
Andrew Lutaya, Area Engineer
Ron Rauchle, Area Engineer
Brian Kelly, Water Resources
Hailu Shekur, Water Resources
Chad Erickson, Traffic
Clare Lackey, Traffic
Lars Impola, Traffic
Tony Fischer, Freeways
Pete Wasko, Noise
Rick Dalton, Environmental Services
Gina Mitteco, Bicycles and Pedestrians
Lynne Bly, Team Transit
Shawn Combs Walding, Team Transit
Tim Spencer, Freight
Dan Krom, Passenger Rail
Jim Henricksen, Planning
Paul Czech, Planning
Karen Scheffing, Planning
Tod Sherman, Planning
Aaron Tag, SPO
Tori Nill, SPO
Russ Owen, Metropolitan Council

From:	robert carney
To:	swlrt
Subject:	Public Comment for Southwest LRT SDEIS
Date:	Tuesday, July 21, 2015 7:24:20 AM
Attachments:	public comment -- Southwest LRT SDEIS -- FINAL.pdf

---

My public comment is the attached .pdf file.

Please confirm that this submission has been received. Thank you.

Bob "Again" (bobagain) Carney Jr.
4232 Colfax Ave So
Minneapolis, MN 55409

bobagaincarneyjr@gmail.com

cell phone: (612) 812-4867

Public Comment submitted by Bob "Again" (bobagain) Carney Jr., -- re: Supplemental Draft Environmental Impact Statement for the proposed Southwest Light Rail Line

Preface –

My focus in this public comment is to highlight and explicate what I regard as four fundamental facts.

First, there are alternative alignments available that would be far preferable to the current plan being advanced by the Metropolitan Council. For this reason, the Southwest LRT project should be sent back to the scoping phase – alternatives need to be considered, and one needs to emerge as a real Locally Preferred Alternative. Referring to the current Alignment as a "Locally Preferred Alternative" is laughable – if only for the fact that co-location was not an element of the design when it was chosen.

Second, the so-called "no-build" option is also a reasonable alternative. For this point, I want to emphasize that "no-build" should not be seen as "doing nothing." Rather, it should be seen as a preference for study and careful consideration of all of the options available to us in Minnesota, and the Twin Cities.

Third, I think the whole idea of focusing on a "corridor" is a fatal flaw in the entire planning process. We need to view transportation, and Transit, as a **system**. In my presentation of what I see as a preferable alternative alignment and plan, I persistently emphasize how what I am suggesting makes sense in the broader context of a Transit and transportation **system** that is optimal for our Twin Cities. I see this perspective as being essentially absent from the SWLRT planning process – that is very unfortunate.

Fourth, the current Southwest LRT plan has -- in effect – been given a "vote of no confidence" by the Legislature. If the Metropolitan Council persists with their current funding scheme, the inevitable result will be a confrontation with the Legislature next session – one that the Council can't possibly win, but with the potential to disrupt an opportunity for Minnesota to fully provide for our roads and bridges needs for the next decade. This is covered in more detail shortly – presented in my most recent Star Tribune Editorial Counterpoint article.

If Light Rail is to be introduced at all in this corridor, I would prefer to develop a plan that would be eligible for Federal funding. But let me be blunt: I think the current plan is **so bad** that it may be better to implement a LRT solution that represents the best overall solution in the context of a Transit and transportation **system** for the Twin Cities, even if the plan turns out **not** to be eligible for Federal

funding, according to current formulas. Our main priority can and must be doing what is best for the Twin Cities and Minnesota – not making what really amount to a whole series of bad choices because they "qualify" us for Federal dollars. Unfortunately, I think that is a good summary of the whole history of the SWLRT project. If it emerges that the best plan from a Transit and Equity perspective is ineligible for Federal funding, we should challenge the current formulas, both through the political process, but also in court. If the current formula can be shown to result in sub-equitable LRT systems, that is unacceptable and unjust. Let's not be afraid to speak that truth.

I am especially concerned – frankly both upset and angry – about the idea of using what either is -- or should be -- park land, because it is seen as a "cheap" or "convenient" option. I have studied the history of Minneapolis and our Park System extensively; it is truly a unique and amazing history. As an example of this study, I encourage you to visit my web site, www.bobagain.com, and view my featured video on the history of our park system.

We have traditionally thought ahead a hundred years, and have been successful in coordinating both good stewardship – an idea rooted in and derived from our Judeo-Christian values -- and economic and business interests. The current SWLRT plan, and the whole history of the project, is nothing short of an assault on that history. The Kenilworth corridor is – on a "de facto" basis – a park. **GO LOOK AT IT!** Walk or bike through it! Throughout our history, our approach to this situation would be to concentrate on acquiring this land as park land, and developing it as part of our park system. That's what we should do now. I think there is an area near the proposed Penn Station that could and should be developed as a combination of residential and commercial development, and that can be linked to downtown with outstanding transit resources. Running Light Rail through the Kenilworth Corridor is NOT the way to do this!

An assessment of Minnesota's current situation regarding roads and bridges, and transit

Below is the text of my most recent Star Tribune op-ed article – published July 13th in the print edition – it includes in summary form the outline of the Alternative Alignment that comprises most of this Public Comment:

> *TITLE OF STAR TRIBUNE ARTICLE: Southwest light-rail plans unrealistic*
>
> *In two recent editorials this paper lamented the 2015 Legislature's failure to meet Minnesota's transportation challenges and celebrated the latest not-dead-yet Southwest light-rail plan,*

wrapped in shiny new duct tape ("Minnesota sputters in roads, transit race," July 6; "Civic sacrifice keeps Southwest on track," July 8).

Those editorials are unrealistic. Let's survey what the Legislature and Gov. Mark Dayton could agree to next year — and what is out of reach.

Fortunately our state transportation commissioner — self-described "old bus guy" Charlie Zelle — is respected and trusted by all.

Zelle told the House Transportation Committee in January that without reliable funding he could not responsibly choose more expensive but also more cost-effective options. When a budget is too tight, only short-term band-aid solutions are possible. DFL Rep. Ron Erhardt — a former Republican Transportation Committee Chair — took Zelle's cue, proposing a constitutional amendment to permanently dedicate new funding. Expanded bonding authority could be included in that amendment.

Zelle's prudence, reliable management and realistic numbers are the foundation for the real lead story from this year's session: Dayton and House Republicans agree about the billions needed for a decade of adequate and effective spending on roads and bridges.

All things considered, this represents real progress — it's not a "giant step backward." Next year our Legislature and governor can, should and might agree to fund roads and bridges for one year, followed by a November constitutional vote to provide the decade of reliable funding Zelle insists on.

As a registered lobbyist for "We the People," I promoted the Legislature's decision to cancel an earlier $30 million Southwest LRT appropriation — repurposing those dollars for Metro Transit operations. That plan — the best available option as the session wound down — ensured that Metro Transit could avoid service or job cuts.

At the special session House Speaker Kurt Daubt confirmed to me that with only $15 million of state money now appropriated ($150 million less than planned), there will be no more state Southwest LRT money in 2016.

This brings me to the bad news. Based on my lobbying work with dozens of legislators, it's clear that Minnesota's transit challenge simply cannot be solved next year.

The current transit sales tax system — now heavily favoring Hennepin County — is losing support from other counties. The Chamber of Commerce supported the new quarter-percent transit sales tax in 2008; today they oppose any increase. And that was before the most recent Southwest LRT planning disasters.

This paper's editorials implicitly acknowledged these transit obstacles — noting that when the DFL controlled both Houses and the governor's office, no transit sales tax increase was approved.

If light rail is to go forward at all, a new framework is needed, possibly including public-private partnership elements and light-rail tax districts.

Unfortunately, the Met Council is choosing to ignore our elected governor and Legislature. Their Southwest LRT finance plan now includes "Certificates of Participation" — backed by anticipated tax revenue — to be sold if (make that when) the Legislature doesn't provide more money next year.

Fortunately, we have alternatives.

One Southwest LRT option could start in Hopkins (supplemented beyond by buses), follow the Greenway (below grade) — surfacing at a giant Interstate 35W Transit Hub linking with I-35W MNPass bus service and the Lake Street and Nicollet lines — and then (elevated) follow the freeway corridor to Franklin, a Convention Station, and finally to Royalston and Target Field Stations.

Light rail can and should make all Minneapolis stadiums and arenas — and the nearby U of M — extensions of our convention facility. Convention visitors quickly could go to the heart of our amazing park system, to the airport and to the Mall of America. Special Blue Line trains could continue along the same track to the Convention Station when major conventions are here.

Let's send Southwest LRT back to the drawing board, and take an honest look at all our options — including bus-based alternatives. Let's not let a light-rail bureaucratic steamroller crush Minnesota's opportunity to fully fund our needed road and bridge work for the next decade.

Bob "Again" Carney Jr. is a transit advocate in Minneapolis.

Proposed Alternative Alignment for Southwest LRT

Briefly, as outlined in the above op-ed article, I am suggesting the following be considered, as **one** example of an alternative alignment that is clearly so far preferable to the current plan that the current plan simply **must** be scrapped:

Part A: Core elements integral to the Alternative Alignment SWLRT project:

1. Stop the line at either Shady Oak, or Downtown Hopkins – preferably at Shady Oak.
2. Link the current Southwest Station, and an Eden Prairie Center Transit Hub, including a system of shopping and extended stay traveler routes, with direct, point-to-point bus service to the last Hopkins LRT station.
3. Provide high frequency (five minutes or better) commuter bus service from the last Hopkins LRT station to job sites throughout the Golden Triangle.
4. For Hopkins, Saint Louis Park and the Golden Triangle, provide subsidized Car2Go service.
5. Provide radically better reverse commuter service to the entire Southwest quadrant (roughly defined by I-35W and I-394), with greatly improved links to low income neighborhoods having high concentrations of people of color -- in both North Minneapolis and the near South side of Minneapolis.
6. Build a Transit Hub linking Highway 100, Highway 7, and the LRT, and including a large and expandable park and ride facility (this can be excluded or deferred based on budget considerations).
7. Build a Transit Hub linking Highway 169 and the LRT, and including a large and expandable park and ride facility (this can be excluded or deferred based on budget considerations).
8. As an equity element integral to this system, provide high-frequency service (five minutes or better) on the entire length of West Broadway in North Minneapolis, and high frequency (five minutes or better) one-stop freeway service from West Broadway and I-94 to the Greenway & I-35W Hub (the one stop is at the 12th Street and Hennepin Station, to link to reverse commuter routes in the Southwest quadrant).
9. The overall plan includes a series of Transit Hubs; although all of the Uptown and North Hubs, and part or all of the Convention Hub and the Greenway & I-35W Hub should be part of the LRT project's budget, the other hubs should not be part of this project's budget. The series of Transit Hubs will be linked with elevated bus-only transit ways and freeways, and will include park-and-ride ramps. These are designed to link LRT service with both bus service and… gasp…

people who drive cars. The four Hubs nearest downtown are also designed as points from which people can board small vehicles dispatched at very high frequency (2-3 minutes during rush hour, five minutes other times) to make all points in downtown an easy walk (in most cases 1/8 of a mile or less, never more than a quarter mile).

10. The Twin Cities is known for providing excellent biking resources, including trails, bike racks on all buses, the ability to roll on and off light rail, and most recently the Nice Ride system. However, the ability to shop using transit is severely limited, due to the difficulty of bringing shopping carts on buses. The current design of LRT vehicles -- with roll-on-roll-off ability -- can and should be combined with specially designed and equipped shopping buses, with scheduled runs planned around LRT corridors, and designed to greatly expand shopping opportunities, especially for transit-dependent communities – again, North Minneapolis and the near South side of Minneapolis. This is also fundamentally an equity issue, and should be treated as such, including for budget and ridership purposes.
11. An elevated, all season bicycle "sky-bi" system. Because the LRT is elevated from the Greenway & I-35W Hub to downtown, it will be easy to add an elevated, all-season bicycle "sky-by" route on top. This will be connected to similar elevated, all-season "sky-bi" routes on top of the elevated bus transit ways that connect the Transit Hubs that circle downtown. It might make sense to add a canopy above the Greenway bike path, allowing it to be enclosed with sides installed like storm windows during winter months. Of course because bikes can so easily be rolled on and off LRT, the result will be an integrated bike-and LRT system. Additional "sky-bi" only grid elements can be added within the downtown Transit Hub "sky-bi" perimeter – and of course, Nice Ride bikes can be made available year round throughout the system. The result will be greatly increased year-round mobility within a system having a backbone comprising the LRT routes.
12. From West Lake to Downtown, use a modified version of the "3C" alignment, considered earlier in the SWLRT process, but dropped partly because "a tunnel under Nicollet would be too expensive" (the tunnel is now proposed for Kenilworth). Several additional elements not detailed here are included as integral to the Alternative Alignment plan – one example is a Transit Hub linking LRT with BRT service on I-35W. This part of my proposed Alternative Alignment will be considered following the Part B summary.
13. Cancel the proposed Bottineau LRT – instead, provide guaranteed congestion-free service with an elevated bus transit way above Broadway, following the Bottineau corridor to Highway 100.

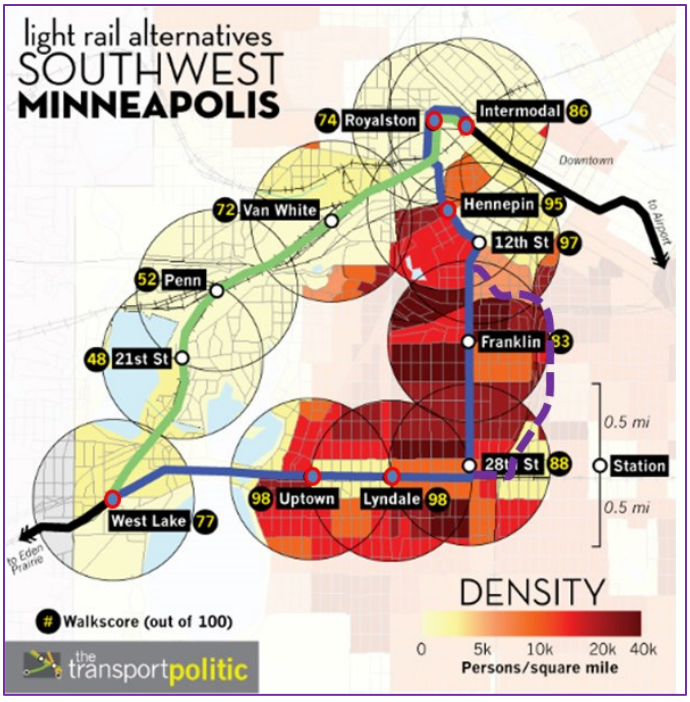
Beyond Hwy 100 we can ensure a congestion-free system by using MNPass lanes and/or a variant of dedicated bus shoulders. This is included as an element in the current plan, because the Blue Line can then be extended along the alternative "3C" alignment, providing five minute service from the Downtown East station to at least the Uptown Transit Hub, or beyond – possibly all the way to Shady Oak.

Part B: Additional transit and transportation elements and considerations

14. **Additional element** – As noted, a series of Transit Hubs; the cost of the Convention Hub and the Greenway & I-35W Hub may be partially outside of this project's budget, the other Hubs should be entirely outside of the budget. The series of Transit Hubs will be linked with elevated bus-only transit ways and freeways, and will include park-and-ride ramps. These are designed to link LRT service with both bus service and… gasp… people who drive cars.
15. **Additional element** – High frequency (five minute or better) small bus service (Metro Mobility size vehicles) on the entire Greenway, from the Hiawatha/Lake Street Blue Line Station to Uptown, and continuing West using Lake Street, Excelsior Boulevard and Highway 7. This one-seat ride route will be available for both frequent stop and express service, because the LRT will be in a tunnel from the Uptown Transit Hub to I-35W -- it will surface just West of I-35W, and will be elevated along the I-35W corridor to Downtown Minneapolis. This small bus service will be linked with Lake Street bus service at six major intersections, representing the six stops for the express service. The frequent stop service will stop approximately every full city block (1/8th of a mile), including at all other North-South bus intersections. All bus intersections will include elevator service linking the below-grade Greenway with the surface North-South routes.
16. **Additional element** – As with the Lake Street/Greenway lines, the Nicollet line will be linked with freeway-speed express service on I-35W. Initially, the links will be at the Convention Hub, Lake Street, and 46th Street – this can and should be expanded further South to a frequent-service route that turns West on 66th Street to link with I-35W at 66th Street Station. Because Lyndale and I-35W continue parallel, and are relatively close, and due to significant commercial development out to 98th Street, the Nicollet Link line could take I-35W to 76th Street, then run a loop (in both directions, clockwise & counter-) including Lyndale and I-35W, switching at the 98th Street Bloomington Transit Center. The improved access to jobs along this corridor makes it an Equity issue – an argument could be made for including this as a core element of the Alternative "3C" plan.

17. **Additional element –** A general bus service plan to introduce high frequency service (every five minutes or better) on the Lake Street, Franklin and Nicollet bus routes, and on other North-South routes as soon as this becomes practical. The basic idea is simple: when service frequency is five minutes or less, people are much more willing to transfer, and don't worry about schedules. The result will be a virtuous cycle: better service and higher use.
18. **Additional consideration –** In 2013 I published a book-length presentation of what such a five minute service system might comprise for all of Minneapolis. Presenting this option in greater detail is beyond the scope of this comment, but should be noted.
19. **Additional consideration –** A potential Metro-wide alternative to both Light Rail and "Corriders of Commerce"/BRT systems might be a grid system of high-frequency Freeway bus service provided throughout the I-494/I-694 beltway. Presenting such an option in greater detail is beyond the scope of this comment, but should be noted.
20. **Additional consideration –** We are in the century of automated everything, including automated driving. However, while there's currently a lot of buzz about cars, little attention has been given to the significance for transit. Automated driving will make it possible to provide "last mile" vehicles, greatly expanding the reach of all forms of transit, including LRT routes. This reality is a huge consideration in considering the reasonableness of the so-called "no build" option – which is really more of a choice to wait a little while and "keep our powder dry."

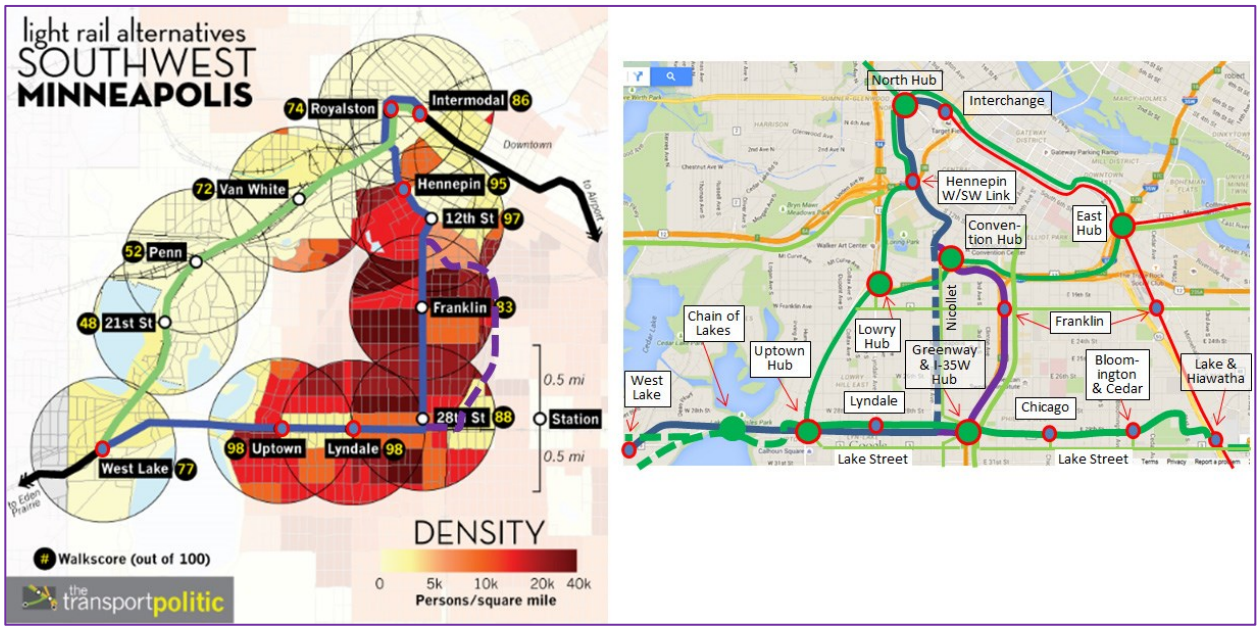
Part C: Focus on the modified "3C" Alignment



The first map (at right) shows the "3C" alignment, but **with my proposed modification to that route shown as a dashed purple line**. Instead of tunneling North-South at Nicollet, the modified alignment would proceed to a Greenway & I-35W Transit Hub, then to a Franklin Station and a new Convention Hub (in effect replacing the "3C" 12th St. Station), before linking again with the "3C" alignment. Although the alternative route is a little

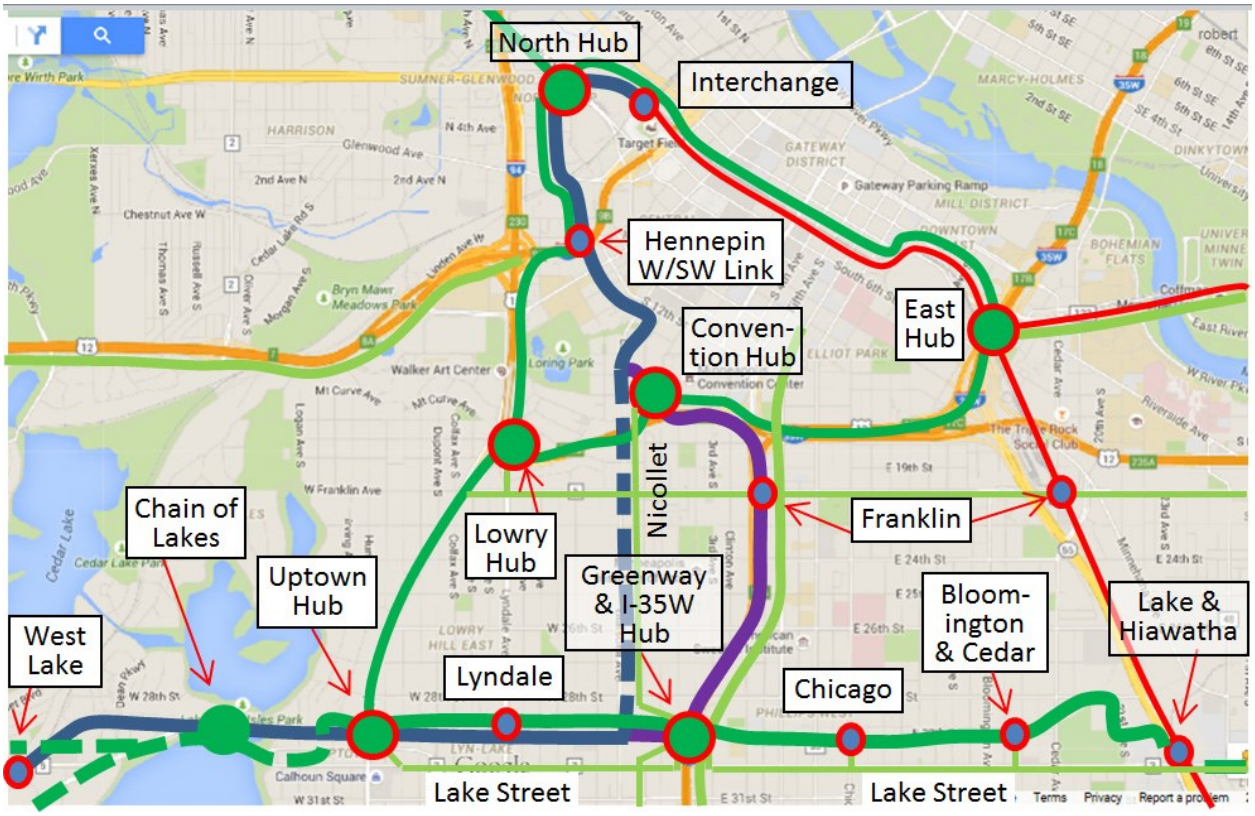
longer, it can probably proceed at higher speed along the freeway corridor – the length of the trip would not be likely to increase by more than a minute (if that) compared to the current "3C" alignment. For the alternative purple section of the route, there is no net change in the number of stations compared to the "3C" alignment.

The next maps (below) show a side-by-side illustration of the first map and a new rendering of the Alternative for "3C", including several new features that will be detailed. The two side-by-side illustrations are approximately to scale.



Looking ahead to the next page, and to a larger view of the Alternative alignment map, let's focus on the individual features. The Greenway & I-35W Hub is a major addition, and emphasizes the importance of integrating this LRT line into our overall transit system, which of course includes both established city street routes, and freeways. I-35W is emerging as a major, if not the most important, transit corridor in the entire Twin Cities. It features center MnPass lanes from downtown Minneapolis to Burnsville, ensuring congestion-free bus commuting. Here's another crucial point: there is already a 46th Street Transit Station connecting to the center MnPass lanes (thank you Mayor Rybak!) Buses pull into this station, and people can transfer from 46th Street to the buses, which then continue in the center MnPass lanes. These buses can and will stop at the Greenway & I-35W Hub, but with a major additional advantage – the freeway BRT routes are now linking to both an LRT line, and to two of the most important and heavily used street bus routes in the Metro Transit system – the Nicollet line (18) and the

Lake Street line (21, there is also a 53 express route on Lake Street). Those buses will go on dedicated ramps to a special hub platform above the LRT platform, which itself will be above the I-35W right of way. Nicollet is about 800 or 900 feet from I-35W – however, Nicollet buses are currently already detouring around the K-Mart site at Nicollet. With new, dedicated ramps optimized for an efficient transfer, there will be either no increase, or a very negligible increase, in the trip length. The Lake Street buses will also move on dedicated ramps optimized for an efficient transfer – their detour is one city block (660 feet). As noted, the LRT will be in a tunnel from just West of the Uptown Hub, surfacing and rising to an elevation above I-35W. This will accommodate another key feature of the entire system – a right of way for high-frequency Metro Mobility size buses running the entire length of the Greenway from a link to the Blue Line on the East, to just beyond the Uptown hub, where they will be routed to Lake Street to continue further West.



The elevators at the Greenway & I-35W Hub will thus have four levels. Level 1 links to the below-grade small bus service, and to bikers and walkers using the Greenway. Level 2 links to buses on I-35W. Level 3 links to the LRT, and level 4 links to the "sky-bi" route above the LRT. Of course the elevation of the

entire structure changes when approaching bridges and other multi-level sections along the freeway corridor.

It certainly makes sense to plan for a park-and-ride facility, which would add at least a level 5. We can and should integrate transit and car use to the fullest extent possible. After all, when people are willing to use their cars for part of a trip, and transit for the rest of the trip, the net effect will be to reduce congestion, but also, to increase the level of population density that is sustainable without transportation congestion. This will have the effect of increasing the economic value of all existing housing stock, and more generally of all real estate.

Regarding the budget, it is appropriate to include at least part, and possibly most or all, of the cost of the Greenway & I-35W Hub as part of the LRT project. One reason is that the LRT route is so closely integrated with the other features that this should be viewed as a "package deal". But beyond this, the Equity issue is crucial – this Hub will greatly improve the usefulness and value of the entire Transit system for people of color and low income people.

The **Franklin Station** is a simple link between the LRT and users of Franklin Avenue, including transit riders, people driving, bikers, pedestrians, skateboarders… let's just stop there.

The LRT route then proceeds to a new **Convention Hub**, which will also link with the Nicollet line (18), a number of other city street routes, with other Transit Hubs surrounding downtown, and with express bus commuter and reverse commuter routes coming into and out of downtown. This Hub will also provide small vehicles dispatched at very high frequency (2-3 minutes during rush hour, five minutes other times) to make all points in downtown an easy walk (in most cases 1/8 of a mile or less, never more than a quarter mile).

Because reverse commuting service will be such a big element of the Convention Hub, and because this is an equity issue, for this reason alone, the cost of the Convention Hub should be entirely within the LRT project budget.

The exact location, dimensions, and scope of this Hub are to be determined – it might make sense to build it above the I-94 corridor, including as part of a large, extended open plaza area, or combined Park-and-Plaza area, to the rear of the Convention Center – such an area could be configured as either a park-like setting, or as space for outside exhibits, depending on the specific Convention event.

The overriding idea driving what the Convention Hub should be is to greatly expand the features and attractiveness of Minneapolis as a Convention site, and more specifically, to use Transit to integrate the Convention Center with the Airport, lodging locations, other near-by facilities, including all our Stadiums, Arenas, and Auditoriums, and with academic institutions including the University of Minnesota, the University of Saint Thomas, Augsburg College, and MCTC. Finally, since Minnesota is such an important location for Medical technology, we need to consider how best to link the Mayo Clinic with future Convention and Conference events.

As noted in the summary, if the Bottineau corridor is served by an elevated, congestion-free BRT and frequent stop bus transit, the Blue Line can easily be extended to the Convention Center, and beyond, to at least the Chain of Lakes Station, but possibly all the way out to Shady Oak. If this is done, LRT trains would cross Hennepin at 12th Street an average of every 2.5 minutes – for this reason it will be necessary to either elevate over Hennepin or tunnel underneath Hennepin. However, after accepting this added costs, one advantage of the proposed Alternative LRT alignment is that there is no barrier to having five minute service, or even more frequent service, to at least the Chain of Lakes Station – for this entire distance the LRT route does not cross any other transportation right of way at grade. Of course the advantage of this service frequency is obvious – people simply don't have to worry about schedules -- or about waiting any significant amount of time, when transferring.

Leaving the proposed Transit Hubs circling downtown aside for the moment, an LRT system including a Blue Line extension to at least Uptown (or beyond) will accomplish the goal of linking all the stadium and arena venues, the academic institutions, and the Airport to the Convention Center, as one large if somewhat extended facility. This alone will greatly increase the attractiveness of the Twin Cities as a Convention venue. Beyond that, convention goers will also have quick Transit access to the heart of our amazing Park System – stopping at the Chain of Lakes Station.

At least a brief comment about Chain of Lakes Station is in order. One of the most unique (and best) aspects of the Minneapolis Park System is that it offers almost a total escape from commercialism. On the map, the Chain of Lakes Station is deliberately illustrated as a simple green circle. The Station itself must be devoid of all commercial signage, except for the kind of informational displays the Minneapolis Park Board discretely and artfully supplies – directions about how to rent bikes, boats, and so forth, and a "you are here" map. This is an essential element of our Park experience in Minneapolis.

Of course, convention goers can also get off at the Downtown East Station, where it's a short walk to the equally interesting and historic Milling District.

In short, Minneapolis is a fantastic place to have conventions already – the addition of the LRT line, and LRT service linking all the elements of our "Chain of Conventions" facilities will be a huge step forward.

From the Convention Hub people can of course also go to downtown Saint Paul, with its many attractions, including the Ordway, the Excel Center, and the new Saints Stadium, and to all the amenities and lodging facilities in Saint Paul and along the Green Line route.

And let's not forget the Mall of America, at the end of the Blue Line – this will be an attractive end-of-day destination for many conventioneers – not just people who are lodging at or near the MOA, or along that route.

Finally, Mystic Lake will of course want to have high-frequency, non-stop express buses running to and from the Convention Hub – Canterbury Park and ValleyFair will probably want to work cooperatively with Mystic Lake to also offer their amenities.

The Convention Hub will also include a giant park-and-ride ramp – directly accessible from I-35W MnPass lanes. There's no reason why that ramp shouldn't include both "traditional" car rental facilities, and also services like "Hour Car" and Car2Go, both active participants in the Twin Cities transit scene. There will also be a giant "Nice Ride" bike rental facility (note: the number one Segway rental facility in the U.S. is located in the Milling District, accessed from the Downtown East Station).

From the Convention Hub the "3C" Alternative Alignment returns to the proposed "3C" route, and next reaches the **Hennepin Station** at 12th Street. As noted, assuming the Blue Line extension and five minute service, this must be above or below grade. We should note here that this location is a crucial link to many Southwest and West Commuter bus routes, which can and should all serve as reverse commuter routes. This is again a major Equity issue.

I presented an overview of a plan for greatly expanded reverse commuting service in a recent Star Tribune Commentary article: "A solution to affordable housing lies in creative busing"

Here is a link to the article, published 3/15/15:

http://www.startribune.com/a-solution-to-affordable-housing-lies-in-creative-busing/297300831/

Here is an extended excerpt (most of the entire article), focusing on the reverse commuting aspect:

> *Fortunately, there is something we can do immediately to achieve a kind of instant transit-to-work equity. This proposed improvement also will establish needed transit links for future low-income residents of suburban affordable housing.*
>
> *Here are some relevant facts:*
>
> *About 40 percent of workers in downtown Minneapolis commute using transit. Every weekday morning, 711 buses roll down Marquette or 2nd avenues, bringing in tens of thousands of suburban express commuters. This does not include Minneapolis day-and-evening city routes.*
>
> *Those 711 buses are on 104 express routes — most are shiny and new, and many sport free onboard Wi-Fi. All travel partly or mostly on a freeway. The average express route has seven buses coming in each morning.*
>
> *However, only 90 of those 711 incoming buses are on a reverse-commute route. The other 621 buses often deadhead back for another run.*
>
> *To be conservative, let's start by assuming that half of the disparity between incoming buses and outgoing buses — about 300 bus runs — could and should be used for more reverse commuting.*
>
> *But let's not think "routes" — let's think in terms of trips to work. Instead of deadheading, each trip should have its own published, online schedule — for one point-to-point bus run at freeway speed — to one of 300 top employment locations throughout the Twin Cities.*
>
> *Here's where the instant transit-to-work equity part comes in: Minneapolis neighborhoods with high concentrations of poverty are within a 20-minute morning city street bus run to link up with these proposed trip-to-work buses. All 300 of these job destinations would be accessible.*
>
> *In the afternoons, we'd just run it all backward.*
>
> *This transit-to-work system wouldn't be based on income. Anyone near downtown could commute to these major job destinations in the Twin Cities. Your job moves? Different job? No problem.*
>
> *Many enhancements merit study. Each bus could stop twice (oh, all right, a few times), resulting in two morning and two afternoon runs to the 300 (or more) point-to-point jobs destinations. We*

could add a third stop on the Interstate 494-694 beltway — and a beltway loop route — so people could short-circuit the hub-and-spoke system.

The difference between commuter buses and reverse-commute runs is a disparity in transit access to jobs. Of course, we don't want to take away transit from suburban commuters. But, as a matter of justice, we can and should provide transit-to-work equity — the same number of commuting and reverse-commuting trips. For efficiency, some trips could be with Metro Mobility buses, vans or even taxis. (Uber? Humm.)

In this century, we can and should make hub-and-spoke commuting — and transit-to-work equity — a two-way street.

Bob (Again) Carney Jr. is a registered lobbyist for We the People, an informal association.

I have since compiled a spreadsheet, looking at all the commuter express routes (both Metro Transit and the so-called "opt-outs" like Southwest Transit) going into downtown Minneapolis each morning. Of the 700+ buses going in, about 400 have enough time to travel the same route in reverse, with ten minutes to spare, before beginning the final in-bound commuting run.

Very simply, this means we have an opportunity to provide an extensive, revolutionary increase in reverse commuting bus service from Downtown Minneapolis to job locations throughout the Metro area, but more particularly, to the entire job-rich quadrant bounded by I-35W and I-394.

Here's a crucial point, all of the reverse commute routes for this quadrant come in on either I-35W, which will be routed directly to the Convention Hub, or I-394, which already crosses Hennepin at 12th Street – and both of these Freeways have MnPass lanes. Therefore, all of the reverse commuter runs can be routed to freeway entrances at two points: the Convention Hub, and the Hennepin Station at 12th Street. Of course with the proposed Alternative "3C" Alignment, LRT trains from the North Hub will reach both the Hennepin & 12th Street Station and the Convention Hub every five minutes.

We'll turn next to the North Hub ("Royalston" in the "3C" plan) – significantly and necessarily expended in the Alternative Alignment plan. For now, here is the crucial point: the Alternative Alignment is a huge step forward in Transit equity, because it links all the city street bus service on both the North Side, and the near South Side, to what will be a greatly expanded network of reverse commuting runs reaching jobs at freeway speed throughout the Southwest quadrant of the Twin Cities, and more generally, throughout the entire metro area.

As we now consider the **North Hub** in more detail, we'll see why the Equity issue requires it to be fully funded by the current proposed LRT budget.

North Minneapolis and the near South Side of Minneapolis are the two areas of the city with the highest concentrations of poverty; both these areas also have high concentrations of people of color. This is why Transit equity is such an important issue.

Fortunately, North Minneapolis is well served by North-South bus routes, and here's some really good news: with two exceptions, all of these routes – the 9 (Glenwood/Cedar Lake), the 19 (Penn), the 5 (Emerson/Fremont) and the 22 (Lyndale) already *all converge* at or very near the North Hub. The convergence of these routes alone is what makes the location of the North Hub obvious. The remaining two routes – 14 (Broadway) and 7 (Plymouth) -- head into downtown a quarter mile and 3/8 mile from the North Hub. Although this isn't a perfect solution (there isn't one), as with the Nicollet and Lake Street lines, dedicated, elevated bus transit ways can be built and optimized to quickly bring 14 and 7 buses to the North Hub, and then quickly return them to their current routes.

Of course one advantage follows immediately – all LRT riders (all lines) can take any of the North Minneapolis routes from the North Hub. But uniting all the North Minneapolis routes at the North Hub offers several other advantages. One is that there is now 5 minute LRT service to all of the reverse commuter routes reaching the entire Southwest quadrant of the Twin Cities – via the 12th and Hennepin Station and the Convention Hub. Another is that this 5 minute services extends directly and quickly to bus service on Franklin, Lake Street, and to Uptown, including all the I-35W, Nicollet and Lyndale North-South routes, and all the routes heading South and West from Uptown.

This leads to a further point – the current plan includes as a core element high frequency service (five minutes or better) on West Broadway, linking all North-South bus routes on the North side, and also linking to high frequency service (five minute service or better) providing a direct, one-stop freeway link from Broadway and I-94 to the Greenway & I-35W Hub – and that one stop is at the 12th & Hennepin Station. This provides even faster service for North side commuters to all of the commuting opportunities offered by the proposed Alternative version of the "3C" alignment – including all reverse commuter service in the Southwest quadrant.

The North Hub will also include a large park-and-ride facility – to accommodate people who are better served if they can drive part of the trip, and then use one or more of the Transit services available from the North Hub. As with people driving to the large ramps at the downtown end of I-394, car pooling

should be encouraged. This additional parking, with access that can be managed to bring people in who are not driving through downtown, will also serve sports events at Target Field, the Target Center, and Vikings games, and of course will bring in revenue doing so. As with other Hubs, there will be high frequency small vehicles bring people to a 1/8 mile walk from most downtown destinations – never more than a quarter mile. This service will be coordinated with the LRT and bus routes converging at the North Hub, which already are reaching many areas of downtown.

In short, the proposed Alternative "3C" alignment, when combined with a North Hub, is such a major advance in Transit Equity that based on this issue alone it's full cost must be included in the proposed LRT budget.

But even considering only the impact on residents of North Minneapolis, the Equity issue really extends further. The overall increase in Transit Equity resulting from this Alternative version of the "3C" alignment is so great that it must be weighed carefully when considering any Federal funding formula that fails to provide Federal money for such a plan. Very simply, a Federal formula that fails to give due weight to the Equity advantages of a plan such as this plan is probably grounds for a lawsuit challenging the formula as itself fundamentally unjust.

Let's turn now to South Minneapolis, with a focus on the near South side – and giving special attention to the area East of I-35W.

Looking forward, it is essential to put LRT in a tunnel from just West of Uptown to when it surfaces at I-35W – even if high-frequency (five minute or better) "one seat ride" Metro Mobility don't immediately run the full length of the Greenway, we need to be sure this service is possible as part of the plan.

More immediately, even without that service on the Greenway East of I-35W, the Lake Street bus service is now linked with the Greenway & I-35W Hub. The weekday rush hour travel time from the Blue Line Lake Street Station to the Greenway & I-35W Station will be about 15 minutes – from Uptown to I-35W it's about 12 minutes. On Franklin, the times from the Hennepin and Blue Line ends to the I-35W Station will be a little less. Very simply, this means that with fast and five minute service from the Greenway & I-35W Hub to both the Convention Hub and the 12th and Hennepin Station, the proposed Alternative "3C" Alignment will provide excellent access to all the reverse commute routes in the Southwest quadrant, and more generally throughout the Metro area. Again, this is a crucial, compelling, Equity issue – the proposed plan does much more for Transit Equity than the current, so-called "Locally Preferred Alternative" running through Kenilworth.

Now, let's add in "Additional Element 15" from our list – this is NOT included in the current plan or budget, but it is enabled by the proposed plan and budget. Very simply, the plan is to grade, pave, and use the Greenway, from the Blue Line West, continuing along Lake Street after Uptown, with spurs along Excelsior Boulevard, Highway 7, and Lake Street. There will be both high frequency (five minute or better) express service, and high frequency (five minute or better) frequent stop service. In addition, special one-block ramps, optimized for fast transfers, will be built for two of the express stops: at Chicago and Bloomington-Cedar – as with the Greenway & I-35W Hub, Lake Street buses will link with the Greenway stops at these intersections. Lyndale will probably not have such a ramp, but the Westbound Lake Street buses may simply be routed to the Greenway, proceeding on 29th Street instead of Lake Street to the Uptown Transit Station (all the busses already go North half a block to Lagoon at Dupont). Regarding Bloomington and Cedar – these two North-South routes are five blocks apart – it makes sense to also include special ramps meeting at a central transfer point above the Greenway. Because these routes are so close, meeting there will add only a minute or two to the trip time, but will offer significant advantages – easy transfers between the two routes, and a common stop on the Greenway, promoting faster express service.

One major advantage offered by this system is the high frequency (five minutes or better) fast, "one-seat", guaranteed congestion-free express service along the entire Greenway. Very simply, with this system it will be *faster* to use transit rather than a car to traverse significant East-West distances. The links with Lake Street are frequent enough so that people can, in a reasonable amount of time, get from any address along Lake Street or the Greenway, to any other address along Lake Street or the Greenway. Because this high-frequency one-seat service will extend both East (towards/to Saint Paul) and West (towards/to Hopkins/Eden Prairie/Minnetonka) and will reach all points on both Excelsior Boulevard and Highway 7 (the parallel routes nearest the LRT), the overall East/West Transit service will be incredibly good. Of course, one predictable result from this system will be a solid row of large apartment complexes along the entire length of the Greenway – that feature is already largely complete between Hennepin and Lyndale

And again, returning to our crucial point about Equity – this level of service will be of the greatest benefit to people living in the middle – in the near South Side neighborhoods with high concentrations of poverty and of people of color.

With this additional element factored in, the Equity case for the proposed Alternative "3C" Alignment, when combined with this supplemental feature, is simply overwhelming.

Two additional Hubs: Lowry and East, comprise the system of Hubs encircling downtown Minneapolis. Both of these are not directly associated with the Southwest LRT project, and thus do not merit inclusion in the budget. However, because the encircling system of downtown Hubs will promote more transit use to and from downtown, and because the system supports enhanced and all-season biking, which is also closely integrated with Transit, these aspects merits further comment.

The Lowry Hub is important as a connecting point for I-394 to I-35W and I-94, for multiple city street bus connections (routes 2, 4, 6, 12 and 25), and for its ability to relieve a lot of congestion by providing a park-and-ride facility for all the neighborhoods South and West of Hennepin and Franklin. Because the Lowry Hub can be quickly reached from the North Hub, it provides fast bus commuting access to these many city street routes. An elevated Transit way, also open to MnPass drivers, should be considered from Hennepin directly to the Lowry Hub – this can both produce revenue and relieve congestion by also bringing in cars from South of Lake Street and West of Hennepin – including of course, reverse commuters and car poolers. Restrictions on car use on Hennepin during rush hours should also be considered, as another way to relieve congestion and facilitate faster service for the 6, 12 and 17 routes (17 turns East at 24th Street). Finally, because a "sky-bi" can be included above an elevated Transit way, this will significantly increase all-season bike commuting and riding – the Uptown area already has a high concentration of bike commuters and riders, with excellent bike connections to downtown, including the Bryant bike boulevard.

The East Hub is also important as a connecting point for freeways: I-35W, I-94, and I-394 all reach the Hub. Because this is the point where the two LRT lines diverge, all the freeways can be linked here to both lines. The 7 and 22 lines – both North-South routes in South Minneapolis, head directly to the East Hub, as does the 94 express service to Saint Paul, and the 3 route, a high frequency route that also runs to downtown Saint Paul. However, to best coordinate and integrate North-South service for South Minneapolis, a dedicated, elevated Transit way must extend to as far as 9th Street and Portland Avenue – this will link in the 5, 9 and 14 routes, all providing North-South service. The result is that all the downtown to South Minneapolis North-South lines from Chicago to the Mississippi River will be integrated and coordinated at the East Hub – that justifies the slightly longer trip times for the 5, 9 and 14 routes. Note that all reverse commuter routes that don't go through either 12th and Hennepin or the Convention Hub will go through the East Hub or the North Hub. As with the other Hubs, there will be a giant park-and-ride ramp above this Hub, making major elements of the entire Transit system accessible to people who are driving to Minneapolis from all points East and Northeast. This ramp will also serve

Downtown East, and will provide added parking for sporting and other events, again producing more revenue in the process.

We have already noted that all reverse commuter routes will pass through either one of the Hubs, or will be reached by the 12th Street and Hennepin station, which is also looped in to the Hub system with an elevated Transit way. However, several city street routes remain unaccounted for. To complete this part of the puzzle, Routes 10, 11 and 17, all providing North-South service to NorthEast Minneapolis, will all reach and be linked in to the Convention Hub. Route 61, serving near NorthEast Minneapolis before heading to Saint Paul, will be linked in to the North Hub.

An encircling system of dedicated, elevated Transit ways directly connects the three downtown Hubs (Lowry is a separate case) and the 12th and Hennepin link to both LRT lines and to South and West reverse commute busses. The overall result is that all city street routes, all commuter routes, and all reverse commuter routes reaching downtown can be accessed at one or more of these Hubs. Because shuttle bus service connecting the hubs is both direct and very frequent (2-3 minute service during rush hours, never less frequent than five minutes except owl hours), the result is quick and easy connections among all the city street, commuter, and reverse commuter routes. People can also access this entire system using the giant park-and-ride ramps, gaining all the benefits of the entire Transit system without ever entering downtown in their cars. And all the Hubs provide very high frequency (2-3 minutes during rush hours) small vehicle connections to the entire downtown area, typically with a walk of an eighth of a mile or less, never more than a quarter mile.

Finally, let's keep in mind that this perimeter of elevated Transit ways is the backbone of a system of "sky-bi" routes providing all-weather, year round bike access to and within downtown. As an inner grid of "sky-bi" routes is built, and with Nice Ride bikes available everywhere in the system, all kinds of trips within and near downtown – anywhere from a few blocks to a couple of miles – can be completed by bike. Of course this includes courier and food delivery services.

The effect of bike commuting, and of bike use in general, on reducing congestion in Minneapolis is already significant – and will only grow in years to come. The key to accelerating this growth is to establish an all season, all weather core of routes, and to tightly link bike use with Transit – we're already doing both of these things.

Let's next briefly consider one of the greatest barriers to the ability of people, and households, to reduce or eliminate the need for owning and using cars: shopping.

Simply put, it is typically very inconvenient to shop using Transit. However, the roll-on-roll-off design of LRT cars, and the large number of square feet available on each train, has the potential to radically change this. The missing element is a system of shopping buses and routes. These can be added, and scheduled intermittently – for example, several hours a day one or two days a week can be designated as "shopping bus times" for various specific routes that link with LRT. During these times, connections to several major shopping venues can be provided, along with specially configured buses that provide the same roll-on-roll-off capability for full size shopping carts that LRT already provides. These could be Metro Mobility buses designed with the ability to quickly switch out multiple interior configurations. The point is simply to allow people to roll their own full-size shopping cart to and from their home and a wide variety of shopping destinations. The carts can be designed with larger tires, to accommodate winter. They can be power-assisted – they can even allow people to stand on a platform at the "push" end and drive them.

The Eden Prairie Center and surrounding shopping venues are currently accessible only by car – they're simply too spread out. However, the Alternative "3C" Alignment, supplemented by Shopping Bus service, can completely change this situation.

Let's start by assuming direct high frequency (five minutes or less) bus service from the Hopkins end of the LRT line to **Prairie Central Station**, using buses configured for roll-on-roll-off shopping carts.

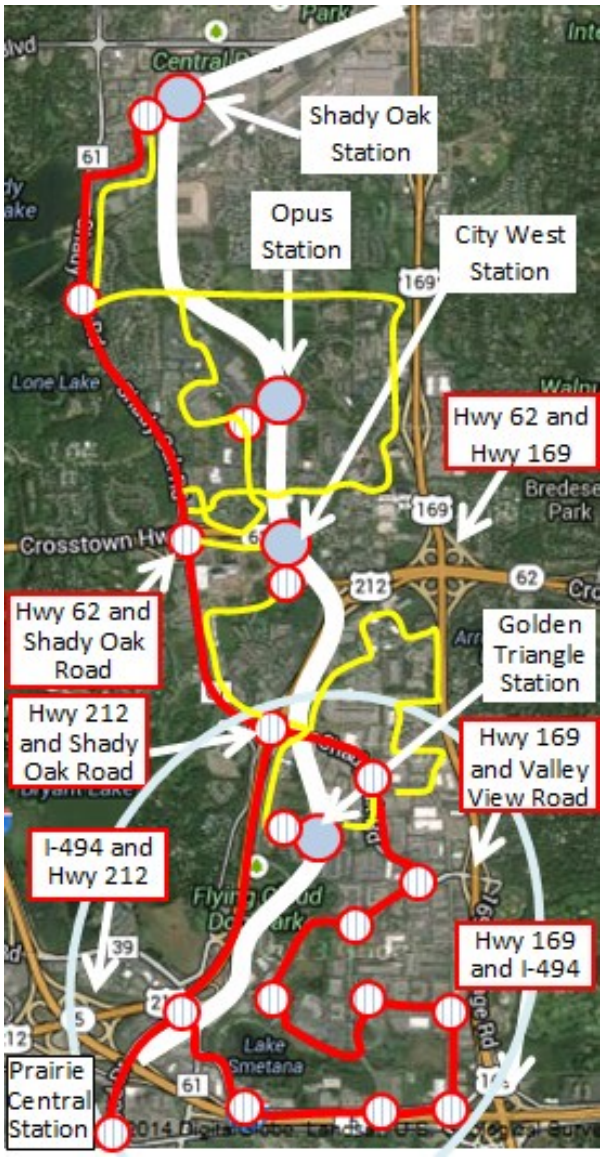
The map at the right shows **Prairie Central Station**, which supports two shopping routes, a third route for travelers who want to avoid renting a car, and a fourth route shuttling back and forth between Flying Cloud Airport (this can be expanded to an MSP shuttle loop). The shopping routes are designed to make a range of general retail and home-oriented shopping



venues available to people **who don't or can't drive**. As noted, if you don't drive, this group of retailers tends to be too spread out to make bus shopping practical. We can and should do *at least as much* for people who shop using transit as we do for people who combine biking with transit. This is yet another fundamental transit Equity issue. A major increase in Transit ridership, using the proposed Alternative "3C" Alignment – for shopping – by people in all income groups, throughout the transit areas linked by LRT, should be an expected result from implementing this plan.

Notice how many of these venues (Home Depot, Costco, Menards come immediately to mind) typically are <u>not</u> conveniently accessible to people living in urban cores who don't drive. This plan ends that disparity – yet another powerful argument that the overall Equity provided is an impelling reason for Federal funding – with a modified formula if necessary – achieved by a lawsuit if necessary.

We should note that there are also seven major lodging establishments in a concentrated area near **Prairie Central Station**. Better shopping options will make longer stays for business employees and contractors more economical. Let's figure out a way to pass the savings from not needing a car to the **people** who won't need them. That should be a fringe benefit for contractors and people on extended business trips.



From Shady Oak Station to Eden Prairie Center – and Southwest Station.

Let's assume that the Alternative "3C" Alignment ends at Shady Oak Station rather than Hopkins Station.

First, a high frequency (five minute or better) direct run should be provided from Shady Oak Station to Southwest Station. This will accommodate many people, including some who car-share to Southwest Station, and U of M students and employees, with a link to the LRT line, and therefore to all the Transit options it provides. Many people may want to take the Southwest Transit commuter

bus to downtown in the morning, but have all Transit options available to them before they return to their car at Southwest Station later in the day or evening. These people can and should be accomodated – but *without* the enormous expense of running an LRT line through the Golden Triangle.

For the map on the previous page, the currently proposed LRT Alignment (the one that runs through Kenilworth), with four stations, is shown with the thick white line. Shady Oak Road is in red – the red West side of the loop at the bottom is Hwy 212. It's about three miles from Shady Oak Station to Golden Triangle Station, and about another mile and a half to my proposed new **Prairie Central Station**, in the middle of Eden Prairie Center. When you consider these distances, here's the reality that emerges: the proposed Light Rail stations are *not* walking distance apart. However, when you're in a vehicle, a mile is nothing. Therefore, we need to add some additional ingredients to the mix. First, since we're replacing the proposed Southwest Light Rail right of way with Shady Oak Road, we'll add a **Golden Triangle Loop** – circled in light blue -- running South of the Shady Oak/212 intersection, with **Five Minute Service** frequency, and closer stops. A spur runs to **Prairie Central Station.** The **Golden Triangle Loop** brings about 20,000 jobs within *real* walking distance of a Transit stop. The meandering Northern **Shady Oak Loop** is another yellow brick road --highlighted with a yellow line -- and also with **Five Minute Service** frequency -- connecting the Shady Oak/Hwy 212 stop on the South with Shady Oak Station on the North. The longer path, with on-demand stops along the way, is necessary to reach all major buildings, including Super Value Headquarters and a new United Healthcare facility with 6,000 jobs, and to accommodate one way streets in Minnetonka. There are three intermediate stops, including Hwy 62.

Next, let's consider the "last mile" challenge for Hopkins, Saint Louis Park, and the Golden Triangle – and a simple solution: subsidized Car2Go service for those areas. Car2Go is already operating in Minneapolis and Saint Paul. The cost is about $.50 a minute, typically with about a $1 per trip surcharge. Users can reserve a Car2Go for half an hour (there will always be enough at LRT stops to make that part unnecessary), then drive to their destination, get out, and just leave the vehicle. It can be put "on hold" at a charge – or people can simply take a chance – it might be there when they're ready to go back, or it might not – if it isn't, just look at the on-line map half an hour before the return trip, pick the nearest Car2Go, reserve it, and go back to the nearest LRT station – or somewhere else.

Because Car2Go already has their infrastructure operating in the Twin Cities, they are a logical candidate for a contract providing for subsidized service for qualified Transit riders. Admittedly, there is an Equity issue here – some Transit riders, due to bad driving records and/or other reasons, may not be accepted as Car2Go customers. It seems clear that Car2Go must be given the option, using objective criteria, to

decline to accept some customers. If this issue doesn't emerge as a "show-stopper" obstacle, the next step is to work out a contract with Car2Go that will provide an effective "last mile" solution to people using LRT to travel (probably to a business or store) in Hopkins or Saint Louis Park – or to reach a site in the Golden Triangle. Of course, Car2Go users can also end their trip anywhere in Minneapolis where Car2Go drop offs are allowed (only a few areas, such as parts of Uptown, are excluded as drop-off areas). Assuming that this feature makes the overall "Transit deal" attractive for many people who otherwise wouldn't use it, the subsidy is justified for that reason alone – over time, these people are likely to increase their Transit use. Many people living in Southwest Minneapolis would probably find this an attractive option – even if one they use only occasionally. They can complete a trip by driving directly to their house, and then just leaving the car outside.

Our final element for consideration is adding two Hubs, linking the LRT line with Highway 169, and with Highway 7 and Highway 100. The basic idea of the Greenway & I-35W Hub applies, buses go directly from the freeways to the hub, people get on and off, and a park-and-ride facility is provided. Due to cost, this element of the plan may be delayed, but planning should ensure it can be added later in an optimal way.

Two final and concluding points: First, I suggested at the beginning that studying a transit "corridor", rather than considering an entire Transit and transportation system, is almost a fatal flaw to this entire process. Without going further, I simply want to reemphasize that throughout this presentation I have tried to emphasis the system elements.

Second, at the beginning I suggested "no built" must also be considered as an option.

For more elaboration on this point, below is the title and text of another of my op-ed articles, published by the Star Tribune 2/18/14:

> *TITLE: For Transit, smaller vehicles and lots more trips*
>
> *In recent weeks, transit has been a recurring topic on this page. An editorial documented a woeful future that threatens, due to worn out roads and bridges ('State's in a jam on transportation funds," Jan. 11). A commentary article followed, from Republican legislators, indicting the economics of streetcars ("Why the Legislature should put brakes on streetcar dreams," Jan. 18). Minneapolis officials responded with a challenge ("Streetcars, yes, and buses*

and more," Jan. 29), saying the lawmakers should offer up "… a BRT-only, no-rail transit system. Then we could have a real debate."

A "real debate" is welcome. But let's expand our scope to a comprehensive vision of what we can truly do with transit. Let's think and plan using our knowledge of current and emerging technology. Let's plan on the scale — with the 100-year time frame and public-private coordination — that founded our Minneapolis park system.

And let's start with a Southwest light-rail alternative — shaped by three future-focused considerations: vehicle size, service frequency and automated driving.

My proposed "Transit Revolution" approach uses Metro Mobility-size vehicles — 24 passengers and one lift. These cost about $70,000 new, compared with $3 million per light-rail car. I've run the numbers for a plan that would move the same number of people on the Southwest Corridor as light rail.

The light-rail plan features about 200 weekday trips, with about 100 people on each train. The Transit Revolution alternative averages about 10 people a trip, with about 2,400 trips a day.

Here's your obvious thought: "Bob, you're crazy! Economies of scale — it's a slam dunk — light rail is the way to go!"

Well, let me sit you down for a shocking fact: I ran the numbers for part-time drivers (we'll need almost 700) at $17 per hour. Even with about 10 times as many discrete daily trips, the $35 million annual operating cost is about the same as the Met Council's $32.7 million light-rail operating cost estimate.

Let's now consider the advantages of having 10 times as many discrete trips. The service frequency could be much higher — every five minutes or better — even including variants and supplements built into the route. We could tailor express runs for speed, with specialty runs and door-to-door shuttles to bring people to a much finer grid of destinations. Over decades, we could tailor a small-vehicle system for both speed and access in ways that those behemoth light-rail whales can't possibly match.

In the short term (decades), what I'm proposing is a giant jobs program — and today this is desperately needed. But automated driving is coming. When that happens — when drivers are

the equivalent of elevator operators — the cost per driver ($0) will become the same for a Metro Mobility-size bus and light rail. Which system do we want our children and grandchildren to have when the switch over begins? That's the decision we're making today.

Next, let's consider capital costs.

Here's the key formula: "existing" equals "zero capital cost."

Transit Revolution vehicles could use the existing Shady Oak Road to roll through the Golden Triangle to Eden Prairie Center.

From Shady Oak Road to downtown our slogan is: "Grade it … Pave it … Use it." We could use the existing right of way proposed for the Southwest line from Shady Oak Road to west of Lake Calhoun. But from there, let's go down the existing Midtown Greenway — under three at-grade cross streets just east of Calhoun — with stops at the existing Uptown Station and Lyndale and Nicollet Avenues — all linked by elevator to existing north-south bus routes.

Our Transit Revolution vehicles could go up a ramp at a new Greenway/Lake Street transit station on Interstate 35W, and roll to and from downtown using existing MnPass lanes that are guaranteed congestion-free.

Let's demand a Transit Revolution. Let's build for future generations, instead of rebuilding the past.

Let me suggest that a very significant amount of the overall benefit I've been presenting for the Alternative "3C" alignment can be achieved without LRT – simply by putting high-frequency small buses in the corridor – and please note – the plan already connects the Convention Hub, the North Hub and the Hennepin and 12th Station using elevated bus Transit ways. As you can see, the nub of this approach was outlined in the February 2014 article above. No further elaboration of the "no build" option will be provided in this public comment – beyond noting that a modified and entirely bus-based version of the proposed plan can be developed and studied as an additional reasonable alternative. But I do want to emphasize one additional point made in the article: in the short run (decades) my entire approach is deliberately designed to be a giant jobs program. A radical expansion of Transit service, using thousands of smaller, Metro Mobility size vehicles – and even integrating service with existing taxi fleets, can be and should be the WPA for our time. Our society currently has a desperate need to produce more jobs for people. The approach to Transit I am advocating for will do that directly, by providing thousands of

new jobs for drivers – with the explicit understanding that many if not all of these jobs will be less than full time, that new employees will be coming in at a lower pay scale than the current union drivers, (an approach taken by many large unions with other employers), and with the further explicit understanding that when (not if, when) automated driving becomes a reality, these jobs will be phased out.

To conclude and wrap up: the current plan should be rejected. Per the original Draft Environmental Impact Statement, co-location alone makes it an unacceptable alternative. When you factor in the subsequent enormous cost increases, and now the slashed-back character of the current plan – which would require hundreds of millions of future dollars (with no Federal match) to get it into decent shape – the time is long since past to stop surpressing reasonable alternativfes, and to send this back to the drawing board, and to the scoping process.

From: Becca Vargo Daggett
To: Anne Mavity
Cc: swlrt
Subject: SWLRT
Date: Tuesday, July 21, 2015 3:38:43 AM

Dear Councilor Mavity,

I have been reading recent emails and Next Door commentary on the question of replacing the wye in Elmwood with a new bridge to accommodate both light and freight rail, or just putting in a bridge for the LRT.

In light of the cost concerns, I am stunned that the project potentially includes a bridge that will benefit private companies at the public's expense (both in terms of the cost of replacing the wye and the additional traffic it would allow).

I encourage the Council to support a less expensive LRT bridge over the existing wye. If freight rail is included in the bridge, at public expense, the rail companies should be required to compensate the community in proportion to their gains from easier traffic flow.

Thank you for your time,
Becca Vargo Daggett
4205 Brunswick Avenue South
612.913.1331

Sent from my iPhone

From: George Puzak
To: swlrt
Cc: Duininck, Adam; Cunningham, Gary; Dorfman, Gail; Elkins, Steve
Subject: SWLRT--Comments on SDEIS
Date: Tuesday, July 21, 2015 11:45:48 AM
Attachments: Comments on SWLRT SDEIS July 21 2015.pdf

Dear Ms. Jacobson and SWLRT Project Office staff,

Please accept these comments on the Supplemental Draft Environmental Impact Statement (SDEIS) for SWLRT.

The SDEIS does not adequately address alternatives for SWLRT, nor does it adequately address the impacts of freight rail in the Kenilworth Corridor. The SDEIS cannot fix this project's fundamental flaw—**Hennepin County's failure to include freight rail in the project's original "scoping process.**" Hennepin County explicitly omitted freight rail from the project when it selected the SWLRT alignment in 2009, yet added freight rail to the project in 2011. The flaw is that when Hennepin County added freight rail (a new mode) after selecting the route, it failed to re-open scoping and re-examine all alternatives and alignments. The new mode fundamentally changed all aspects of the project.

Required by the National Environmental Policy Act (NEPA), scoping is the first step in environmental review. It identifies the issues, alternatives, locations, and modes of transport to be studied in a transit project's environmental impact statement (EIS). But Hennepin County, in both its 2009 Scoping Report and 2010 Locally Preferred Alternative (LPA), failed to include freight rail as part of SWLRT. Five cities then proceeded to vote and approve the 2010 LPA. In 2011, despite receiving notice from the Federal Transit Administration (FTA) that freight rail is part of SWLRT, Hennepin County failed to amend the scoping report and re-open scoping for public comment, and thus violated NEPA.

Compounding the problem, in summer 2014, the Met Council imposed yet another, fundamentally different plan to be approved, this time through municipal consent: while the 2010 LPA approved by five cities had omitted freight rail in Minneapolis' Kenilworth corridor, the 2014 plan included it. Yet, the Met Council provided no Draft EIS on freight rail, LRT tunnels, and soil conditions before the vote. Citizens lacked critical information and officials from Minneapolis and four other cities were forced to vote on municipal consent.

The current plan would run electric-sparking LRT trains as close as 15 feet from freight trains (carrying as many as 100 cars of ethanol — an explosive whose flash point is below that of oil) through residential neighborhoods, over the Chain of Lakes Kenilworth Channel, and through downtown next to Target Field. *But this arrangement was never included in the original scoping phase. This omission limited the choice of transit options*

and alignments that citizens and decision makers considered. Further, neither citizens nor public officials had information about the 2014 plan's environmental and public safety risks before the vote. Thus, the cities gave blind consent, not informed consent.

The government's own errors in following legally-required processes have now caused a conflict—the 2014 municipal consent plan includes freight rail, but the 2010 Locally Preferred Alternative (LPA) does not. The Met Council must update the LPA—triggering a new round of public hearings and municipal votes. The government's own studies also contradict the current plan. According to the December 2012 DEIS, co-location of freight rail and light rail in Kenilworth would not adequately preserve the environment and quality of life in the surrounding area. What has changed since 2012?

Contrary to law, the Met Council has limited the choice of reasonable alternatives and alignments. Reducing costs, studying freight rail in the Supplemental DEIS, and repeating municipal consent are not sufficient remedies. There are only two remedies:

1. Eliminate co-location of freight and LRT by re-locating freight rail out Kenilworth and build the plan approved in 2010; or
2. Re-open and include freight rail in SWLRT's original scoping process. This remedy will allow government and citizens to study all reasonable alternatives for LRT alignments, while acknowledging freight rail's routing, costs, and impacts.

Thank you for your consideration.

George Puzak
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Minneapolis, MN 55403
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greenparks@comcast.net

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Minneapolis, MN 55403
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July 21, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
via email: swlrt@metrotransit.org

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2. Re-open and include freight rail in SWLRT's original scoping process. This remedy will allow government and citizens to study all reasonable alternatives for LRT alignments, while acknowledging freight rail's routing, costs, and impacts.

Thank you for your consideration.

George Puzak

George Puzak

From:	Terri J. Smith
To:	swlrt
Cc:	craig@redstonegrill.com; thomas.goodrum@westwoodps.com; vern.swing@westwoodps.com; Patrick B. Steinhoff; Bruce D. Malkerson
Subject:	Comments on the Southwest Transitway
Date:	Tuesday, July 21, 2015 12:38:59 PM
Attachments:	Idlewild Properties and Redstone American Grill Comment Letter on Southwest Transitway (178317x9C65D).pdf

Ms. Jacobson:

Please see the attached letter from Idlewild Properties, LLC and Redstone American Grill, Inc. regarding the above-referenced matter.

Terri Smith
Legal Administrative Assistant to Bruce D. Malkerson and Patrick B. Steinhoff
MALKERSON GUNN MARTIN LLP
220 South Sixth Street, Suite 1900
Minneapolis, MN 55402
Direct Dial 612.455.6651¦Fax 612.455.2054
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REDSTONE™
AMERICAN GRILL

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro-Transit –Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

RE: Comments on the Southwest Transitway
Supplemental Draft Environmental Impact Statement (SDEIS)

Dear Ms. Jacobson and other Interested Parties:

We write on behalf of Idlewild Properties, LLC and Redstone American Grill, Inc. (together, "Redstone")[1] to comment on the Supplemental Draft Environmental Impact Statement ("SDEIS") for the SWLRT project.

Redstone owns and operates the Redstone restaurant located at 8000 Eden Road, Eden Prairie. This property is located in the Eden Prairie Segment of the SDEIS and has been identified as a property that will be partially taken for the SWLRT project. Redstone has completed a review of the SDEIS document, and it opposes the recommendation stated in the SDEIS to move the location of the SWLRT rail line to Eden Road. The proposed location recommended by the SDEIS will result in substantial adverse impacts on Redstone's ability to operate its restaurant. These substantial adverse impacts include, but are not limited to, the loss of parking, access restrictions, increased noise, visual impacts, safety concerns, and the creation of obstacles to the public enjoyment of existing natural amenities (e.g, Lake Idlewild) in the immediate vicinity of the Redstone property.

Redstone offers the following specific comments concerning the SDEIS:

Chapter 2: ALTERNATIVE CONSIDERED:

All of the rail alignments recommended in the DEIS showed the SWLRT line located along Technology Drive. This reasonably demonstrates that the route best suited for the SWLRT is along Technology Drive. We understand the SDEIS was authorized with the intent of reviewing this alignment based on requests by the City of Eden Prairie and certain businesses impacted by the proposed Technology Drive route. However, Technology Drive is the best alignment for the efficient operation of SWLRT as originally concluded.

[1] Idlewild Properties, LLC owns the real property located at 8000 Eden Road, Eden Prairie. Redstone American Grill, Inc. leases that real property and operates the Redstone American Grill restaurant located at the site.

7636 EXECUTIVE DRIVE, EDEN PRAIRIE, MINNESOTA 55344 TELEPHONE: 952/404-3333 FAX:952/745-0623
WWW.REDSTONEGRILL.COM

Section 2.3.1 of the SDEIS states that the City of Eden Prairie asked the Metropolitan Council to investigate the feasibility of a more centrally located and walkable Eden Prairie Town Center Station that would provide better opportunities for transit-oriented development and redevelopment. The City prefers a station within walking distance of the Eden Prairie Center (a regional shopping mall) which the City believes will promote its long term economic development goals and provide higher ridership due to the station's proximity to existing and future commercial activity centers. These points are driven solely by the expected economic benefit to the City, not by any improvement in the operation of the SWLRT. As identified throughout this review, moving the route from Technology Drive to Eden Road:

- impacts more businesses
- impacts more roads and intersections
- requires the construction of a new road
- requires crossing more intersections
- creates more safety risks
- does not achieve the walkability to the mall that the city desired (1/4 mile to a mall entrance)

The proposed Town Center Station does not correspond to the three proposed station locations (described in the document attached hereto as Exhibit A), that the City had considered during the DEIS process. The closest recommended station location is near the intersection of Eden Road and Singletree Lane. (See attached maps and city location criteria) The desire to have the station more centrally located within the City's Town Center District is referenced in three city documents:

- Comprehensive Guide Plan, Future Land Use Plan (2009)
- Eden Prairie Town Center Design Guidelines (2007)
- Eden Prairie Major Center Area Study (2006)

Through the 4-step evaluation process conducted for the SDEIS selection of alternative alignments, there are two alignments along Singletree Lane compared to a single alignment along Eden Road. The final step of the evaluation identified two finalist routes for this section of the line:

- Option 1 is the proposed route (comprehensive plan)
- Option 3 is the Singletree Lane route

Both routes are very comparable in their listed advantages to the LRT system. However, it is noted the Singletree Lane route (Option 3) received a Very Good rating for walkability to the Eden Prairie Mall while Option 1 only received a Good (Table F.3.7 from Appendix F). This noted because it reflects a key criteria from the City of Eden Prairie in its request to move the line away from the DEIS recommended route along Technology Drive.

In light of the new announcement that the SWLRT alignment is being amended due to budget constraints and that the Town Center Station is being deferred for cost savings, we demand a new review of the SDEIS alignment be conducted to re-evaluate if the Technology Drive or the Singletree Lane alignment and the proposed Town Center Station are better suited elsewhere to stay on budget for the project.

Chapter 3: AFFECTED ENVIRONMENT, IMPACTS and MITIGATION

Section 3.1.2.1 (Land Use) of the SDEIS states that there is no significant change in land use from the DEIS alignment and the SDEIS alignment. The SDEIS review evaluates which alignment can support higher density or mixed use development. There are no specific federal regulations guiding land use, so the SDEIS relies on local zoning and comprehensive plans to guide their assessments.

There is a significant difference in existing land uses between the Technology Drive alignment and the City's Comprehensive Plan alignment. Although the guiding and zoning of the lands are similar, the actual existing land uses and impacted properties are significantly different. The proposed alignment will impact at least six more businesses than would be impacted on the Technology Drive route. Moreover, the large vacant land areas and under-used land within the larger developed lots along Technology Drive can support future redevelopment better than the smaller parcels along Eden Road. For these reasons as well as the additional reasons identified above, we demand that the Project Office re-evaluate the potential redevelopment of this area in relation to a Town Center Station that will be built (if at all) several years in the future. During that time, the City can plan and construct improvements that will make a station along Technology Drive a viable destination for people to live, work, and play. A road connecting Singletree Lane to Technology Drive and a Town Center Park on the existing Emerson property are currently being considered. These planned projects can be catalysts in supporting a station on Technology Drive.

Section 3.1.2.4 (Parklands, Recreation Areas, and Open Spaces) of the SDEIS notes that land within 350 feet of the proposed SWLRT rail line was considered for potential impacts and that no parks, recreational areas or open spaces exist along this segment of the SWLRT line. The SDEIS therefore concludes that there are no long-term impacts. The SDEIS is simply incorrect on this point, and a new evaluation must therefore be undertaken. The new evaluation must include Lake Idlewild, which is well within the 350 feet limit identified in the SDEIS and, in fact, is only 150 feet from the proposed SWLRT rail line at the east side of the Redstone property. The SDEIS evaluation failed to consider any impacts at all, either, direct, indirect, long-term or short-term to Lake Idlewild. The City of Eden Prairie's 2013 trail map shows the trail around Lake Idlewild as a public trail, and the City's 2007 Comprehensive Plan identifies a future Town Center Park on the vacant land eastern edge of the land owned by Emerson Process Management Educational Services adjacent to Lake Idlewild. These impacts should and must be

considered. It is obvious the noise and scenic disruption caused by the SWLRT will have a long-term impact on these existing and future recreational areas.

We demand that this existing trail and future park be incorporated into the SDEIS document and be given the same consideration provided to Purgatory Park by the SDEIS. In section 3.2.1.4 of the SDEIS, there is a great amount of detail concerning how the SWLRT line will impact Purgatory Park. The SDEIS lists several ways Purgatory Park would be indirectly impacted by the SWLRT including impacts to access into the park, amenities that would require relocation to avoid the rail line, and the visual intrusions that would be experienced by park users as a result of the proposed rail structures. These changes in the Purgatory Par setting would disrupt a visitor's visual experience, resulting in a moderately-low to low impact upon views into and from the park. A solution to avoiding the existing trail and the future park will be to move the proposed rail line to the other finalist alignment along Singletree Lane (Option 3).

Chapter 3.2 EDEN PRAIRIE SEGMENT

This section provides a summary of the potential environmental impacts within the area between Mitchell Road and Flying Cloud Drive, which includes the Redstone property. Our comments relating to this section will be focused on the direct impacts that the recommended SWLRT line would have on Redstone and on its ability to successfully operate the existing restaurant business at the property. In our review of the SDEIS, it is clearly evident that the recommended SWLRT line route would result in substantial adverse impacts on Redstone's ability to operate its restaurant at the property.

Subsection 3.2.4.2 (Roadway and Traffic) of the SDEIS notes that the SDEIS was analyzed using a preemption strategy for LRT traffic signals, as opposed to the Traffic Signal Priority (TSP) operation that was used for the traffic study in the DEIS. In theory, the preemption strategy would represent the worst-case scenario for vehicular traffic. However, this strategy does not analyze the possibility of increased delays caused by the arrival of trains at the very end of the green cycle for the main line movement, the extension of the green light to service the train, and the transition back into that main line green before transitioning to service the minor driveway approaches. In other words, the analysis employed by the SDEIS does not accurately model the traffic signal delays caused by SWLRT that may be experienced by vehicle traffic seeking to enter or depart from the Redstone property. Delays of this sort occur frequently on the Green Line (Central Corridor Light Rail). Given the operational history of LRT in the Twin Cities Metro area, there is a significant potential for Redstone customers to have to wait up to three traffic signal cycles before being given the right-of-way. The analysis conducted for the SDEIS failed to address this situation and how it will impact the minor approaches at signalized intersections.

The intersections of Eden Rd/Eden Rd and Glen Rd/Eden Rd are not expected to meet vehicular signal warrants without the presence of the LRT. The traffic impact study states that driveways were included in the analysis. However, there is no evidence to support this claim. This

information must be provided to allow businesses to evaluate SWLRT impacts. Based on observations of the Green Line (Central Corridor), which also operates with TSP, phases are skipped and excessive delays on the side streets are experienced. Significant delays are not conducive to long term customer relations for a business. Redstone must be presented with the analysis showing the change in delay values from the No Build to the Build scenario to determine true impacts to customers entering and exiting the restaurant.

The traffic impact analysis presented in the SDEIS fails to accurately reflect traffic operations consistent with other LRT lines operating with TSP. It was also not included in the air quality section. With increased delays present on the minor approaches, there will be an increase in emissions along the corridor. This must be addressed.

Subsection 3.2.4.3 (Parking) of the SDEIS includes a chart that shows the Redstone property currently having 179 parking stalls. As a result of the SWLRT project as currently proposed, Redstone will lose 36 stalls due to the acquisition of part of the Redstone property, leaving only 143 stalls remaining. This loss of parking raises several issues that are inadequately addressed in the SDEIS.

We disagree with the number of lost parking stalls predicted by the SDEIS at the Redstone property and believe that the actual number of lost parking stalls will be much higher. The Redstone parking lot will need to be reconfigured as a result of the SWLRT project to provide adequate maneuvering space for delivery vehicles and to accommodate the relocation of the western parking lot access. This reconfiguration will eliminate several additional stalls currently unaccounted for by the SDEIS. Reconfiguring the parking lot will require City of Eden Prairie site plan approvals. The reconfigured parking lot must satisfy City setback requirements and may require variances from the City's zoning ordinance.

The loss of any parking stall is critical to the Redstone property. The Redstone parking lot is continuously full, and Redstone's patrons currently struggle to find parking spots. Redstone employees even now must park off-site to free spaces for Redstone customers. The loss of even a few parking stalls would be detrimental to Redstone's business operations. Based on our review, Redstone will have only 97 parking stalls remaining after construction of the SWLRT project, note the 143 parking stalls identified in the SDEIS. Redstone cannot accept additional stalls that are off the current Redstone property, especially to the east, as this would create too great of a distance for Redstone customers to walk to the restaurant's front door.

We believe that the acquisition of additional parking stalls along the southern edge of the Redstone parking lot adjacent to Eden Road and the proposed rail line will be necessary in order to construct the SWLRT. The engineered plans fail to show grading limits or cross sections to adequately account for grading impacts to our site. This must be addressed in the SDEIS.

Review of the engineered plans show there is only one to two feet between the parking stalls and the side of a train. This does not take into consideration vehicle overhang from the curb stop.

Furthermore, the SDEIS ignores the safety of Redstone's patrons parking and exiting their vehicles so close to the passing LRT. The safety of those patrons, especially those with small children and those visiting Redstone at night, is of great concern to Redstone. Redstone notes that, for approximately six months of every year, the majority of Redstone's patrons visit the restaurant after sunset. Redstone also notes that approximately 130 of its employees park off-site and therefore will be required to cross the SWLRT tracks when walking to and from their vehicles each workday. Current plans for the SWLRT do not provide for any sort of physical barrier between the Redstone parking lot and SWLRT rail line. These conditions are simply not safe, and they are not adequately addressed by the SDEIS.

Redstone's driveways will also be drastically impacted by SWLRT trains creating unsafe conditions at the access into and out of the Redstone property. The traffic impact study did not include any discussion regarding how the driveways at the Redstone property would be controlled in coordination with the associated train crossings. Will gate arms be provided for the driveways? Will the trains have the right of way through Redstone's driveways? What will be the speed of the LRT through the Redstone property? Redstone has concerns about the answers to these questions based on the frequency with which vehicles stop at rail crossings within the Twin Cities Metro area on or beyond the painted stop bar at those crossing combined with the proposed volume of LRT crossings expected across the driveways at the Redstone property. We have significant concerns regarding the safety of Redstone patrons entering and leaving the Redstone property. According to the traffic impact studies prepared for the SDEIS, there is an expectation of 10 minutes headway between train vehicles in the p.m. peak hour, consistent with the Blue Line and Green Line operations. "A 10 minute headway corresponds to 12 trains in the peak hour (six in each direction) which equates to one train approximately every five minutes." Redstone customers would be subject to delays, close encounters with the trains, and confusion maneuvering between the tracks and Eden Road, especially in the later hours. This will create a sense of fear and will cause potential customers to avoid the Redstone site, which will have significant negative impacts to the operation of Redstone's business operations.

Subsection 3.2.2.3 of the SDEIS notes that permanent noise impacts would not affect the area around Redstone. It does state that there is a moderate noise impact at one hotel, and moderate or severe noise impact at other nearby hotels. There were four sites where noise monitoring was conducted. The two monitoring sites closest to Redstone were N4 and N25, as identified on table 3.2-8 and Appendix H. Site N4 was conducted at the Lincoln Park Apartments in July-August of 2013 as part of SDEIS, and site N25 was conducted at the Homestead Hotel across from Lake Idlewild in 2010 as part of DEIS. Site N4 measured for 24 hours near the water tower and is representative of the ambient noise conditions at the Lincoln Park and Water Tower apartments plus Singletree Lane. According to Table 3.2-9 of the SDEIS, the Summary of Noise Impacts for Residential Lane Use is as follows:

Excerpt from SDEIS Table 3.2-9
Summary of Noise Impacts for Residential Lane Use – Eden Prairie Segment

Location	Distance from near LRT Track Centerline (ft)	Existing Noise Level (dBA)	Project Noise Level, LRT (dBA)
Lincoln Park Apartments	138	62	57
Water Tower Apartments	113	62	58
Residence Inn	44	61	65

Noise levels at 59 dBA are considered moderate, and noise levels over 64 are considered severe. With projected noise levels at 58 dBA, one level below a moderate level impact, further studies are needed to fully understand the noise impact in this area. How are the projected noise levels shown to be lower than the existing noise levels? The last few pages of Appendix H are a SWLRT Noise Fact Sheet which includes a table of Typical Maximum Noise Levels. According to this table, an LRT vehicle traveling at 45 mph at a distance of 50 ft from the noise source generates noise volumes in the range of 71-76 dBA. The noise analysis reported in the SDEIS does not have results consistent with the associated fact sheet and must be accurately addressed.

Furthermore, the noise impacts become more concerning with the numerous bells and horns that are emitted at intersections and stations are included. The SDEIS does not consider these impacts. Appendix H lists the dBA levels for the bells and horns used along train corridors (see below). The train speed will be at 45 mph when crossing the at-grade intersection at Flying Cloud Drive, and the use of LRT horns are therefore necessary. Bells are expected to be used at the Redstone driveway crossings if gates are provided, and will be used at the Town Center Station 750 feet away.

- LRT bells are sounded for 5 seconds as Light Rail Vehicles approach at-grade crossings
- Grade crossing bells will ring for 20 seconds for each train
- LRT horns would be sounded at an at-grade intersection when traveling 45 mph
- Bells would be sounded twice when entering/exiting a station
- Crossing bells have a sound exposure level of 106 dBA
- LRT bells have a sound exposure level of 88 dBA
- LRT horn have a sound exposure level of 99 dBA

The SDEIS states that LRT vehicles speeds are expected to range between 20 to 55 mph. The SDEIS fails to study the noise associated with an LRT vehicle braking as it approaches a station. The volume of noise from a braking train will be higher than the train noise itself, thus increasing the noise of an LRT vehicle approaching a station and at the Redstone property significantly more than what is described in this section of the SDEIS.
The SDEIS further fails to address noises associated with accessible pedestrian signals that will be installed at the proposed traffic signals near Redstone. While we recognize and support the need for such devices, they produce noise, are subject to noise pollution, are loud, and emit constant beeps and tones which will also have an impact on the dining experience at Redstone.

High noise levels are a very important concern with Redstone, as its business operations depend on a relaxing, enjoyable atmosphere for patrons dining in the restaurant and especially for those using Redstone's outdoor patio. With noise from the trains directly in front of the restaurant plus noise carried across Lake Idlewild from other areas of the SWLRT line, intense focus on the study of noise at Redstone is necessary to protect Redstone's business. The SDEIS only analyzed noise impacts associated with a residential area and did not take into consideration other types of uses, such as restaurants with outdoor patios. There are many such businesses in the area with outdoor facilities in addition to Redstone, such as Champps and Old Chicago. Redstone will lose the ambiance that its customers have come to know and expect with the relative quiet that is provided in Redstone's existing setting adjacent to a nature park, lake, and suburban environment.

Subsection 3.2.1.5 (Visual Quality and Aesthetics) of the SDEIS notes that viewpoint 9 was taken at the eastern end of the Redstone property looking west along Eden Road. That view shows the line of boulevard trees along the parking lot edge of Redstone. Due to the boulevard trees, the existing view score was Moderately Low while the anticipated change in visual quality and aesthetics scored Low due to the loss of those trees. In accordance with the SDEIS findings, the SWLRT project may reduce visual unity of the view unless design and landscape measures are taken. The visual quality of the view will be reduced because of the removal of vegetation and the introduction of the SWLRT tracks, which will reduce the visual intactness and visual unity for this view. The overall level of change in the visual quality of this view is Moderate, not Low as inaccurately stated in the SDEIS.

In review of the engineered plans there will not be enough space to plant trees between Redstone and the tracks nor along the sidewalk. The existing views from Redstone will be altered from trees to a LRT train and tracks with no space for screening. The removal of trees along the boulevard and the inability to screen the trains from our patrons and the public is a substantial negative impact to our business. We are a fine-dining establishment that promotes ambiance and a natural aesthetics atmosphere for our patrons.

Another objection to the SDEIS review of the visual quality and aesthetics near Redstone is the absence of any consideration of the view looking over Lake Idlewild and the trees that surround it. Lake Idlewild provides an aesthetic backdrop for the businesses in this area and is clearly

visible to the public driving on Eden Road or walking among the surrounding shops. We demand that further analysis be conducted on the view-sheds near Redstone so that the analysis includes views to the north across Lake Idlewild.

Subsection 3.2.4.5 (Safety and Security) of the SDEIS reviews the long-term direct and indirect safety and security impacts. Redstone is outraged by the newly introduced potential for violent train-vehicle or train-pedestrian conflicts that will be present at the at-grade crossing of roadways or driveways at and around the Redstone property. The SWLRT trains will be crossing not only Redstone's two driveways but also the intersection of Glen Road and Eden Road. There will be numerous Redstone patrons trying to get into and out of the Redstone property by vehicle or on foot. With SWLRT trains crossing in front of the Redstone property with unknown measures for public safety, Redstone may face potential liability arising from accidents caused by the SWLRT crossings near its property. The proposed SWLRT alignment simply creates too many conflict points between trains, vehicles and pedestrians in a very small and uncontrolled area.

The SDEIS identifies a sidewalk section for pedestrians that would require pedestrians to traverse a parking lot and use a sidewalk currently associated with another business (Brunswick Zone Bowl). This is unacceptable to Redstone. Easements are required to use a private walk for public use and liability will perpetually be an issue. Moreover, requiring pedestrians to walk through the middle of an existing parking lot creates considerable safety concerns. A safer alternative is to provide sidewalks along public roads. If the Town Center Station were located east of the intersection with Eden Road, then a sidewalk could be provided adjacent to Eden Road south to Singletree Lane. The SWLRT's blatant disinterest in the safety of its riders and Redstone's patrons requires correction and further study.

Summary

As noted above, the SWLRT project as currently designed will result in substantial adverse impacts on Redstone's ability to operate its restaurant. These substantial adverse impacts include, but are not limited to, the loss of parking, access restrictions, increased noise, visual impacts, safety concerns, and the creation of obstacles to the public enjoyment of existing natural amenities (e.g, Lake Idlewild) in the immediate vicinity of the Redstone property.

"The adequacy of an environmental impact statement is subject to challenge on both procedural and substantive grounds." *Minnesota Public Interest Research Group v. Adams*, 482 F. Supp. 170 (D. Minn. 1979). An environmental impact statement is substantively inadequate when an agency's "actual balance of costs and benefits" is arbitrary and when the agency gives "insufficient weight to environmental values." *Minnesota Public Interest Research Group v. Butz*, 541 F.2d 1292, 1300 (8th Cir. 1976). An EIS is likewise inadequate of it does not contain sufficient information to permit a reasoned choice of alternatives. *Id.* Moreover, an EIS "must not be so vague, general and conclusory that it cannot form the basis for reasonable evaluation and criticism." *Id.*

The SDEIS prepared for the SWLRT here is both substantively and procedurally inadequate. The costs and benefits set forth in the SDEIS are arbitrary and give insufficient weight to the environmental values that underlay NEPA and MEPA. Moreover, the SDEIS is so vague, general and conclusory in nature that it cannot form the basis for reasoned analysis of the true environmental, social and economic effects of the SWLRT

As such, the SDEIS prepared for the SWLRT here fails to fulfill the fundamental purposes of the National Environmental Policy Act, 42 U.S.C. 4432, et seq. or the Minnesota Environmental Policy Act, Minn. Stat. § 116D.01, et seq. "[T]he overall purpose of NEPA is to establish 'a broad national commitment to protecting and promoting environmental quality.'" *Sierra Club v. United States Army Corp of Engineers*, 446 F.3d 808, 1126 (8th Cir. 2006), *quoting Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 348 (1989). An EIS prepared pursuant to NEPA and MEPA must consider the "social and economic effects of [a] proposed agency action must ... once it is determined that the proposed agency action significant affects the physical environment." *Id.* NEPA and MEPA require government agencies to evaluate environmental impact of a proposed government action and possible alternatives to that action before the agency takes any action that will "significantly affect the quality of the human environment." *Id.* Notably, the term "human environment" must be interpreted "comprehensively to include the natural and physical environment and the relationship of people with that environment." *Id.*

Here, the effect of the SWLRT on the "human environment" surrounding the Redstone property will simply be disastrous. It will irreparably disrupt the natural and physical environment in which the Redstone property is currently situated. Moreover, it will create hazards and inconveniences for people attempting to enter that environment in order to dine at Redstone. Finally, it will cause substantial economic hardships for Redstone and similarly situated businesses located along the proposed SWLRT route recommended by the SDEIS.

Redstone recognizes that there have been many changes to the SWLRT project since the release of the SDEIS. The Metropolitan Council has recently supported the elimination of the Mitchell Station and the deferment of the Town Center Station along with many other cost saving adjustments. To support cost reductions and a more efficient LRT operation, Redstone encourages the Project Office to act upon its request to re-examine the many issues raised in this letter and consider if past options or new options can provide a better alignment for the SWLRT. The Eden Prairie Segment carries numerous costs and environmental impacts that must be investigated further. The widening and extension of Eden Road is just one example. A second is the ability to avoid the wetland south of Costco if the line is realigned. As noted earlier, the Technology Drive and Singletree Lane alignments were considered viable options and deserve to be reconsidered now. We ask that the Metropolitan Council do so.

We look forward to working with you on addressing our concerns and finding solutions that benefit the SWLRT project, the City of Eden Prairie, Redstone and the public.

Very Truly Yours,

Craig A. Oberlander
Chief Manager
Idlewild Properties, LLC

Michael O'Leary
Chief Operating Officer
Redstone American Grill, Inc.

Enclosure

c: Bruce D. Malkerson, Esq., Attorney for Redstone
Tom Goodrum and Vern Swing, Westwood Professional Services, Engineering and Planning Consultants for Redstone

Southwest Transitway

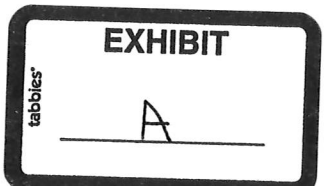
Town Center Station Location Considerations

General

- The feasibility of more centrally located and walkable Town Center Station should be evaluated during the Preliminary Engineering Process
- Minimize Town Center Station parking. If possible re-allocate parking to Southwest Station and Mitchell Road.

Location Priorities

- Walkability to Housing and Employment (Ridership Potential)
- Close proximity to Eden Prairie Center. Station within ¼ mile to a mall entrance.
- Maximize potential redevelopment and reinvestment opportunities.
  - Considered recent investments in area
- Separation from Southwest Station LRT Station
- Acceptable traffic impacts of track alignment



Potential MCA Station Locations

Location A – Town Center

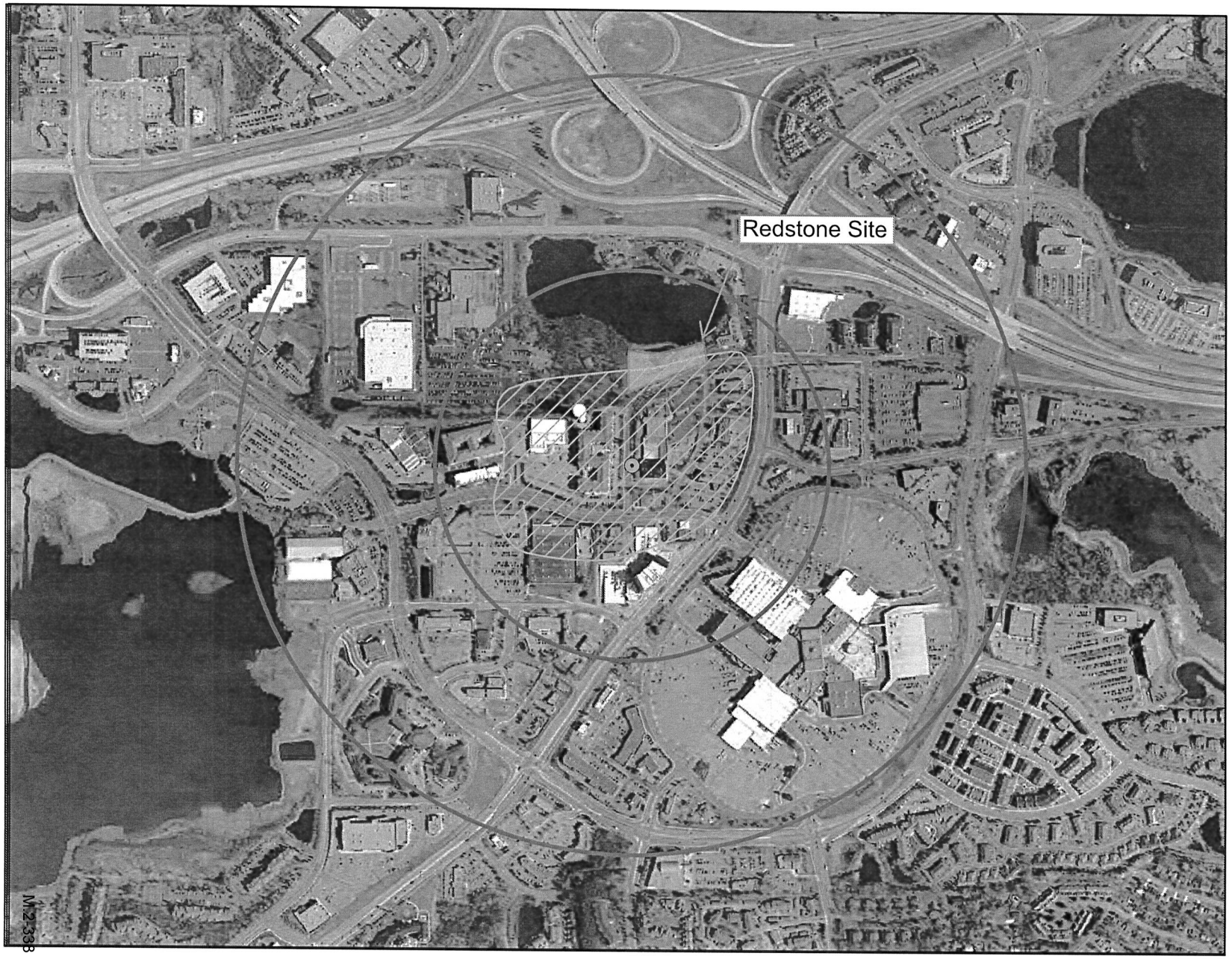
- Guide Plan Approved Town Center Location
- Close proximity to existing and future housing and employment densities
- Potential for planned re-development
- Walkable to Eden Prairie Center (across Flying Cloud Dr)
- Anticipated Moderate Track Alignment Impacts

Location B – EPC Northeast

- Close proximity to Eden Prairie Center
- Potential for re-development
- Walkable to existing and future housing and employment uses in Town Center (across Flying Cloud Dr)
- Anticipated Moderate Track Alignment Impacts

Location C – MCA South

- Close proximity to Presbyterian Homes and walkable to residential uses south of MCA (across Prairie Center Dr)
- Walkable to housing and employment uses in Town Center
- Walkable to Eden Prairie Center (across Flying Cloud Dr)
- Potential for re-development
- Anticipated High Track Alignment Impacts



N

Legend

- Center of Radius Rings
- Station Area
- 1/4, 1/2 Mile Radius Ring

STATION AREA A

April 18, 2012

M:2-338



N

Legend

- Center of Radius Rings
- Station Area
- 1/4, 1/2 Mile Radius Ring

STATION AREA B

April 18, 2012

M2-339



N

Legend

- Center of Radius Rings
- Station Area
- 1/4, 1/2 Mile Radius Ring

STATION AREA C

April 18, 2012

EDEN PRAIRIE

M.2-340

From: Kevin Kuemmel
To: swlrt
Date: Tuesday, July 21, 2015 2:24:31 PM

Being a resident in Todd Park and close to Brookside, I'm extremely concerned about the increase in freight traffic. I am opposed to using public light rail money to increase train traffic in our neighborhoods. Seems ridiculous to use our money to decrease our quality of life. Thanks.

Best Regards,
Kevin O. Kuemmel
Senior Networking Account Manager
World Data Products
Phone: (763) 452-1310
Fax: (763) 452-1311
kevin.kuemmel@wdpi.com
IM: kevinkwdpi

Our commitment to providing quality products and services is demonstrated by our achievement of ISO 9001:2008 certification. Grow your business and maximize your budget with proven IT solutions from WDPI. Visit www.wdpi.com for more information.

From:	Angie & Sandeep
To:	swlrt
Cc:	Mary Pattock; Kathy KIAA Low
Subject:	Agreement with LRT Done Right
Date:	Tuesday, July 21, 2015 2:21:17 PM

I endorse the response submitted today by the organization LRT Done Right in addition to comments I have personally submitted previously.

Angela Erdrich
612 516 6866
2217 Oliver Ave S
Minneapolis mn 55405

Sent by Angie Erdrich
angie_sandeep@yahoo.com

LIBERTY PROPERTY TRUST

RECEIVED
JUL 20 2015
BY: SPO

July 17, 2015

Nani Jacobson
Assistant Director, Environmental & Agreements
Metro Transit – SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Re: Comments of Liberty Property Trust Regarding OMF to be Located at Site 9A

Dear Ms. Jacobson:

Liberty Property Trust is the owner of the developed industrial properties at 1515 Sixth Street South, and 1600 Fifth Street South, Hopkins Minnesota, which will be taken for the proposed Operations and Maintenance Facility (OMF), Site 9A, Hopkins K-Tel East. As a property owner that will suffer the loss of two important industrial investment properties, we are deeply concerned about how this taking will impact us. We have reviewed the SDEIS and have the following comments on that document.

1. OMF Site 9A Selection Evaluation:

Our review revealed that Site 9A was not part of the original DEIS review and was only added as part of the SDEIS process and not subject to the same site selection evaluation that was done during the DEIS review. We understand that as part of the SDEIS analysis for a preferred OMF site a four step process was conducted that initially identified approximately 30 sites and through each step dismissed potential sites until site 9A was the final selection.

It appears to us that SDEIS failed to fully or properly evaluate the OMF site (identified in the SDEIS as site 9A) against comparable sites that were also being considered. We believe that additional information should be provided that will explain why site 9A was preferred over a number of others.

2. A Total Taking of the Liberty Property for OMF at Site 9A is Required

The SDEIS under Section 3.3.1.2 Acquisitions and Displacement indicates that there will be a full taking of both our industrial properties within the site 9A footprint. Liberty Property Trust concurs that any taking must be a full taking of each property.

The SDEIS notes that land which is acquired for the SW/LRT Project but not fully used for the OMF may be considered a remnant parcel and sold. Liberty Property Trust has no interest in buying back a remnant piece and there should be no expectation that such remnants will have any

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material economic value to Liberty. Liberty has previously conveyed this same information to representatives of the Met Council.

Liberty Property Trust has been an active participant in the public process and planning of the SWLRT. We are supportive of the project but recognize that a number of our properties will be taken if the project goes forward. Our concerns regarding the SDEIS reflect our past comments on the DEIS regarding our properties in Hopkins, Minnetonka and Eden Prairie, adjacent the Golden Triangle Station. Our earlier DEIS comments are attached for your convenience.

Finally, if the project goes forward, it is essential that our industrial tenants are fully compensated for their relocation costs and are given sufficient lead time to plan and execute a complex industrial plant relocation.

Liberty Property Trust

Richard Weiblen
Vice President, Development.



LIBERTY PROPERTY TRUST

10400 Viking Drive, Suite 130 | Eden Prairie, MN 55344

Ms. Nani Jacobson
Assistant Director, Environmental & Agreements
Metro Transit – SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426



M.2-345

From:	Joan Vanhala
To:	swlrt
Cc:	Marisol.simon@fta.dot.gov
Subject:	AMS SWLRT SDEIS comments July 21 2015
Date:	Tuesday, July 21, 2015 2:31:47 PM
Attachments:	AMS SWLRT SDEIS comments July 21 2015 2.pdf

Please accept the Alliance for Metropolitan Stability's comments to the Southwest Light Rail Transit Supplemental Draft Environmental Impact Statement.

Joan Vanhala, Coalition Organizer
Alliance for Metropolitan Stability
2525 E. Franklin Avenue #200
Minneapolis, MN 55406
612-332-4471; http://www.metrostability.org/

"If you think you are too small to make a difference, try sleeping with a mosquito." — Dalai Lama

TO: Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

From: Alliance for Metropolitan Stability
2525 E. Franklin Avenue
Minneapolis, MN 55406

Contact: Joan Vanhala, Coalition Organizer
612-332-4471; joan@metrostability.org

Public Comment for the Southwest Light Rail Transit Supplemental Draft Environmental Impact Statement

July 21, 2015

The Alliance for Metropolitan Stability (AMS http://www.metrostability.org/) is a coalition of grassroots organizations that advances racial, economic and environmental justice in growth and development patterns in the Twin Cities region. Our 33 member groups (http://www.metrostability.org/about_us/member_list.php) represent communities of color, low-income communities, housing advocates, faith-based organizations, research and policy organizations, economic developers and environmental, transit and land-use policy advocates.

For the past 8 years AMS has been providing technical and organizing support to Environmental Justice communities along our metropolitan region's planned transitways to ensure that they are included in the decision making and receive community benefits from these major infrastructure investments.

Specific to these comments AMS has been working closely with New American Academy (http://www.newamericanacademy.org/) that serves the primarily Somali immigrant community in Eden Prairie. New American Academy has been active partners with the Southwest LRT Project Office in engaging their community members (http://www.newamericanacademy.org/community.html) in decisions related to alignment, station area planning, and developing the Eden Prairie Town Center development guidelines.

Eden Prairie Alignment:
AMS supports the Eden Prairie alignment: Adjustments to the proposed light rail alignment and LRT stations, generally from the intersection of Technology Drive and Mitchell Road to the intersection of Flying Cloud Drive and Valley View Road.

Yet with the July 8th, 2015 Metropolitan Council Southwest LRT budget decision to defer the Eden Prairie Town Center Station, on opening day a significant environmental justice community in Eden Prairie will be delayed the benefits of this $1.7 billion public infrastructure investment.

Using EJView, the mapping tool of the Environmental Protection Agency, AMS found that within a 3 square mile area at the Eden Prairie Town Center Station:

- 40% minority
- 42% households under $50,000
- 65% renters
- 23% under 17 years of age
- 10% 65 years and older*
    - * American Community Survey 2006 - 2010

We chose to look at a broader area than the ½ mile station area circumference to include residential areas south because of the medium density in this suburban city.

Equitable Development:

New American Academy in partnership with Twin Cities Local Initiatives Support Corporation as a Corridors of Opportunity Initiative funded by FTA/EPA/HUD Sustainable Communities developed Eden Prairie Town Center Development Guidelines. See http://www.corridorsofopportunity.org/activities/LIC/CDI-Plus for a description of this project. These development guidelines represent the economic opportunities and potential of the Southwest LRT station at Eden Prairie Town Center that would provide great benefits to the significant communities of color in this station area.

New American Academy presented these Eden Prairie Town Center Development Guidelines March 2014 to city council. The city of Eden Prairie has yet to respond or endorse these development guidelines. Without a station at Eden Prairie Town Center the opportunities to increase affordable housing and jobs for the communities of color will not be realized.

Attachments:

1. Eden Prairie Town Center Station map 3 square miles
2. Eden Prairie Town Center Station stats 3 square miles
3. Eden Prairie Town Center Development Guidelines 2013

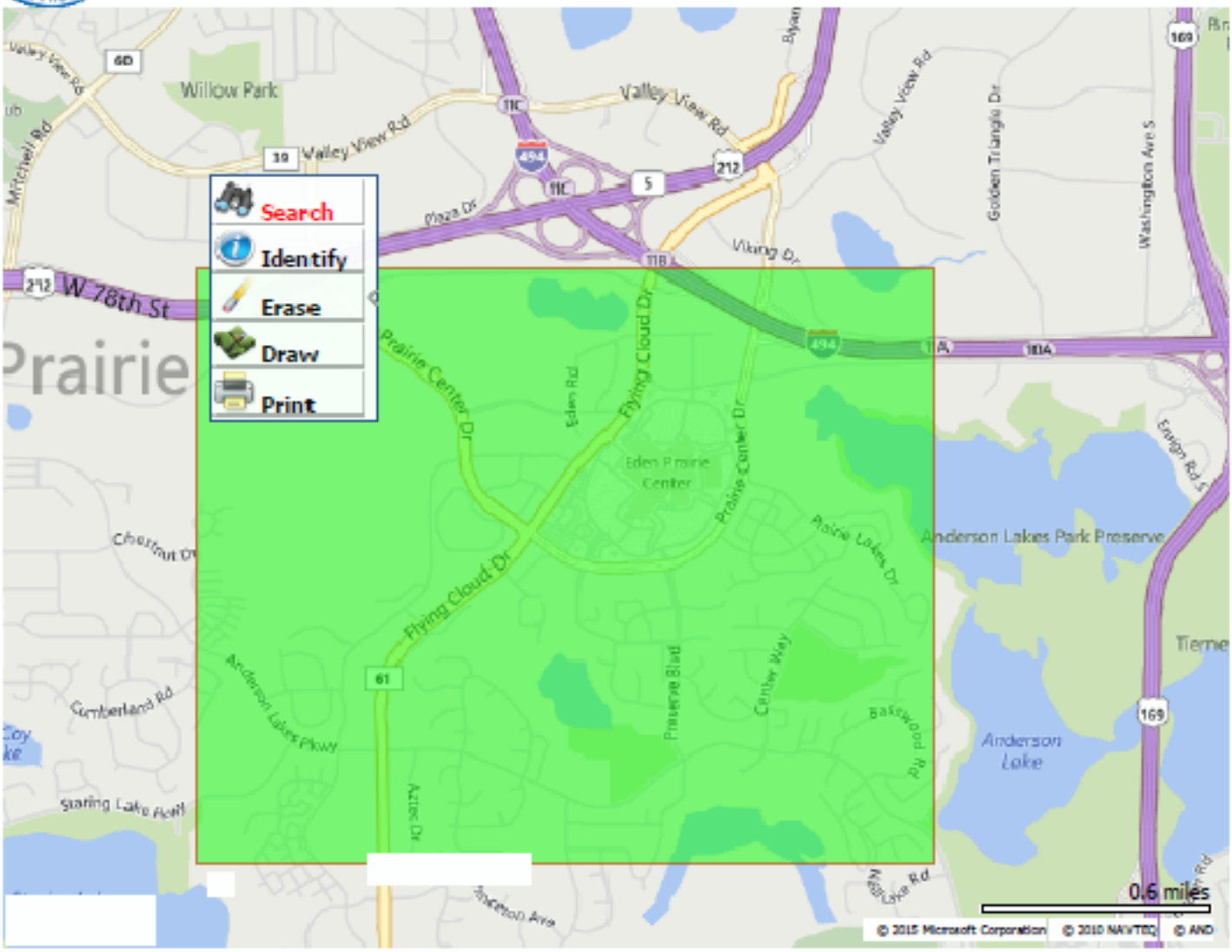
Select Map Contents

http://epamap14.epa.gov/ejmap/ejmap.aspx?wherestr=8251%20Flying%20Cloud%20Dr%2C%20Eden%20Prairie%2C%20MN%2055344

Last updated on 7/21/2015

EJView

You are here: EPA Home Environmental Justice EJView entry EJView Mapper How to use this page?



EJView ACS Summary Report

Location: -93.447132,44.862622,-93.447132,44.839986,-93.407478,44.839986,-93.407478,44.862622,-93.447132,44.862622

Study Area: 0.0 mile around the polygonal location

Summary of ACS Estimates	2006 - 2010
Population	9,833
Population Density (per sq. mile)	2,936
Minority Population	3,955
% Minority	40%
Households	4,280
Housing Units	4,552
Housing Units Built Before 1950	52
Per Capita Income	45,303
Land Area (sq. miles) (Source: SF1)	3.35
% Land Area	92%
Water Area (sq. miles) (Source: SF1)	0.31
% Water Area	8%

	2006 - 2010 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	9,833	100%	632
Population Reporting One Race	9,647	98%	1,866
White	6,193	63%	514
Black	1,109	11%	388
American Indian	31	0%	93
Asian	1,839	19%	369
Pacific Islander	0	0%	93
Some Other Race	475	5%	409
Population Reporting Two or More Races	186	2%	93
Total Hispanic Population	787	8%	600
Total Non-Hispanic Population	9,046		
White Alone	5,878	60%	410
Black Alone	1,109	11%	388
American Indian Alone	31	0%	93
Non-Hispanic Asian Alone	1,839	19%	369
Pacific Islander Alone	0	0%	93
Other Race Alone	4	0%	93
Two or More Races Alone	186	2%	93
Population by Sex			
Male	4,983	51%	454
Female	4,850	49%	334
Population by Age			
Age 0-4	772	8%	157
Age 0-17	2,289	23%	308
Age 18+	7,544	77%	516
Age 65+	1,032	10%	216

Data Note: Detail may not sum to totals dues to rounding. Hispanic population can be of any race. N/A means not available.

Source: U.S. Census Bureau, American Community Survey (ACS) 2006 - 2010.

EJView ACS Summary Report

Location: -93.447132,44.862622,-93.447132,44.839986,-93.407478,44.839986,-93.407478,44.862622,-93.447132,44.86262

Study Area: 0.0 mile around the polygonal location

	2006 - 2010 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	6,549	100%	429
Less than 9th Grade	209	3%	144
9th - 12th Grade, No Diploma	356	5%	264
High School Graduate	784	12%	208
Some College, No Degree	1,728	26%	230
Associate Degree	660	10%	182
Bachelor's Degree or more	3,473	53%	287
POPULATION AGE 5+ YEARS BY ABILITY TO SPEAK ENGLISH			
Total	9,061	100%	577
Speak only English	5,962	66%	335
Non-English at Home[1+2+3+4]	3,099	34%	603
[1]Speak English "very well"	1,905	21%	407
[2]Speak English "well"	734	8%	279
[3]Speak English "not well"	339	4%	260
[4]Speak English "not at all"	122	1%	115
[3+4]Speak English "less than well"	460	5%	268
[2+3+4]Speak English "less than very well"	1,194	13%	375
POPULATION AGE 5+ YEARS BY LANGUAGE SPOKEN AT HOME			
Total	N/A	N/A	N/A
Speak only English	N/A	N/A	N/A
Non-English Speaking	N/A	N/A	N/A
Population by Place of Birth for the Foreign-Born			
Total	N/A	N/A	N/A
Europe	N/A	N/A	N/A
Asia	N/A	N/A	N/A
Africa	N/A	N/A	N/A
Oceania	N/A	N/A	N/A
Americas	N/A	N/A	N/A
Households by Household Income in 1999			
Household Income Base	4,280	100%	186
< $15,000	283	7%	95
$15,000 - $25,000	345	8%	106
$25,000 - $50,000	1,139	27%	126
$50,000 - $75,000	921	22%	212
$75,000 +	1,592	37%	199
Occupied Housing Units by Tenure			
Total	4,280	100%	186
Owner Occupied	1,510	35%	93
Renter Occupied	2,770	65%	186

Data Note: Detail may not sum to totals dues to rounding. Hispanic population can be of any race. N/A means not avialable.

2006-2010 ACS 5-year Estimates: The American Community Survey (ACS) summary files provide nation-wide population and housing characteristic data at all Census summary levels down to the Block Group level. This data was collected between January 1, 2006 and December 31, 2010. ACS replaces the decennial census sample data, and is not the 2010 Census population counts data. (http://www.census.gov/acs/www/#fragment-3)

Margin of error (MOE): The MOE provides a measure of the uncertainty in the estimate due to sampling error in the ACS survey. Applying the MOE value yields the confidence interval for the estimate. For example, an estimate value of 50 and +/- MOE of 5 means the true value is between 45 and 55 with a 90 percenet certainty (http://www.census.gov/acs/www/Downloads/data_documentation/Accuracy/MultiyearACSAccuracyofData2010.pdf). Maximum MOE is shown for each value within study area.

Source: U.S. Census Bureau, American Community Survey (ACS) 2006 - 2010.

EDEN PRAIRIE TOWN CENTER DEVELOPMENT GUIDELINES

August, 2013



INTRODUCTION

Eden Prairie is a vibrant city known for its desirable housing, excellent business climate, quality schools and outstanding parks. It has been named one of Money Magazine's "Best Places to Live" in America since 2006; the city earned a first place ranking in the 2010 survey. Comprising many large lakes and ponds, the city has more than 170 miles (270 km) of multi-use trails, 2,250 acres (9 km2) of parks, and 1,300 acres (5 km2) of open space. Previously a bedroom suburb in the 1960s, the city is now home to more than 2,200 businesses and corporate headquarters. Regionally known for the Eden Prairie Center, it is also the hub for the proposed Southwest Light Rail Transit line. The population has increased 13.4% since 2000, with 62,258 residents in 2012. Part of that growth stems from an increase of East African families (2010 census data indicates 5.6% black or African American).

One of the proposed Southwest Light Rail Transit stations will be located in the Town Center area, a primarily commercial district that offers a mix of higher density housing, office and retail space, in close proximity to the Eden Prairie Center. The Town Center area is bordered by Regional Center Road to the south, Flying Cloud Drive to the east, Technology Drive to the north, and a proposed north/south roadway to the west between Costco and Emerson Rosemount. In 2005 - 06 the City of Eden Prairie commissioned a Major Center Area (MCA) study to examine and plan for the future of the area surrounding the Eden Prairie Center. The study was approved by the City Council in as an advisory tool for future redevelopment and public improvements, which recommended developing detailed design guidelines for future buildings, parking ramps, streetscape amenities, pedestrian/bicycle connections and other public spaces for the Town Center area.

Academy, a community-based organization of Somali and East Africans, and the Twin Cities LISC / Corridor Development Initiative to lead a series of community workshops to explore development options and scenarios to enhance the area, and to elevate the potential for a more transit-oriented and walkable neighborhood. Although the CDI community workshops were open to the general public, special recruitment was made to engage the Somali community, many of whom live in the Town Center vicinity. These development objectives are the result of the community workshops, and serve to inform the future development of the Town Center area.

ASSETS

The City of Eden Prairie:

- Maintains and enjoys a strong residential market;
- Is home to many businesses that provide quality jobs;
- Offers renowned regional and municipal parks, conservation areas, trails, and recreational facilities that are community centerpieces that attract people of all ages and abilities
- Provides a great place to raise a family, run a business, age in place, and recreate;
- Maintains a strong and diversified tax base, a healthy and vibrant local business climate with high-quality jobs that provide families with economic security;
- Values diversity and opportunity for its residents; and
- Takes pride in its strong school district.



Above: Examples of the housing, trails, and green space in Eden Prairie.

GUIDELINES: TOWN CENTER NEIGHBORHOOD

As a future station area along the Southwest Light Rail Transit corridor, the Town Center area is ideal to explore how transit-oriented development could enhance the area by addressing accessibility, livability, and strengthening the pedestrian environment. It will take a strong will by the City of Eden Prairie to set principles for sustainable redevelopment going forward, to guide investment, and measure every project against these principles.

The redevelopment of the area must complement the existing uses in the area, that are largely commercial, residential, and office space. Because there is a large population of Somali families that have located in the area, there is strong interest in the preservation of affordable housing that can accommodate larger families, and to offer economic opportunities for small business entrepreneurs, as well as access to jobs and opportunities throughout the region through close proximity to the regional light rail transit system. The Eden Prairie Major Center Area Study calls for a retail and housing core with a walkable mainstreet, which could incorporate affordable housing for families, seniors, and the growing need for multi-generational housing (http://www.edenprairie.org/modules/showdocument.aspx?documentid=359).

There is a shared value around the preservation of young families to preserve the high quality of the Eden Prairie schools, and to offer housing options to accommodate all stages of life. The Town Center area offers an important opportunity to create a more concentrated development pattern that would allow for a mix of uses, a mix of incomes, and greater pedestrian access to transit, goods, and services.

Town Center District - Block Exercise Site



RECOMMENDATIONS FOR REDEVELOPMENT INCLUDE:

I. Enhance Opportunities for Mixed-Use and Mixed-Income Projects

A. Promote mixed-use development that incorporates retail, office, and residential uses;
B. Provide for a mix of housing options that could accommodate different household sizes (e. g. 3 – 5 bedroom units), configurations, incomes, homeownership and rental, as well as generational diversity;
C. Incorporate affordable workforce and family housing and affordable commercial space where ever possible to create opportunities for diversity and local small business entrepreneurs.
D. If government resources are required to fill financial gaps, focus on affordable housing that serves a mix of housing needs (e.g. size of family, seniors), and supports local multi-cultural businesses.
E. Identify and address existing housing gaps through development opportunities presented through investments along the Southwest LRT corridor (e.g. age, mix of owner and rental, family size, income level, etc.)
F. Blend into and complement the existing neighborhood.
G. Consider elements that enhance "indoor-outdoor" experience, such as balconies and screened porches, and courtyards to create open spaces;
H. Encourage underground parking or structured parking to enhance pedestrian experience;
I. Ensure economic development opportunities including home ownership opportunities that are culturally appropriate





II. Create a destination as a light-rail transit district or area

J. Enhance the livability of the area for residential uses by strengthening the pedestrian orientation to create greater access to transit, goods, services, and regional amenities (e.g. create a pedestrian overlay to enhance walkable connections throughout the area);
K. Strengthen or link to natural amenities and places for outdoor recreation;
L. Include opportunities for youth and family recreation, such as centers that attend to gender specific needs and opportunities;
M. Incorporate green spaces;
N. Consider and minimize the ecological impact;
O. Utilize CPTED (Crime Prevention Through



spaces; and engage the community to inform strategies for greater safety and other design features;

P. Prioritize transit and housing accessibility to accommodate people with disabilities;
Q. Seek to create alternative education and job training opportunities (e.g. alternative schools, job training for public sector employment, etc.) for young people, families, and adults;
R. Provide opportunities for intercultural interaction to build stronger community ties;
S. Incorporate signage and way-finding in multiple languages;

III. Create commercial spaces for small business entrepreneurs to build assets and job opportunities for the local community

T. Explore ideas like the Midtown Global Market, Suuqa Karmel, and Urban Bazaar (in San Francisco) to provide opportunities for small business entrepreneurs to locate in the area, serving the local community with culturally specific goods and services.
U. Consider locations for a farmers market or grocery store that would provide access to healthy foods for people that live in the area.
V. Encourage a mix of commercial spaces that include small, mid, and large scale commercial users.







For further information, contact:

Molly Koivumaki
Housing & Community Services Manager
City of Eden Prairie
952-949-8439
Mkoivumaki@edenprairie.org

T&W
TWIN CITIES & WESTERN RAILROAD COMPANY

2925 - 12th Street East
Glencoe, MN 55336
(320) 864-7200
FAX (320) 864-7220



July 17, 2015

VIA EMAIL AND U.S. MAIL

Ms. Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426
nami.jacobson@metrotransit.org

Re: Response to Metropolitan Council's Southwest Transitway Supplemental Draft Environmental Impact Statement

Dear Ms. Jacobson:

Please find for inclusion in the office record the response of Twin Cities & Western Railroad on the Metropolitan Council's Southwest Transitway Supplemental Draft Environmental Impact Statement. These comments are set forth in the attached.

Thank you.

Sincerely,

Mark Wegner

Mark Wegner
President
Twin Cities & Western Railroad
Phone: 320-864-7204
Email: mwegner@tcwr.net
Website: www.tcwr.net

Enclosure

Twin Cities & Western Railroad Company Response to Metropolitan Council's Southwest Transitway Supplemental Draft Environmental Impact Statement

Twin Cities & Western Railroad Company (TC&W) responded to the Southwest Transitway Draft Environmental Impact Statement (DEIS) in December 2012, and the issues raised in that response remain valid for this response. TC&W's response to the DEIS can be found at http://tcwr.net/responsetodeis/.

TC&W's comments should be viewed in the context that TC&W serves numerous Counties, Communities and Customers in south central Minnesota and South Dakota. Over the last 10 years our shippers and their customers have collectively invested over $100 million in expanding and enhancing their freight rail facilities, creating additional jobs and economic growth in the area of rural Minnesota served by TC&W. These businesses have made these massive investments based on the understanding that their freight rail service will, at minimum, remain at its current level. This is a fair and reasonable understanding, given the protective mandate of the United States Surface Transportation Board (STB), which has exclusive jurisdiction over freight railroad transportation, including economics and service levels. Our response to the SDEIS, therefore, is made with the purpose of preserving TC&W's ability to continue to provide freight transportation economically and at current service levels.

Changes in Scope/Elements

There are two changes in scope/elements from the October 2012 DEIS to the May 2015 SDEIS that affect TC&W.

- **Freight Route:** The SDEIS avoids the relocation of freight traffic traversing north on the CP MN&S line (from a point in St. Louis Park just east of Louisiana Avenue), and instead continues freight traffic traversing north via the Kenilworth Corridor (at Cedar Lake Junction just west of downtown Minneapolis). This results in a co-location of freight trains and light rail between these points and through the Kenilworth Corridor (co-location was planned from approximately Shady Oak Road in Hopkins to the point in St. Louis Park just east of Louisiana Avenue in both the DEIS and the SDEIS). TC&W will refer to this change as "Co-locate" within this document.

- **Freight Alignment Change:** The SDEIS contemplates moving the SWLRT from the north side of the existing freight rail to the south side of the future freight rail location, by shifting the freight rail to the current bike trail alignment by angling the freight rail north, just east of 169, and building a bridge to carry the LRT from north of the freight rail to south of the freight rail just east of Hopkins. TC&W will refer to this change as "Alignment Change" within this document.

Comments Related to above Scope/Element Changes

Freight Route – Service Disruption during Construction:

TC&W staff and consultants worked diligently with Met Council's staff and consultants from January 2013 until present to arrive at a plan that would retain the freight service south central Minnesota depends on, while at the same time preserving the "Locally Preferred Alternative" (LPA) for the Southwest Transitway.

There have been extensive documentation and discussion of the engineering and construction challenges of building the SWLRT in the Kenilworth Corridor from the point southwest of the lagoon connecting Cedar Lake to Lake of the Isles to the point where the LRT's Lake Street station is planned. It is TC&W's understanding that with the SDEIS, the SWLRT is at the approximately 30% engineering phase. The discussions with Met Council and staff have occurred with the understanding that TC&W will allow the SWLRT contractors to work during the day and the freight trains will be able to operate safely from the close of the SWLRT construction day until the beginning of the following construction day. This will delay freight rail, but with careful planning, managing and communication it can be done. It has also been noted at the 30% engineering phase that the bridge swap at State Highway 100 would create a significant service outage for TC&W customers. Having TC&W cease operations during construction for periods longer than the work windows described above would be disruptive to TC&W's service obligation that its customers rely upon.

Freight Route – Safety & Public Perception:

Our comment is made in the context that freight railroad operations are largely a mystery to the general public. They get noticed if the motorists must stop at a railroad crossing for a train, or a derailment makes the news, but otherwise the general public has little knowledge of freight railroads. Unfortunately, public perceptions of freight rail service are colored by highly publicized but relatively isolated incidents such as the ignition of flammable Bakken crude oil that occurred when a train derailed and ruptured in December 2013 in eastern North Dakota. Most Minnesotans do not know that 99.999997% of freight rail shipments arrive safely at their destinations.

Given the public's current perception of freight rail (particularly the safety of freight rail), it is important that Met Council communicate with the affected neighborhoods not only the safety precautions built into the construction plan, but also any contingency plans should a natural disaster occur during construction (wind storm, rain, deluge, etc.). Also, an emergency response plan ought to be part of the construction plan and this should be communicated to the affected neighborhoods and public officials.

Freight Alignment Change – Cost cutting options affecting TC&W:

Our comment is made in the context of the announcement in April 2015 that the costs of the SWLRT, as shown in this SDEIS had increased to approximately $2 billion. The reaction by elected officials and decision-makers, since that announcement, has been to cut the costs of the SWLRT to approach the earlier $1.6 billion estimate.

In comments relating to the Alignment Change, the SDEIS discusses, as a result of the Alignment Change, the elimination of the side tracks that TC&W currently uses for sorting freight and staging freight cars. The SDEIS does not mention building replacement track capacity at a location further west along the TC&W. Replacement track capacity must be built by Met Council as part of the cost of the SWLRT project in order to meet Federal STB requirements and preserve the existing shipper service levels provided by TC&W to its customers. The expense of providing replacement track capacity must be factored into the project, and cannot be included in the cost cutting being considered by the Met Council. It should also be noted that severing the southerly connection from the CP Bass Lake Spur to the CP MN&S is not a cost cutting option as this connection provides freight rail access for grain producers in south central Minnesota to move their product to the river barge terminals located in Savage, MN.

Conclusion

TC&W remains committed to providing safe, efficient and reliable freight service to its south central Minnesota customers, as well as providing safe passage through the neighborhoods in the Twin Cities metropolitan area in which we operate. As planning moves towards 90% engineering, within the context of cost cutting, the safe passage of freight during and after SWLRT construction and effective and continuous operations must not be compromised.

Attached is a list of the Cities, Counties and Customers that provided letters of support of TC&W's response to the DEIS (http://tcwr.net/responsetodeis/). All of these constituents remain extremely interested in the SWLRT process with respect to the preservation of their freight rail service.

List of entities that responded to the DEIS in support of TC&W's response

ADM – Benson Quinn (Minneapolis, MN)
Agri-Trading (Hutchinson, MN)
Bird Island Bean Co, LLC (Bird Island, MN)
Bird Island Soil Service Center (Bird Island, MN)
Central Bi-Products (Redwood Falls, MN)
Clifton Co-op Farmers Elevator Association (Clinton, MN)
Cloud Peak Energy Resources, LLC (Decker, MN; Broomfield, CO)
Co-op Country Farmers Elevator (Renville, MN)
Corona Grain & Feed (Corona, SD)
Dairy Farmers of America (Winthrop, MN)
Equity Elevator & Trading Company (Wood Lake, MN)
Farmers Co-operative Elevator Co. (Hanley Falls, MN)
Farmers Union Coop Oil Company (Montevideo, MN)
Farmers Cooperative Oil & Fertilizer (Echo, MN)
FGDI (St. Louis Park, MN)
Form-A-Feed, Inc. (Stewart, MN)
Glacial Plains Cooperative (Murdock, MN)
Granite Falls Energy, LLC (Granite Falls, MN)
Hanley Falls Farmers Elevator (Hanley Falls, MN)
Heartland Corn Products (Winthrop, MN)
L.G. Everist, Inc. (Sioux Falls, SD)
Lyman Lumber Company (Excelsior, MN)
Meadowland Farmers Coop (Lamberton, MN)
Midwest Asphalt Corporation (Hopkins, MN)
Minnesota Grain & Feed Association (Eagan, MN)
Minnesota Valley Regional Rail Coalition
Mosaic Company (Savage, MN)
RPMG Inc. (Shakopee, MN)
Seneca Foods Corporation (Glencoe, MN)
Seneca Foods Plant (Arlington, MN)
South Central Grain & Energy (Fairfax, MN; Gibbon, MN; Hector, MN; Buffalo Lake, MN)
Southern Minnesota Beet Sugar Cooperative (Renville, MN)
Step Saver, Inc. (Redwood Falls, MN)
United Farmers Cooperative (Winthrop, MN)
Western Consolidated Cooperative (Holloway, MN)
Western Co-op Transport Association (Montevideo, MN)
Wheaton Dumont Co-op Elevator (Wheaton, MN)
United Grain Systems, LLC (Winthrop, MN)

City of Arlington
City of Bird Island
City of Buffalo Lake

City of Glencoe
City of Hector
City of Milan
City of Montevideo
City of Morton
City of Norwood Young America
City of Olivia
City of Plato
City of Sacred Heart
City of Stewart
City of Winthrop

Big Stone County
Carver County
Grant County (South Dakota)
McLeod County
Minnesota Valley Regional Rail Authority
Redwood Area Development Corporation
Redwood County
Upper Minnesota Valley Regional Development Commission
Renville County
Renville County HRA/EDA
Roberts County
MinnRail, Inc.
Sibley County Economic Development Commission
Sibley County Auditor
Sibley County
Sibley County Attorney
Wright County
Yellow Medicine County

TC&W
TWIN CITIES & WESTERN
RAILROAD COMPANY

2925 12th Street East
Glencoe, Minnesota 55336

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Ms. Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit - Southwest LRT Project office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

RECEIVED
JUL 20 2015

M.2-363

From: Cherie
To: swlrt
Subject: FW: Calhoun Isles Conominium Association Response SDEIS
Date: Tuesday, July 21, 2015 9:30:10 PM
Attachments: Calhoun Isles response to SDEIS 07212015.pdf

This is being submitted on behalf of the Calhoun Isles Condominium Association by Cherie Hamilton, President of the Board of Directors

---

From: pimentamalageta@hotmail.com
To: pimentamalageta@hotmail.com
Subject: FW: Calhoun Isles Conominium Association Response SDEIS
Date: Wed, 22 Jul 2015 02:25:33 +0000

Whereas in response to requests for comments to SDEIS; therefore, we the Board of Calhoun-Isles Condominium Association representing 144 living units submit the following document expressing our concerns on the engineering methods proposed for construction of the shallow tunnel.

Cherie Hamilton

President

Calhoun-Isles

Condominium Association

3141 Dean Court, Minneapolis, Minnesota 55416

July 21, 2015

Executive Summary:

Calhoun-Isles Condominiums are converted 90 year old grain silos located at the narrowest point, commonly called the "pinch-point", along the proposed Southwest LRT route. To accommodate the passage of two LRT rails, the Kenilworth Bike Trail, and the single TC&W heavy railroad track through this narrow gap, a shallow or "cut-and-cover" tunnel is proposed to be constructed for the LRT tracks, with the TC&W line and bike path to be above the tunnel at grade. Construction of the proposed tunnel comes within two feet of the Calhoun-Isles footings.

In April 2015, a high frequency vibratory hammer driving technique was used to install sheet piling at a six-story apartment site located at 3118 West Lake Street. Heavy vibrations were felt and structural damage occurred at the adjacent site of Loop Calhoun Condominiums, 3104 W Lake St., and at Calhoun-Isles Condominiums, located 180 feet away at its closest point. These damages and vibrations resulted in the cessation of construction and the implementation of a different method for installing pilings, namely an "H" pile structural piling system.

Seismic readings recorded at Calhoun-Isles by engineering firms contracted by the construction companies' engineers did not correlate to vibrations and damages incurred. Whether these inconsistencies were the result of the unique structure of Calhoun-Isles concrete silo construction or unknown environmental conditions is unknown.

Furthermore, it has been learned that a hydraulic "press-in" technique is typical to an installation more common to a harbor, waterway or soft soils conditions. This condition does NOT exist in the 3118 Lake Street environs.

Therefore, we feel the Met Council's two stated techniques for driving the needed sheet pilings for the construction of the shallow tunnel are not suited for the conditions found in the Kenilworth Corridor. The hydraulic, high-frequency vibratory hammer method presents a unique risk to residents and structure at Calhoun-Isles. The hydraulic "press-in" method is not feasible given the soil conditions that exist.

We urge the Met Council to suspend the SDEIS process, to develop a viable method for installing sheet piles or its facsimile, and to demonstrate the feasibility of this yet-to-be-developed method at the "pinch-point". If this rigorous, but necessary process is not accomplished successfully, there is concern that the construction of the shallow tunnel will not be able to go forward, that private residences will need to be expropriated, and that the two LRT rails, the Kenilworth Bike Trail, and the railroad track will all wind up at grade at the south end of the Kenilworth Corridor.

Findings:

Trammell Crow acquired the 1.89-acre site at 3118 Lake Street to develop a six-story apartment building with 164 units. Trammell Crow hired Big D to construct the apartment complex. Big D hired AET (American

Engineering Testing) to do monitoring and engineering work and Trammell Crow hired Braun Intertec to do replicate monitoring and engineering work.

The construction phase of the project began in early 2nd quarter 2015. Two types of piling were installed at 3118 Lake Street, driven "H" piles and Sheet Piles. The driven "H" piling that was installed in mid-April caused initial neighborhood concerns and damage to both Loop Calhoun and Calhoun Isles Condominium Associations. Only a limited number of driven "H" piles were installed, and this phase of the project is complete. In late April and early May, Dig D conducted various trials using vibratory hammers to install sheet piles.

On April 30th, the Calhoun Isles Condominium Association Team met with Big D, American Engineering Testing, and Braun Intertec personnel on the 10th floor of the Calhoun Isles High Rise to discuss the status of the construction project and to help gain further insights on its impact on the High Rise. During the meeting, we learned that no pre-existing condition surveys were recommended for our Association because it is ~180 feet away from the nearest point of the construction site. It was thought that our Association buildings were too far away from the construction site to be damaged.

This situation was quickly addressed by installing monitoring devices in the High Rise to obtain vibration measurements. The results of these measurements are pending. The preliminary indications from the monitors supported the initial assumption. The readings were at the low end of scale; in fact, the monitors had to be adjusted, in order to obtain any readings at all. It was also agreed that American Engineering Testing would conduct pre-existing condition surveys at Calhoun Isles.

This meeting was held while trials using vibratory hammers to install sheet piles were occurring. The High Rise is ~180 feet from the construction site. The vibrations that were felt in the 10th floor conference surprised Big D, American Engineering Testing, and Braun Intertec.

Despite the low readings on the monitors, seven High Rise and three Lateral units have since reported damage as a result of the construction activities. A number of home owners reported feeling high levels of noise and vibration during the April/early May construction activities. Vibrations were felt in the elevators.

Given the fact that the shallow tunnel construction is to occur within 2 to 3 feet (not 180 feet) of the High Rise, our Calhoun Isles Condominium Association Team had a number of follow-up discussions about the impact that the SWLRT would have on our Association Buildings. The vibratory sheet piling installation is one of the options that the Met Council is considering for the construction of the shallow tunnel.

The speed of sound through concrete is as much as 3600 m/s; it is a very effective vibration transmitter. The High Rise was constructed from a series of grain silos. The concrete footings that support the silos go well below ground level. It is a unique building not only when compared to other local structures, many of which are wood construction atop concrete foundations (wood will not transfer vibration energy nearly as well as concrete will). It is also unique compared to other tall concrete structures in the area as it walls are ultra-thick. The entire structure is great at transmitting sound and vibration.

The High Rise has a number of features, which are susceptible to vibration. The underground garage was built when the silos were converted to residences. Three elevators were installed in the High Rise. The silos have an exterior stucco coating; it is a high-maintenance exterior. Balconies have been installed on nearly all High Rise units.

Based on discussions with a number of civil engineers and physicists, the impact on the High Rise from vibratory hammers to install sheet piles at a distance of 2 to 3 feet could be catastrophic. The possible consequences include:

1. Damage to nearly all the resident units in the 3151 Building (the structure closest to the proposed SWLRT line).
2. The elevator service in the High Rise would probably need to be shut down because of safety concerns.
3. The stucco could fall down in sheets due to resonance effects. This situation could result in injury or worse to residents.
4. The integrity of balconies could be compromised. This situation could result in injury or worse to residents.
5. The integrity of the garage could be compromised. This situation could result in injury or worse to residents.

On May 18th, Big D announced that the vibratory sheet piling installation was halted, that any installed sheet piling will be removed, and that an alternate foundation system will be developed. We since learned that the damage that the vibratory sheet piling installation caused to Loop Calhoun (primarily) and Calhoun Isles (secondarily) during the trial period was instrumental in the abandonment of this approach at the 3118 Lake Street Site. All the sheeting piling that had been installed has since been removed.

On July 6th, Trammell Crow/Big D announced the revised foundation plan that will be installed. This system will be an "H" pile structural piling system. It will involve these operations: 1) a hole, approximately 24" in diameter is drilled with an auger and filled with structural concrete as the drill bit is removed; 2) the "H" pile will then be pressed into the structural concrete hydraulically and allowed to cure. This process repeats approximately every 8' on center; 3) once structural "H" piles are complete, an additional drilling process will occur between all "H" piles to install a 24" concrete slurry piling as the structural piles to serve as the structural site retention component.

Big D will conduct trials to install this "H" pile structural piling system starting the week of July 20th. The drilling will not be vibratory or driven in methods and while not particularly quiet, the level of noise and movement of equipment will be heard and occasionally felt but remain significantly below industry standards and city ordinances.

Discussion:

The Met Council provides limited reference to the construction methods that they propose employing in the SDEIS. These construction methods are referenced in their attachment, "Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Council, 2014d)". This document describes two methods for installing the required sheet piling for the shallow tunnel: "Sheet pile installation is anticipated to be performed by a method that avoids hydraulic drop hammers. Methods such as a high frequency vibratory hammer or a hydraulic "press-in" device would minimize vibration and noise created by the sheet pile installation. Actual construction means and methods will be determined prior to construction in coordination between the contractor and the SPO (page 4)".

The vibratory driving technique for installing sheet piling has caused too much damage to the neighborhood based on the experiences at 3118 Lake Street and has been eliminated as a means for installing sheet piling by the contractor in the CIDNA neighborhood.

The hydraulic "press-in" methodology was discussed at some length with Big D, American Engineering Testing, and Braun Intertec to determine its feasibility. Based on their feedback, it was learned that a "press" technique is "typical" to an installation more common to a harbor, waterway or soft soils conditions. This condition does NOT exist in the 3118 Lake Street environs. It should also be noted that the current proposal for installing sheet piling (drilled "H" piling) at this site will be substantially more expensive to install than employing a hydraulic pressing technique.

Met Council personnel were questioned about these two proposed methods for installing sheet piling for the shallow tunnel. In one response, a Met Council spokesperson informed the public that the vibratory hammers that Dig D employed to install the sheet piling at the 3118 Lake Street site were of inferior quality and this factor resulted in the damage to the two neighborhood associations. It was further reported that the Met Council would be using higher quality vibratory hammers and no problems would occur.

This matter was brought to Big D's attention; they reported it is unreasonable to label the equipment that they used as "inferior", but would be more appropriately labeled as "typical" in the industry.

In another instance, a Met Council Engineer was questioned about the proposed hydraulic "press-in" methodology. He insisted that this approach was valid and that it was the preferred route, despite the feedback that has been received from Big D, American Engineering Testing, and Braun Intertec.

An attempt was made to discuss these sheet piling methods directly with American Engineering Testing (AET) to gain additional information and insights. AET personnel informed me that they were under contract to the SWLRT and could not talk to me because of a conflict of interest. They told me to contact Met Council personnel directly.

Given this feedback from Big D, American Engineering Testing, and Braun Intertec, there is sufficient documented information available that demonstrates that the Met Council will not be able to use either a vibratory hammer or a hydraulic press to install the sheet piling for the shallow tunnel. These constraints will force the Met Council to employ alternate methods for installing sheet piling for the shallow tunnel.

The only other known method known for installing sheet piling is to employ the drilled H-pile Lagged System that will be attempted at the 3118 Lake Street site. The engineering company (AET) that is working on this site developed this recommendation. This very same engineering company is now under contract to the Met Council. One would logically conclude that they will make the same recommendation to the Met Council.

This installation method will complicated by several factors:

1. This drilled H-pile Lagged System approach will be substantially more expensive than what is advertised in the SDEIS.
2. The concrete to stabilize the drilled H piles will need to be installed below the water table. This factor will complicate the installation. In addition, it may compromise integrity of the installation.
3. The drilling operation will occur within one to two feet of the Calhoun Isles Condominium Association and within close proximity of the Cedar Lake Shores Condominium Association and to many private residences along the Kenilworth Corridor. This drilling operation is anticipated to be noisy. The Met Council may need to find temporary housing for residents who live in proximity to the shallow tunnel construction site.

4. The size of the holes to install the drilled "H" piling raises additional concerns. As noted, holes approximately 24" in diameter will be drilled with an auger at the 3118 Lake Street site. This system will support a piling system that is 25 feet below grade. The shallow tunnel will require a piling system that will be 50 feet below grade. The holes for the drilled "H" piles may need to be larger for the shallow tunnel. There is limited space at the pinch point, ie the short distance between Calhoun Isles and Cedar Lake Shores Condominium Associations. It may not be possible to install this drilled "H" structural piling system without infringing upon and/or taking private property (including homes) at this point.

Conclusion and Recommendations:

The experiences at the 3118 Lake Street site raise a number of serious questions about the proposed methods that the Met Council intends to employ when constructing the shallow tunnel. The proposed methods include using a high frequency vibratory hammer or a hydraulic "press-in" device to accomplish the sheet pile installation.

The high frequency vibratory hammer driving technique for installing sheet piling caused too much damage to the CIDNA neighborhood based on the experiences at 3118 Lake Street and has been eliminated as a means for installing sheet piling by the contractor. It has also been learned that the hydraulic "press-in" is typical to an installation more common to a harbor, waterway or soft soils conditions. This condition does NOT exist in the 3118 Lake Street environs.

The information about sheet piling installations that has been gathered during the past 12 weeks is based actual field experience and expert opinion from quality engineering companies. It has also been learned that American Engineering Testing, a company that acted as a primary consultant in developing an alternate sheet piling system for the 3118 Lake Street project, is under contract to the Met Council.

It is imperative that the SDEIS process be suspended until a viable construction method for installing a sheet piling like system for the shallow tunnel is properly developed with input from a quality engineering company such as American Engineering Testing. Once this alternate (and most likely more expensive) system is developed, its feasibility must be successfully demonstrated.

If this rigorous, but necessary process is not accomplished successfully, there is concern that the construction of the shallow tunnel will not be able to go forward, that private residences will need to be expropriated, and that the two LRT rails, the Kenilworth Bike Trail, and the railroad track will all wind up at grade at the south end of the Kenilworth Corridor.

I wish to thank Trammell Crow, Big D, American Engineering Testing, and Braun Intertec for the rigorous process that they employed at the 3118 West Lake Street construction site. While the noise and vibration from the initial sheet piling installation methods were below industry standards and city ordinances, they realized the problems that were being caused to the neighborhood in short order. They had the integrity to go back to the drawing board and to develop a system that would conform to the neighborhood requirements, despite the added cost. They should be commended for their willingness to share their findings and their process with the public.

Submitted By: Calhoun Isles Homeowners association Board of Directors

Barbara Dorset	Mark Haller	Cherie Hamilton
Nina Katzung	Paul Olson	Paul Petzschke
Carol Shorrock	Peter Stegner	Nick Shuraleff

BACHMAN'S

RECEIVED
JUL 20 2015
BY: SPO

July 17, 2015

SENT VIA US MAIL and EMAIL

Ms. Nani Jacobson
Assistant Director, Environmental and Agreements
Metro – Transit – Southwest LRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson:

The purpose of this letter is to provide comments for Bachman's, Inc. and its Eden Prairie location, 770 Prairie Center Drive, on the SWLRT Supplemental Draft Environmental Impact Statement (SDEIS).

Chapter 2: Alternative Considered:

All of the rail alignments recommended in the original DEIS showed the SWLRT line along Technology Drive. This reasonably demonstrates that the preferred route and the route best suited for the SWLRT is along Technology Drive. We understand the SDEIS was authorized to review this alignment based on political requests by the City of Eden Prairie and a few impacted businesses. However, it must be assumed that Technology Drive is the most advantageous alignment for the efficient operation of the rail corridor as originally concluded. If the line could be located on the north side of Technology Drive the objections of those businesses could be resolved. Moving the line from Technology Drive will do the following:

- Lengthen travel times
- Impact more businesses
- Impact more roads and intersections
- Require the construction of a new road
- Require crossing more intersections
- Create more safety risks

We appreciate the fact that the at-grade alignment along Singletree and Prairie Center Drive is not being considered. We have significant concerns about that alignment for safety reasons and negative access impacts on our property. We prefer a north side of Technology Drive alignment to the proposed alignment along the steep slope between Bachman's and Costco.

Ms. Nani Jacobson
Metro-Transit-Southwest LRT Project
July 17, 2015

Chapter 3.2 Eden Prairie Segment, Wetlands:

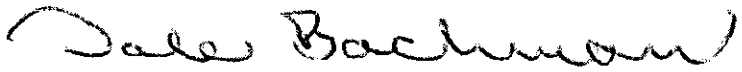
We have concern about the impact to the steep slope and the Costco stormwater pond/wetland along the north side of our site. The impact of grading is not addressed adequately in the SDEIS. We would request the Project Office to provide grading plans as they become available to ensure that the grading of the steep slope does not negatively impact our property. In addition the SDEIS notes that the Costco stormwater pond/wetland will be impacted. We are concerned about the potential impact that may occur with the removal/replacement of the Costco pond. Additional information must be provided on how and where the stormwater pond will be replaced.

Chapter 3.2 Eden Prairie Segment, Acquisitions:

The Construction Plans available on the Project Office website show the project will need a temporary construction easement along the north side of our property. The proposed easement is shown to come up against our north wall and within our parking, loading dock, and storage areas. We require more information on the length and impact of the construction work on our store operations. We must not lose access to our only loading dock. Losing access to our only loading dock would have significant negative impact on our business operations.

Thank you for this opportunity to provide comments on the SDEIS.

Sincerely,



Dale L. Bachman
Chairman / Chief Executive Officer

DLB:cad

Executive Office / cad
BACHMAN'S
6010 Lyndale Avenue South, Minneapolis, MN 55419-2289





Ms. Nani Jacobson
Assistant Director, Environmental and Agreements
Metro – Transit – Southwest LRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

554261724

M.2-374

From:	Jacobson, Nani
To:	swlrt
Subject:	FW: City of Eden Prairie Southwest LRT SDEIS Comments
Date:	Tuesday, July 21, 2015 5:06:54 PM
Attachments:	Eden Prairie SDEIS Comment Letter 07-21-2015.pdf

From: Randy Newton [mailto:RNewton@edenprairie.org]
Sent: Tuesday, July 21, 2015 3:46 PM
To: Jacobson, Nani; swlrt
Cc: Lamothe, Craig; Rick Getschow; Robert Ellis; Janet Jeremiah; David Lindahl; Rod Rue; GRP-AllCouncil
Subject: City of Eden Prairie Southwest LRT SDEIS Comments

Nani –

Attached for your reference and review are the City of Eden Prairie's Southwest LRT SDEIS comments.
Please let me know if you have any questions or need any additional information regarding these comments.
We appreciate the opportunity to comment.

Thank you -

Randy

Randy Newton, PE, PTOE
Assistant City Engineer | Traffic Engineer
City of Eden Prairie
8080 Mitchell Road
Eden Prairie, MN 55344
952 949-8339
rnewton@edenprairie.org

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

SUBJECT: Southwest LRT SDEIS Comments

Ms. Jacobson:

The City of Eden Prairie has reviewed the Southwest LRT Supplemental Draft Environmental Impact Statement (SDEIS). We appreciate the opportunity to review the SDEIS and respectfully submit the following comments for consideration:

General Comments

1) The City of Eden Prairie continues to support an alignment that matches the alignment evaluated in the SDEIS. This includes an end-of-line Mitchell Station located on City Center property and a Town Center Station that is centrally located midpoint between Flying Cloud Drive and Prairie Center Drive as well as Technology Drive and Singletree Lane. The City Council provided Municipal Consent to this plan on July 14, 2014.

2) The design of the Southwest LRT must complement and be coordinated with the services offered by Southwest Transit. Future Southwest Transit operations are critical to the design and operation of the Southwest LRT line. Southwest Transit needs to be an active partner in the development of Southwest Station plans. Impacts to Southwest Transit's operations during construction of LRT should be minimized.

3) The Southwest LRT bridge structure adjacent to Purgatory Creek Park and the Veteran's Memorial will be a primary visual component of the park once constructed. The bridge must be designed with appropriate context and to compliment the park setting and experience. Due to its location and its visual impacts enhanced aesthetic treatment for the bridge should be included in the base project costs. In addition the bridge will permanently impact the park's entry area and signage board located near the Prairie Center Drive / Technology Drive intersection. The Southwest LRT design must restore these park amenities to a similar or better condition.

4) The Southwest LRT construction will have temporary impacts to the Purgatory Creek Park and trail system which must be eliminated or minimized and appropriately coordinated with the City of Eden Prairie. The Purgatory Creek Park has a number of programs and events throughout the year that can be scheduled up to a year in advance and have the potential to be impacted by the SWLRT construction. It is imperative that avoiding and minimizing the impacts on these activities be accounted for in the construction schedule. In addition, the loop trail around the Purgatory Creek pond and wetland area is a primary and heavily used recreation amenity within Eden Prairie and its functionality must be maintained throughout construction.

5) The grade separated LRT crossing of Valley View Road at Flying Cloud Drive should be refined to eliminate curves. A straightened alignment significantly reduces the SWLRT travel time and has the additional benefit of reducing private property impacts, better coordinating with future improvements in the TH 212 / Valley View Road interchange area, and preserving excess right-of-way for future potential development.

6) Should the alignment, number of stations, and parking distribution be modified from the SDEIS, additional analysis should be completed to ensure adequate roadway, parking, sidewalk and trail infrastructure exists to serve the changed traffic patterns and parking demand.

7) The location, placement, and screening of the Traction Power Sub-Stations (TPSS), signal bungalows, and other LRT accessory cabinets and equipment must be closely coordinated with the City of Eden Prairie. This equipment must be located, screened, and designed as appropriate to avoid impacts to existing and future developments.

8) The project must evaluate alternatives and determine solutions for mitigating design and construction impacts of the project on all businesses, residents, and properties along the corridor. These should include ongoing communication methods such as social media, newsletters, and wayfinding signage. The City should be included as a partner in determining the appropriate solution for the identified impacts.

Detail Comments

1) Section 3.2.1.1 (Land Use)
    a. Planned land uses in the east portion of the segment tend to be office, industrial, and mixed use.
    b. The location of the proposed Mitchell Station is adjacent to Eden Prairie City Center. The Town Center refers to another area along the alignment farther to the east.
    c. Eden Prairie has prepared a TOD ordinance that will be proceeding through the

public review process. Adoption of the ordinance is anticipated for August/September 2015.

2) 3.2.1.3 (Cultural Resources) - Three areas of archeological potential were identified within the revised Eden Prairie Segment. Evaluation of one site (site C) was completed. There are two remaining sites that have not been evaluated according to the SDEIS. The City of Eden Prairie recommends that the two remaining sites (sites A and B) are fully evaluated and if any of those sites are found to meet NRHP criteria, potential effects to those sites and mitigation measures should be considered.

3) 3.2.1.5 (Visual Quality and Aesthetics) - The analysis completed with the SDEIS indicates a decrease in visual quality and aesthetics in nine out of the ten vantage points. The other vantage point maintains the same visual quality and aesthetics as in the original condition. Considering the significant impacts of the project to the built environment of the Eden Prairie community, particularly Purgatory Creek Park, aesthetic improvements such as lighting, structure design elements, and other visual treatments will be essential to maintain the quality of the character of areas adjoining the LRT line. The Southwest Project Office should closely coordinate the design of all architectural and aesthetic elements with the City of Eden Prairie. In addition, the City of Eden Prairie supports and encourages the Southwest Project Office to actively engage in outreach to residents, property owners and other stakeholders regarding the aesthetic design elements of the project.

4) 3.2.1.5 (Visual Quality and Aesthetics) - The City does not concur with the conclusion that eight of the ten vantage points evaluated will not have a substantial level of visual and aesthetic impact. As stated above the project is expected to significantly change the built environment within the corridors it is constructed. Aesthetic and visual quality treatments must be primary elements of the SWLRT design in order to best integrate the SWLRT into the existing environment. In particular, the viewpoints adjacent to and within Purgatory Creek Park will have a substantial level of visual and aesthetic impact as SWLRT and the bridge structure along Prairie Center Drive will be a primary visual component of the park once constructed. The bridge must be designed with appropriate context and to compliment the park setting and experience. Due to its location and its visual impacts enhanced aesthetic treatment for the bridge should be included in the base project costs.

5) Section 3.2.2.1 Subp. B. (Groundwater) - The SDEIS references our 2004 Wellhead Protection Plan (WHPP), the modeling has since been updated and the draft WHPP (Parts 1 & 2) sent to the MDH for approval. The Draft WHPP has been through all the relevant reviews (local government units and public comment hearings) and has been submitted to the MDH for review and approval. Approval from the MDH is expected soon. The FEIS

should be updated based on the new WHPP as the DWSMA and Wellhead Protection Area have both changed significantly.

6) Section 3.2.2.2 Subp. A. (Floodplains) - The SDEIS only references FEMA, but both Nine Mile and Riley-Purgatory-Bluff Creek Watershed Districts have done flood profile modeling and they are both close to finishing Atlas 14 models which could impact the amount of potential floodplain fill. The findings should be incorporated into the FEIS.

7) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts) - The SDEIS includes the statement that "No additional public watercourses were identified by analysis of MnDNR GIS data for the Eden Prairie Segment." There are a number of DNR Protected Wetlands on this corridor (including EP-EP-07, EP-EP-15, EP-EP-16 and EP-EP-23 that are listed as being impacted by the project as well as the creeks. These would typically be identified as public waters. The FEIS should include some clarification should be added on what is included in the definition of public watercourses (is it just lakes?). Purgatory and Nine Mile Creeks are listed as public waters later on in some of the discussions under the subtitle of Public Waters, so these should be indicated here to avoid confusion. It would also help if in the Wetlands Section a statement for those that are MnDNR public wetlands or waters was added into the individual paragraphs for each wetland.

8) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts – Wetlands)
    a. In the third sentence of the introductory paragraph it is stated that "The total wetlands filled in this segment…" This statement seems to indicate that 16 wetlands would be completely filled, whereas some of them will only be partly filled. The FEIS should state how many would be completely filled and how may would be partially filled to provide better clarity.
    b. In the list they state that EP-EP-15 is part of a larger wetland complex. However, this is actually 2 distinct areas. The northern piece (City ID 15-13-E) is a constructed wetland mitigation site. The larger, southern piece (15-14-A) is a natural wetland complex (and Purgatory Creek). The discussion for this wetland should indicate that the impacts will occur within that part that is a wetland mitigation area as this will have greater protections that must be dealt with than the remaining wetlands will.

9) Exhibit 3.2-5 - There is a map error; DIG-EP-EP-04 and associated impacts are actually north of Technology Drive.

10) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts – Floodplains) - Calculations for floodplain impacts are based on the FEMA maps only.

The FEIS should re-evaluate based on the Watershed District models once they are completed (for the Final EIS).

11) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts – Public Waters and Stormwater Management)
    a. The first paragraph states that Purgatory Creek, a public waterway, would be spanned by the proposed light rail alignment immediately south of where Technology Drive currently spans the creek. However, the next sentence states that the LPA construction limits would be close to Lake Idlewild. This is an error; the Purgatory Creek crossing is not located by Lake Idlewild, but flows between EP-EP-17 and EP-EP-15.
    b. The fifth paragraph includes the statement "Eden Prairie and the Riley-Purgatory-Bluff Creek Watershed District have stormwater management regulations and program." This should be corrected in the FEIS to read "Eden Prairie and the Nine Mile Creek and Riley-Purgatory-Bluff Creek Watershed Districts have stormwater management regulations and programs."

12) Section 3.2.2.2 Subp. B. (Short-Term Water Resources Impacts – Public Waters and Stormwater Management) - The SDEIS states that "An MnDNR-certified erosion and sediment control specialist would be employed…" This should be a University of Minnesota certified and/or MPCA approved erosion and sediment specialist.

13) Section 3.2.2.2 Subp. C. (Mitigation Measures) - This section indicates that the Section 404 permit application will identify compensatory mitigation and that this plan would be reviewed by the USACE prior to submittal of the Section 404 permit application. However, a compensatory mitigation plan will also need to be submitted to the appropriate Local Government Units for review and approval. The process for this local review and approval of the mitigation measures should be added to this section.

14) Section 3.2.2.3 (Noise) – The methodology section indicates that grade crossing bells have the highest level of cumulative noise impact and their potential use in areas of residential land uses must be evaluated and reviewed with the City. Any modification to the proposed LRT operational assumptions and how they impact grade crossings must be accounted for in the updated FEIS analysis and if necessary appropriately mitigated.

15) Section 3.2.4.1 Subp. B. (Transit – Long Term Impacts) – The City supports and see benefits in operating Express Bus Service along with LRT from Southwest Station

16) Section 3.2.4.2 Subp. B. (Roadway and Traffic) – This section identifies several intersections that are expected to operate at unacceptable level-of-services (LOS E or F) in the build condition without mitigation. Acceptable mitigation strategies must be identified and implemented for each intersection identified. Any modification to the

proposed LRT operational assumptions and how they impact traffic operations must be accounted for in the updated FEIS analysis.

17) Section 3.2.4.2 Subp. B. (Roadway and Traffic – Long Term Impacts) – Bulleted list of key changes should indicate that Technology Drive will be converted from a four-lane roadway section to a three-lane section.

18) Section 3.2.4.2 (Roadways) - The City has identified through various planning studies and processes the following locations where future roadways and trail/sidewalk crossings of SWLRT may be desired. The potential for these future crossings should be acknowledged:
- Additional or relocated access for the UHG / Optum campus on Technology Drive
- A second north-south roadway to the west of the proposed north-south main street and the Town Center Station
- An east-west roadway south of West 70th Street and the Golden Triangle Station
- An east-west roadway north of West 70th Street and the Golden Triangle Station

19) Section 3.2.4.2 Subp. B. (Roadway and Traffic – Short Term Impacts) – First bullet indicates potential roadway closures for construction of the Flying Cloud Drive / Valley View Road LRT bridge may be necessary. No long term closures of these roadways or any other roadway impacted by LRT construction should be considered. It is understood that weekend or evening closures may be necessary for certain construction activities. These closures must be coordinated with the City and all impacted businesses, residents, and properties.

20) Section 3.2.4.2 Subp. B. (Roadway and Traffic – Short Term Impacts) – Temporary construction impacts must be evaluated and to the extent possible minimized and mitigated. This includes providing viable access to all properties at all times.

21) Section 3.2.4.2 and 3.2.4.3 (Roadway and Traffic / Parking) – The parking demand and roadway impacts for end-of-line parking should be planned for in the design of the build project. This is in reference to the statement in Note 20 on page 3-82 that indicates that the structured park-and-ride lot at Southwest Station would increase by approximately 600 spaces if Mitchell Station were eliminated and Southwest Station was the western terminus of the line.

22) Section 3.2.4.3 Subp. B. (Parking) – The SDEIS does not identify the parking impacts to the Eden Prairie City Center building (8080 Mitchell Road). There are both short and long term impacts for the property that would need to be mitigated.

23) Section 3.2.4.4 Subp. B. (Bicycle and Pedestrian) – The loop trail around the Purgatory Creek pond and wetland area is a primary and heavily used recreation amenity within

Eden Prairie and any closure of this trail would have significant impacts. The functionality of this trail must be maintained throughout construction.

24) Section 3.2.4.4 Subp. B. (Bicycle and Pedestrian) – The design of Southwest LRT should not preclude or increase the cost of providing a direct trail connection between the Prairie Center Drive / Technology Drive intersection and the Southwest Station platform.

25) Section 3.2.4 (Utilities) – The City of Eden Prairie has a number of large diameter collector and distribution water lines within the proposed SWLRT project limits. Shut down of these lines would have a significant impact on the City's water operation and cannot be permitted during the peak demand months. Shut downs to other lines may also need to restricted. All watermain shut downs must be coordinated with the City and impacted businesses, residents, and property owners. In addition any impacts to sanitary sewer lines and services must also be coordinated with the City and impacted businesses, residents, and property owners.

26) Exhibit F-32 (LRCIs) – LRCIs 5 and 7 should also be shown along Eden Road.

Sincerely,

Rick Getschow
City Manager

CC: Mayor and City Council

CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 2015-73

SUBMIT COMMENTS ON THE SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT (SDEIS) FOR THE SOUTHWEST LIGHT RAIL TRANSIT PROJECT

WHEREAS, the Southwest Light Rail Transit Project is a proposed 16-mile light-rail line serving Eden Prairie, Minnetonka, Hopkins, St. Louis Park and Minneapolis; and

WHEREAS, in response to public comments received on the Southwest Transitway Draft Environmental Impact Statement (DEIS), the Metropolitan Council made changes to the proposed design on the Southwest Light Rail Transit Project; and

WHEREAS, the Federal Transit Administration and the Metropolitan Council determined that a Supplemental Draft Environmental Impact Statement (SDEIS) is needed to document environmental impacts that were not identified in the DEIS; and

WHEREAS, the Supplemental Draft Environmental Impact Statement (SDEIS) is available for public comment through July 21, 2015; and

WHEREAS, the City Council appreciates the opportunity to review the SDEIS and desires to respectfully submit comments on the SDEIS.

NOW, THEREFORE, BE IT RESOLVED that the Eden Prairie City Council authorizes the City Manager to submit comments on the SDEIS consistent with the Council Agenda Memorandum during the SDEIS public comment period.

ADOPTED by the Eden Prairie City Council on July 14, 2015.

Nancy Tyra-Lukens, Mayor

ATTEST:

Kathleen Porta, City Clerk

From:	Lavelle, Ray
To:	swlrt
Cc:	Schroeder, Michael
Subject:	Comment Letter from MPRB
Date:	Tuesday, July 21, 2015 4:58:25 PM
Attachments:	2015-07-21 SDEIS Response Letter from Liz Wielinski.pdf

Please see the attached comment letter from Mpls. Park & Recreation Board.

Thank you.

Ray

Ray Lavelle
Executive Assistant/Planning Division
Minneapolis Park and Recreation Board
2117 West River Road
Minneapolis, MN 55411
(612) 230-6472
www.minneapolisparks.org

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson:

The Minneapolis Park & Recreation Board (MPRB) welcomes this opportunity to comment on the Supplemental Draft Environmental Impact Statement (SDEIS) for the Southwest Light Rail Transit (SWLRT) project. The MPRB's comment letter builds upon statements and outcomes noted in comments on the Draft Environmental Impact Statement (DEIS) while focusing on the changes to the project noted in the SDEIS. To best recognize the MPRB's earlier comments, members of a Community Advisory Committee formed to guide comments on the DEIS were assembled to offer insights related to the SDEIS.

In 1883, the Minneapolis Park & Recreation Board was created by an act of the Minnesota State Legislature and a vote of Minneapolis residents. It serves as an independently elected, semi-autonomous body responsible for governing, maintaining, and developing the Minneapolis park system. The MPRB's mission is as follows:

The MPRB shall permanently preserve, protect, maintain, improve, and enhance its natural resources, park land, and recreational opportunities for current and future generations.

The MPRB exists to provide places and recreation opportunities for all people to gather, celebrate, contemplate, and engage in activities that promote health, well-being, community, and the environment.

The MPRB is one of ten regional park implementing agencies. It works with the Metropolitan Council to acquire and develop regional parks and trails to protect natural resources and provide outdoor recreation for public enjoyment in the Metropolitan Area. In 2011, based on Metropolitan Council annual use estimates, the regional parks and trails that are impacted by the proposed SWLRT alignment received more than 6 million visits.

The MPRB is obligated to ensure that parks and trails and the interests of current and future park and trail users are not substantially impaired by the project. It is within this context that the MPRB makes the comments contained in this letter. As stated in the MPRB's comments on the DEIS, there are several overarching messages the MPRB wishes to express

regarding the SWLRT project:

- MPRB remains supportive of light-rail transit.
- Current development and public use of the corridor within Minneapolis has an open and natural character that includes portions of the Minneapolis Chain of Lakes Regional Park, Grand Rounds National Scenic Byway, Kenilworth Regional Trail, Cedar Lake Regional Trail, and Cedar Lake Park. Park design in this area focuses on serenity, habitat restoration, minimal development, and passive recreation. To retain the area's character the water table levels and quality, cultural landscapes, habitat, and open space must be protected and preserved.
- Other parks in or near the corridor include Alcott Triangle, Park Siding Park, and Bryn Mawr Meadows. These parks serve more neighborhood use and maintaining existing park settings, access, and use are clear priorities of the MPRB.
- Visual quality and noise are key areas of concern for the MPRB. The introduction of light rail transit in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may never regain the "dense regular massing of trees bordering the corridor [that] creates a highly memorable element," as noted in the SDEIS.
- The seamless connections between and among parks and trails is a key attribute of the Kenilworth Corridor, one which the MPRB believes should be present in the corridor to at least to the extent it is today after introduction of the combination of LRT and freight rail.
- The perpetuation of freight rail in the Kenilworth Corridor, which the MPRB believes makes that infrastructure a permanent element, is a substantive change from the DEIS, one that varies dramatically from a long-held understanding of the use of the corridor and one that poses significant safety concerns for trail users and the natural setting and environment of the corridor.

The MPRB believes many of its comments offered as part of its response to the DEIS remain valid and should be perpetuated. To that end, we have attached our comments on the DEIS to this response to the SDEIS.

Thank you for this opportunity to comment on the SDEIS for the SWLRT project. If you have any questions, please do not hesitate to contact Michael Schroeder, Assistant Superintendent for Planning, at mschroeder@minneapolisparks.org.

Sincerely,

Liz Wielinski
President, Minneapolis Park & Recreation Board

Attachments: SDEIS Comments (July 21, 2015)
SDEIS Comments (December 5, 2012)

Comments Submitted by the Minneapolis Park & Recreation Board in Response to the Supplemental Draft Environmental Impact Statement for the Southwest Light Rail Transit Project
July 21, 2015

CONTINUATION OF FREIGHT RAIL OPERATIONS IN THE KENILWORTH CORRIDOR

REVIEW

As described in the SDEIS, changes to the St. Louis Park/Minneapolis Segment of the SWLRT project would continue freight rail operations in the corridor by co-locating those facilities with the proposed LRT infrastructure. This change presents concerns related to the baseline comparison of impacts evaluated in the SDEIS.

In a *relocation* solution, issues related to freight rail operations in the Kenilworth Corridor are eliminated. The impacts of LRT on the setting and experience of the corridor can be based solely on the introduction of LRT. The baseline for noise is greatly reduced with the elimination of freight rail operations in the corridor, the need for expanding the corridor is limited, the existing significant and character-defining visual features are largely retained, and concerns for safety can be limited to the interactions of corridor users with light rail operations only.

With *co-location*, the noise of LRT is additive to freight rail, the corridor must be significantly expanded by impacting features noted in the SDEIS as definitive of the character of the Kenilworth Corridor, safety concerns related to trail access and blockage of trail connections are increased, and concerns related to park and trail user safety relative to the potential for spills and combustion of conveyed freight becomes significant. In addition, significant disturbance and additional construction is required near sensitive environmental and recreational features.

The MPRB is interested in a more direct comparison of impacts related to visual quality, noise, safety, and construction using re-location as a baseline. While we understand the solution proposed in SDEIS is co-location, we believe the impacts and, importantly, the strategies for mitigation, are best documented using parallel comparisons of co-location and relocation.

OUTCOMES

A. A comparison of the effects of co-location based on a solution where freight rail is not present in the Kenilworth Corridor.

SDEIS SECTION 3.4.1.3 (CULTURAL RESOURCES)

REVIEW

The Kenilworth Corridor is a resource enjoyed by tens of thousands of visitors each year. While it serves as a bicycle commuting route between Minneapolis and southwest suburbs, users are attracted to the corridor as a recreation resource based on its location relative to features of the Minneapolis' Grand Rounds and the Minneapolis Chain of Lakes Regional Park and the unique settings of each. Cultural resources are prominent as an attraction and the SDEIS identifies features important to the MPRB and, notes adverse effects of the SWLRT project on those features and resources.

The MPRB offers the following comments relative to Section 3.3.1.3 (Cultural Resources) provided in the SDEIS:

1. Table 3.4-4 (Cultural Resources in St. Louis Park/Minneapolis Segment that would be adversely affected under the LPA), Historic Districts, XX-PRK-001, notes impacts to the Grand Rounds from the introduction of LRT. The MPRB is keenly interested in preserving the qualities and integrity of the Grand Rounds, a resource under its jurisdiction. The MPRB agrees that the project poses the potential for adverse impacts, but also notes those impacts cannot be fully understood from information presented in the SDEIS. The MPRB anticipates the Metropolitan Council will provide information sufficient and comprehensive in nature to understand and evaluate impacts on the Grand Rounds, particularly as it relates the visual quality and encroachments of LRT and LRT-supporting infrastructure, as well as any new freight rail infrastructure, on the setting and viewsheds of the Grand Rounds.

2. Table 3.4-4 (Cultural Resources in St. Louis Park/Minneapolis Segment that would be adversely affected under the LPA), Individual Resources, HE-MPC-1822 cites the impacts on the Kenilworth Lagoon. The MPRB agrees that passage under the proposed bridges is a significant issue and that the introduction of additional bridge deck area poses an impact on the experience of users of the Kenilworth Channel (referred to as the Kenilworth Lagoon in the SDEIS). The MPRB, through a Memorandum of Understanding (MOU) created between the MPRB and the Metropolitan Council, have agreed to cooperate on the design of the bridge crossings of the channel. That process has not concluded so comment on the impacts cannot be offered. In the MOU, a process for designing the bridges and concepts for their design were framed. The MPRB anticipates the design will be aligned with the terms of the MOU. Significantly, the MPRB seeks a solution that encourages passage for channel users by reducing or eliminating encroachment of bridge components into the channel as the primary method of respecting the historic qualities of the channel.

3. Table 3.4-4 (Cultural Resources in St. Louis Park/Minneapolis Segment that would not be adversely affected under the LPA), Individual Resources, HE-MPC-1833 cites Cedar Lake Parkway as unaffected by the project. It notes effects considered include “LRT tunnel portal outside of the parkway” but views from the parkway to this portal are part of the experience of the parkway. In fact, views demonstrated for the tunnel portal and the necessary fencing (Appendix J, Exhibit J-13) suggest that infrastructure is significant to the viewshed from the parkway. In addition, Section 3.4.1.5 (Visual Quality and Aesthetics) notes the positive effects of the “dense regular massing of trees bordering the corridor creates a highly memorable moment.” That visual feature is, in the view of the MPRB, part of the experience of the parkway. As a result, the MPRB disagrees that Cedar Lake Parkway is unaffected by the project and recommends it be included with other adversely impacted resources.

<u>OUTCOMES</u>

A. Encroachments of LRT and LRT-supporting infrastructure as well as freight rail and its infrastructure are demonstrated for their visual impacts on cultural resources present on MPRB parklands and recreation areas and that methods of reducing those visual impacts on the experience of parks and trails users is minimized.

SDEIS SECTION 3.4.1.4 (SOURCE: MNDOT CRU, 2014.IMPACTS ON PARKLANDS, RECREATION AREAS, AND OPEN SPACES)

REVIEW

The Kenilworth Corridor and the North Cedar Lake Trail are maintained or owned and maintained by the MPRB as significant regional recreation resources. The introduction of LRT in a co-location scenario is a concern for the MRPB particularly from the perspective of impacts on these resources and safety concerns resulting from co-location. For the MPRB, the Kenilworth Corridor serves 550,000 users annually and the North Cedar Lake Trail serves 414,000 users annually (estimates provided by the Metropolitan Council), making these parklands, recreation areas, and open spaces areas of primary concern for the MPRB. Because this section deals, in part, with access to those facilities, the MPRB believes safety at crossings of LRT and freight rail infrastructure should be addressed.

The MPRB offers the following comments relative to Section 3.4.1.4 (Source: MnDOT CRU, 2014, Impacts on Parklands, Recreation Areas, and Open Spaces) provided in the SDEIS:

1. Section 3.4.1.4 (Source: MnDOT CRU 2014.Parklands, Recreation Areas, and Open Spaces) notes "there would be no long-term direct impacts from the LPA on parklands, recreation areas, and open spaces in the segment." Co-location poses the potential for safety impacts, which the MPRB considers to be a long-term and direct impact on resource users. The presence of freight rail and its impacts on safety for users of the Kenilworth Corridor has not been fully addressed in the SDEIS from the perspective of any failure of LRT or freight rail infrastructure and the ability to respond to an emergency condition.

2. Table 3.4-6 (Parks, Recreation Areas, and Open Spaces in the St. Louis Park/Minneapolis Segment) notes resources and impacts in this segment of the project. The MPRB agrees this list is complete and accurate based on its understanding of the project as demonstrated through the SDEIS, but notes that safety concerns noted in the introduction to this section are not included in the "Types of Impacts." From the perspective of the MPRB, any crossing of LRT or LRT and freight rail that is not grade-separated poses an impact on users of the parkland, recreation area, or open space resource. In particular, the MPRB is concerned that the combination of LRT and freight rail compromises safety for pedestrian and bicycle crossings when those crossings occur at-grade and recommends the Metropolitan Council address those crossings in greater detail and for any changes where grade separation is eliminated that the Metropolitan Council demonstrate the ways in which an at-grade crossing can be made equally safe as the grade-separated crossing. While the SDEIS references Appendix G for information related to crossings, the diagrams are too general to understand the specific measures to be implemented to maintain a safe crossing for pedestrians and bicyclists of LRT or LRT and freight rail.

3. Under Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts, it is noted the "The indirect impacts of the LPA would be in the form of visual, noise, and/or access impacts, addressed in greater detail in Sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS." This section of the SDEIS references the North Cedar Lake Regional Trail and correctly notes it is owned and operated by the MPRB. However, Section 3.4.1.5 (Visual Quality and Aesthetics) does not fairly or fully address the visual impacts of a bridge crossing of LRT and freight rail. The MPRB believes this structure poses the potential for a significant visual impact on the

setting of Cedar Lake Park due to its length and height. While the MPRB supports inclusion of the bridge to provide safe crossing of LRT and freight rail, its design poses the potential for a significant impact on the parkland resource of Cedar Lake Park and on users of the North Cedar Lake Regional Trail.

OUTCOMES

A. The corridor design fully addresses potential safety impacts posed by LRT and freight rail in the corridor, including accommodation of emergency response in the event of a spill, leak, or combustion of any conveyed freight.

B. Fire, police, and emergency medical personnel and equipment are able to access parklands adjacent to the corridor and provide response times that meet relevant laws and standards.

C. At-grade trail crossings at LRT and freight rail, especially where the trail must cross both facilities in the same location, are made equally as safe as a grade-separated crossing.

D. The visual quality of all structures within or visible from parklands are addressed in ways that minimize their intrusion upon the natural settings or activity areas

E. The North Cedar Lake Trail bridge crossing LRT and rail infrastructure is designed to minimize its visual impact and any adverse impacts to its setting in Cedar Lake Park.

SDEIS SECTION 3.4.1.5 (VISUAL QUALITY AND AESTHETICS)

REVIEW

The Kenilworth Corridor presents a visual quality that is recognized in the SDEIS as "dominated by the existing trails themselves and adjacent active freight rail track. The trails and freight rail alignment are generally surrounded by overstory and understory deciduous vegetation." The SDEIS further describes the visual quality of the corridor by stating "Dense regular massing of trees bordering the corridor creates a highly memorable element." The MRPB confirms these points as the key visual elements of the corridor, both of which are central to the experience of the corridor. It also notes that the SDEIS, in general, considers visual quality impacts during a limited portion of the year, but because of the year-round use of parks and recreation areas addressed in the SDEIS, impacts on visual quality should consider "leaf-off" conditions.

The MPRB offers the following comments relative to Section 3.4.1.5 (Visual Quality and Aesthetics) provided in the SDEIS:

1. While the process of documenting existing visual character is clear and follows processes to which the MPRB agrees, the nature of views as static are contrary to the experience of corridor users. The nature of an assessed view should be translated to the experience of a traveler in the corridor; that is, instead of a limited number of viewpoints attempting to characterize the visual experience, the constantly changing viewpoints of a bicyclist or a pedestrian should be considered. It is from that perspective that the "dense regular massing of trees bordering the corridor" becomes important.

2. Section 3.4.1.5 (Visual Quality and Aesthetics) indicates that Traction Power Substations (TPSS) will be sited in "fully developed areas, including surface parking lots, existing roadway right-of-way, and vacant parcels where feasible." The Kenilworth Corridor, a primary concern of the MPRB, has none of these siting opportunities. Because these features should be considered a visual intrusion similar to the "addition of the station infrastructure and the overhead equipment required by the LRT," Table 3.4-8 (Anticipated Direct Change and Impact in Visual Quality and Aesthetics from St. Louis Park/Minneapolis Segment Viewpoints, Viewpoint 6, Intactness), they should be considered a significant factor for the change in visual quality in the corridor.

3. Table 3.4-7 (Existing Visual Quality and Aesthetics by Viewpoint in the St. Louis Park/Minneapolis Segment) reinforces the roles of the dense massing of trees in forming the vividness and unity of the corridor from the perspective of visual quality. It further suggests the viewpoints are generally free of visual encroachments. To these points, the MPRB offers its concurrence.

4. Table 3.4-8 (Anticipated Direct Change and Impact in Visual Quality and Aesthetics from St. Louis Park/Minneapolis Segment Viewpoints) indicates the primary thresholds for visual character are decreased or diminished by the removal of trees to accommodate the transit and freight rail improvements and by the introduction of LRT-supporting infrastructure. In essence, the MPRB would interpret this to mean the existing visual character—and therefore, the visual experience—is denigrated by the proposed changes. From that perspective, and regardless of the formula applied to achieve the visual impact ratings, each viewpoint should be considered substantially impacted. In addition, this table seems to underestimate the impacts of LRT-supporting infrastructure. In demonstrations included in Appendix J, every preliminary rendering with LRT running at grade includes LRT-supporting infrastructure that becomes an intrusion upon the visual experience for users of the Kenilworth Corridor.

5. Table 3.4-8 (Anticipated Direct Change and Impact in Visual Quality and Aesthetics from St. Louis Park/Minneapolis Segment Viewpoints) for Viewpoint 3 describes the view from Cedar Lake Parkway toward the tunnel and the channel crossing. The description notes the tunnel portal as a part of the view, but the lack of notation regarding the portal suggests that it has no visual impact. In fact, the preliminary rendering shown in Exhibit J-13 would suggest the portal has a substantial visual impact. Replacing the existing split rail fence with a taller and more expansive fence at the portal does not respect the intactness described for this viewpoint in Table 3.407. While the SDEIS notes this as a substantial visual impact, the MPRB remains very concerned that mitigation will not restore the visual experience currently enjoyed by trail users.

6. Table 3.4-8 (Anticipated Direct Change and Impact in Visual Quality and Aesthetics from St. Louis Park/Minneapolis Segment Viewpoints) for Viewpoint 5 indicates the "increased clearance and openness under the bridge would create a visual connection between the segments of the lagoon north/south of the new bridges." The MPRB agrees this is a positive change. However, the narrative description for Viewpoint 5 suggests "the bridge, as currently conceived, will have an attractive design that will become a positive focal point in the view." From the perspective of the MPRB, this set of bridges has the potential of substantially improving the visual experience of the lagoon by removing as many piers as possible from the water, thereby reinforcing the lagoon itself as the focal point—not the bridge. As the design of the bridges proceeds, the MPRB encourages enhancement of the openness of the view, removal of bridge encroachments into the lagoon, and minimizing the

visual focus of the new bridges. The narrative description of this viewpoint indicates the impact as "Not Substantial," but this determination is largely dependent on the design of the introduced bridges.

7. Table 3.4-8 (Anticipated Direct Change and Impact in Visual Quality and Aesthetics from St. Louis Park/Minneapolis Segment Viewpoints) for Viewpoint 6 indicates the same response for Intactness and Unity. But more important, the description of the change suggests "the addition of the station structures will make a positive contribution to the level of vividness that counterbalances the loss of vividness due to vegetation removal." While a formulaic application of a visual quality assessment might allow for the substitution of one factor of visual quality for another, the MPRB suggests the introduction of a station cannot be considered a reasonable replacement for the loss of trees, especially when the assessment of views for the corridor suggests the dense massing of trees is a central feature of the corridor and that two of the three factors evaluating the view indicate the loss of trees decreases or reduces the factor (and the third factor cannot be determined from the SDEIS because of an apparent typographical error).

8. Section C (Mitigation Measures) indicates mitigation measures will "include landscaping, visual treatment and continuity with the elevated light rail structure design, lighting, and signage." A footnote references Section 3.4.1.3, but is suggesting measures of mitigation will be achieved through "sensitive design and the incorporation of protective measures" (Table 3.4 (Cultural Resources in St. Louis Park/Minneapolis Segment that would be adversely effected under the LPA), Individual Resources, HE-MPC-1822). The MPRB suggests that further definition is required to understand how sensitive design and protective measures will replace the "dense regular massing of trees bordering the corridor" that is indicated in the SDEIS as creating a "highly memorable element."

9. While this section of the SDEIS addresses key viewpoints of concern to the MPRB, it fails to address other significant points of visual quality related to MPRB resources. In particular, this section does not address the impacts on visual quality of the proposed grade-separated crossing of LRT and freight rail of the North Cedar Lake Regional Trail (an MPRB-owned and operated facility) and Cedar Lake Park. In addition, there is no mention of the landing for a bridge extending from Van White Memorial Boulevard and its impacts on Bryn Mawr Meadows, parkland under the jurisdiction of the MPRB. Finally, Table 3.4-6 (Parks, Recreation Areas, and Open Spaces in the St. Louis Park/Minneapolis Segment) notes visual changes as an impact at Park Siding Park, but no mention of the visual quality impacts are noted in Section 3.4.1.5.

<u>OUTCOMES</u>

A. The "dense regular massing of trees bordering the corridor" remains a defining element of the corridor.

B. Assessments of visual quality address "leaf-off" conditions in recognition of the year-round use of the Kenilworth Corridor and MPRB parks and recreation areas.

C. LRT-supporting infrastructure, including features not addressed or not fully addressed in the Visual Quality and Aesthetics section such as traction power substations and the LRT tunnel portal, is designed in ways that minimize visual impacts upon trail users.

D. The experience of Kenilworth Channel users is orchestrated to maintain focus on the channel as the primary feature, with bridges that remain background elements for channel users.

E. Stations, while significant structures in the setting of the Kenilworth Corridor, are not substitutes for the visual quality of the existing natural setting.

F. Visual impacts to all parklands are addressed through a process that emphasizes the quality of the visual experience with the natural setting as the dominant feature.

SDEIS SECTION 3.4.2 (ENVIRONMENTAL EFFECTS)

REVIEW

The physical location of the Kenilworth Corridor is important to the MPRB not only as a recreation resource, but because of its geographic context among several lakes of the Chain of Lakes Regional Park. Instances of environmental degradation related to the introduction of LRT are of primary concern because of the proximity of the natural features along the corridor. Still, the corridor is an important recreation feature, offering a route for pedestrians and bicyclists totaling more than 550,000 visits per year. The introduction of LRT alongside freight rail poses changes related to safety and connectivity that are a paramount concern for the MPRB.

The MPRB offers the following comments relative to Section 3.4.2 (Environmental Effects) provided in the SDEIS:

1. Section 3.4.2.1 (Geology and Groundwater) notes “there is the potential for long-term pumping of surface water from the tunnel portals (predominantly stormwater) that collects inside and at the lowest point of the tunnel portals and is routed to underground infiltration chambers.” This section notes further “As described in the Draft EIS, in areas of high groundwater elevations and granular soils, there is an increased potential for groundwater contamination as a result of previous hazardous and contaminated materials spills.” In a description of the effects of the tunnel on lake levels, the SDEIS indicates “Groundwater and lake levels in the area surrounding Cedar Lake, Lake of the Isles, and Lake Calhoun are very similar, with little change in elevation across the system” and “there is little or no groundwater gradient among the lakes; groundwater does not ‘flow’ from one water body to another.” During the MPRB’s study of alternative crossing of the Kenilworth Channel, consultant reports suggest there is a directional movement of groundwater in this area, with a general direction along the alignment of the LRT corridor. The MPRB notes these statements as inconclusive relative to the potential for contamination and adverse impacts on the lakes. That construction activities could increase the potential for groundwater contamination, that groundwater (now potentially contaminated) would be collected upon entering portion of the tunnel and then infiltrated using underground chambers, and that there is evidence the groundwater system in this area is connected (regardless of flow), suggests a risk for groundwater contamination from the presence of the tunnel that needs to be addressed.

   The SDEIS focuses on the potential impacts of groundwater contamination resulting from LRT operations and suggests “The potential to contaminate groundwater from operation of the light rail system would be low, because the trains would be electric and, generally, no activities that generate

pollutants would occur in this area." Notwithstanding the MPRB's comments above related to groundwater, the SDEIS does not address the potential for contamination of groundwater from the operations of freight rail in the Kenilworth Corridor. Because co-location is the basis of the SDEIS and because the LPA makes freight rail a permanent component of the corridor, the potential for groundwater contamination from freight rail operations should be addressed.

2. Section 3.4.2.1 (Geology and Groundwater), part C (Mitigation) addresses a groundwater management plan to be prepared as part of the project and that it would address "collection, storage, and disposal of surface water runoff from the light rail track systems, stations, and other infrastructure developed as part of the project." Because the LPA is based on co-location with freight rail becoming a permanent component of the corridor, freight rail is part of the "other infrastructure developed as part of the project" and should be addressed in the groundwater management plan.

3. Section 3.4.2.2 (Water Resources: Wetlands, Floodplains, Public Waters, and Stormwater Management, Part B. Potential Water Resource Impact, Public Waters and Stormwater Management) indicates that "runoff from newly poured concrete surfaces can have high alkalinity, often above pH 9, which can result in degraded water quality and can affect fish." This section further states "The concrete used for this project would take several months to cure enough so that the pH of exposed surfaces decreased to acceptable levels. Stormwater runoff would be tested, and if excessive levels of pH or turbidity are found, the runoff would be treated before it is released to storm sewers or a receiving water body." From the perspective of the MPRB, "acceptable levels" would be at least the same as those levels found prior to the construction of the improvements. In addition, when the receiving water bodies include those under the jurisdiction of the MPRB or are related to its park resources, the MPRB would urge the Metropolitan Council to treat any runoff from those surfaces that might degrade water quality or affect fish, and to not rely upon finding excessive levels of pH or turbidity (at which point, the MPRB assumes, some stormwater runoff would have already entered receiving water bodies).

   In addition, the SDEIS fails to address the potential impacts to water resources from a spill or leak of conveyed freight in the Kenilworth Corridor. Because the LPA makes freight rail a permanent component of the corridor, the potential impacts should be recognized and addressed as a part of the SDEIS.

4. Section 3.4.2.3 (Noise), A. Existing Conditions indicates that east of West Lake Station and the Kenilworth Lagoon "Currently, the dominant noise source in the segment is existing freight rail traffic." The nature of the park setting suggests that this noise level not be exceeded by the combination of LRT and freight rail in the corridor. In fact, and as noted at the beginning of these comments, the MPRB believes a more fair demonstration of impacts would be achieved by indicating a comparison to a re-location solution where the impacts of noise from freight rail would be eliminated from the corridor.

5. Section 3.4.2.3 (Noise), B. Potential Noise Impacts, Long-Term Direct and Indirect Noise Impacts indicates that "The presence of the proposed tunnel in the Kenilworth Corridor eliminates almost all noise impacts relative to an at-grade LRT system within the same segment of the corridor," yet it fails to identify what noise impacts remain. The MPRB desires clarity on those impacts that remain after "almost all" have been eliminated so that it can better understand the mitigation that might be

proposed. Table 3.4-12 (Summary of Noise Impacts for Category 1 and Category 3 Land Use – St. Louis Park/Minneapolis Segment) summarizes impacts of noise on the Kenilworth Channel and Kenilworth Lagoon Bank. A MOU between the MPRB and the Metropolitan Council addresses concerns related to noise at the Kenilworth Channel crossing and suggests that a design for the bridges would "incorporate strategies or features in the design of a bridge that respond to findings of MPRB's study of channel crossing concepts." The MOU indicates "The MPRB undertook a study of the channel crossing and determined visual quality and noise as the MPRB's highest priorities for consideration in the design of the bridge." Notwithstanding the statements of this section, the MPRB expects the Metropolitan Council will maintain adherence to the MOU and determine methods of reducing noise impacts in the area of the Kenilworth Channel and Kenilworth Lagoon Bank regardless of the type and number of impacts indicated in the SDEIS because, as is noted in this section of the SDEIS, "quietude is essential feature of the park."

6. Section 3.4.2.4 (Vibration), C. Mitigation Measures indicates mitigation for vibration impacts will be incorporated in a vibration mitigation plan. For the MPRB, vibration impacts at the Kenilworth Channel bridges remain a concern. Preliminary design directions for the bridges suggest the potential for a trail bridge separated from an LRT bridge. The MPRB believes this is significant in reducing vibration impacts for trail users, even as we understand that vibration for outdoor receptors are not a consideration.

7. Section 3.4.2.5 (Hazardous and Contaminated Materials) indicates the design of the tunnel would include measures that would, "In the unlikely event of a spill of hazardous or contaminated materials in the tunnel… prevent infiltration of groundwater through the tunnel bottom and allow contaminated materials to be collected… and not released into the groundwater." While these measures for unlikely events are appreciated, the MPRB remains concerned about the potential for construction activities to change conditions and allow contaminated materials to move toward lakes or other water bodies.

8. Section 3.4.4.5 (Bicycle and Pedestrian) describes the impacts of the LPA on bicycle and pedestrian facilities, many of which are under the jurisdiction of the MPRB in this segment of the corridor. The MPRB desires further information on the safe crossing of LRT and freight proposed in the area of the 21st Street Station due to its proximity to East Cedar Beach. The combination of rail crossings at this location poses concerns for pedestrian and bicycle access, in particular resulting from those users becoming suddenly and temporarily "trapped" between rail crossings. Recent discussions of the Metropolitan Council related to cost reductions suggest elimination of the North Cedar Lake Trail Bridge which would present the same concerns to the MPRB. Crossings for pedestrians in the area of the West Lake Street Station are also concerns for the MPRB, in part because of the attraction of Lake Calhoun and desires for movement to the Minneapolis Chain of Lakes Regional Park. This section notes Appendix G offers a conceptual design of improvements but the diagrams are too general to understand the ways in which pedestrian and bicycle safety will be provided.

9. Section 3.4.4.5 (Bicycle and Pedestrian) describes impacts related to LRT for pedestrians and bicyclists, but the significant change presented in the SDEIS is the presence of freight rail in the Kenilworth Corridor. The MPRB believes freight rail can be a safety concern for trail users and it should be addressed in a Final Environmental Impact Statement. Further, other portions of the SDEIS describe the potential for blockage of local roadways by freight trains, but the SDEIS does not describe the potential for blockage of trail intersections. In particular, if the proposed North Cedar

Lake Trail bridge is eliminated as a cost saving measure, an FEIS must address the blockage of the intersection of the North Cedar Lake Trail and address any safety concerns for trail users resulting from such a blockage. In addition, the MPRB is concerned about potential blockage by freight rail at West 21st Street, not only from the perspective of access to East Cedar Beach by park users but recognizing the need to maintain access to the beach for emergency vehicles.

10. Section 3.4 does not address the impacts on wildlife and wildlife migration in the Kenilworth Corridor or Cedar Lake Park. These are significantly large natural and habitat areas and the impacts of LRT and freight rail infrastructure, particularly fencing and walls, should be addressed by the project.

OUTCOMES

A. Any permanent dewatering methodologies applied to the corridor protect water table levels and quality, and habitat within the parklands that is dependent on those water levels.

B. The groundwater management plan addresses impacts of all rail infrastructure, not just new LRT infrastructure.

C. When dealing with construction impacts to water bodies within or near parklands, best practices are implemented as a baseline for project activities, not as a response to discovered excessive pH or turbidity levels.

D. Noise and vibration impacts are minimized for park and trail users and maintained at levels not greater than the extant condition.

E. Because co-location makes freight rail a permanent condition in the corridor, comparisons are made to conditions that do not use freight rail as a baseline to ensure proper mitigation is included as part of the project.

F. Bridge crossings of the Kenilworth Channel are achieved with a separated trail structure to ensure vibrations from rail are not translated through the structures to pedestrians or bicyclists.

G. Technologies are incorporated that reduce track noise and vibration.

H. Potential contamination, spills, and leaks from freight rail operations will not impact the natural features or environmentally sensitive elements of the corridor, and the potential for combustion of conveyed freight is addressed with considerations of impacts on park and trail users and emergency response requirements.

I. Fire, police, and emergency medical personnel and equipment are able to access parklands adjacent to the corridor and provide response times that meet relevant laws and standards.

J. The potential for construction activities to change conditions and allow contaminated materials to move toward lakes or other water bodies is addressed as a core component of the implementation plan.

K. Bicycle and pedestrian intersections with LRT and freight rail infrastructure if required to be at-grade are developed in ways that are equal in safety to grade separated crossings.

L. Trail crossings of rail infrastructure does not create blockage for trail users except when trains are passing (in motion through) the crossing.

M. The trail design meets the needs of current and projected users.

N. All trail connections are maintained or improved.

SDEIS SECTION 3.5 (DRAFT SECTION 4(F) IMPACTS)

REVIEW

The MPRB provided information to the Metropolitan Council related to its park properties along and near the SWLRT corridor. The MPRB agrees that the list of properties included in the SDEIS is complete and correct.

The MPRB offers the following comments relative to Section 3.5 (Draft Section 4(f) Impacts) provided in the SDEIS:

1. Table 3.5-2 (Summary of FTA's Preliminary Section 4(f) Property Use Determinations) lists and describes the impacts of SWLRT on MPRB park properties. The MPRB agrees with the determinations provided the comments of this section are recognized and addressed by the project.

2. Section 3.5.1.4 (Section 4(f) Use Definitions and Requirements), A. Individual Section 4(f) Evaluation indicates "*de minimus* use is described below in Section 3.5.1.6." The SDEIS published by the Metropolitan Council does not include this section.

3. Section 3.5.4.1 (Publicly Owned Parks and Recreation Areas), I. Park Siding Park – Preliminary No Section 4(f) Use Determination, Preliminary Determination of Temporary Section 4(f) Use indicates that 0.016 acre of the park would be used to construct and remove a temporary trail detour as a result of the SWLRT project. It has been discussed that changes made necessary by the SWLRT tunnel will result in the need to reconstruct a portion of sanitary sewer in the area of Cedar Lake Parkway, a part of which will impact Park Siding Park. The FEIS should identify this need, if in fact the park is required for this construction activity.

4. Section 3.5.4.1 (Publicly Owned Parks and Recreation Areas), J. Kenilworth Channel/Lagoon (as an element of the Minneapolis Chain of Lakes Regional Park) – Preliminary *De Minimis* Determination, Preliminary Determination of Permanent Section 4(f) Use: Section 4(f) *de minimis* Use indicates the channel "would not be adversely impacted under the LPA and the horizontal clearances between the banks and the new piers [of bridges supporting the trail, LRT, and freight rail] would be of sufficient width to accommodate recreational activities that occur within the channel/lagoon." The MPRB has been active in the design of bridges and understands it is possible to span the channel for the purposes of the trail crossing with no piers extending into the water and that it may be possible to span the channel for the purposes of the LRT crossing with no piers extending into the water. The MPRB considers this possibility to be a positive feature of a proposed bridge as it maximizes the

open water available in the channel for recreation use. However, the bridge decks are more expansive than in the extant trail/freight rail bridge causing concerns for the amount of snow that might be collected on the channel under the bridge. Winter activities, including cross-country skiing are important features of this part of the park and must be considered as a part of the crossing.

5. Section 3.5.4.1 (Publicly Owned Parks and Recreation Areas), J. Kenilworth Channel/Lagoon (as an element of the Minneapolis Chain of Lakes Regional Park) – Preliminary *De Minimis* Determination, Preliminary Determination of Permanent Section 4(f) Use: Section 4(f) Use indicates the new bridge crossings of the Kenilworth Channel "would have an attractive design that would become a positive focal point in the view." In the visual quality assessment, this view change is indicated to be Not Substantial, but in fact views of the bridges should be of secondary importance when compared to the channel—the historic resource.

6. Section 3.5.4.1 (Publicly Owned Parks and Recreation Areas), J. Kenilworth Channel/Lagoon (as an element of the Minneapolis Chain of Lakes Regional Park) – Preliminary *De Minimis* Determination, Preliminary Determination of Permanent Section 4(f) Use: Section 4(f) *de minimis* Use indicates the areas of the Kenilworth Channel would be moderately impacted by noise. The MPRB, through an MOU with the Metropolitan Council, has identified noise generated by LRT to be a primary concern and one that will be addressed as a part of the bridge design process.

7. Section 3.5.4.1 (Publicly Owned Parks and Recreation Areas), K. Cedar Lake Park – Preliminary *De Minimis* Determination, Preliminary Determination of Permanent Section 4(f) Use: Section 4(f) *de minimis* Use, Cedar Lake Junction indicates the realignment of an existing trail to create a grade-separated crossing of LRT and freight rail. Because of the intensity of trail use, managing crossings for pedestrian and bicyclist safety remains a primary concern for the MPRB. In addition, the MPRB recognizes this crossing, due to its height and length, would permanently alter the setting in the north portion of Cedar Lake Park. The design of the bridge should, in the opinion of the MPRB, find ways to minimize its visual impact on trail and park users. In the SDEIS, this bridge was not addressed in the section related to Visual Quality and Aesthetics.

8. Section 3.5.4.1 (Publicly Owned Parks and Recreation Areas), L. Bryn Mawr Meadows Park – Preliminary *De Minimis* Determination, Preliminary Determination of Permanent Section 4(f) Use indicates a bridge and a new elevated section of the Luce Line Trail would be constructed in a portion of the park and trails connecting to this bridge would be reconstructed in a portion of the park. While the MPRB is supportive of the demonstrated alignment, the presence of the bridge in the park setting is significant. In the SDEIS, this bridge was not addressed in the section related to Visual Quality and Aesthetics.

<u>OUTCOMES</u>

A. Minneapolis Chain of Lakes Regional Park and adjoining parkland remains a quiet, tranquil, and natural park destination.

B. The area between Lake Street and I-394 is naturally beautiful and serene.

C. Bike and pedestrian trails remain with the same or better design quality and width as current trails; these include those that run along and across the corridor, as well as access trails.

D. The trail design meets the needs of current and projected users.

E. All trail connections are maintained or improved.

F. At all points along the corridor, and especially at the narrowest locations, sufficient space remains for trails, trail users, and year-round maintenance vehicles and crews.

G. Trail crossings of LRT and freight rail are safe and logical, and do not present unnecessary delays for trail or park users.

H. The combination of LRT and freight rail does not impact the safety of park, trail or beach users.

I. Fire, police, and emergency medical personnel and equipment are able to access parklands adjacent to the corridor and provide response times that meet relevant laws and standards.

J. Structures introduced to parklands to support LRT or accommodate its presence or to support freight rail are designed to allow the park setting to remain the prominent feature of the park or recreation use.

K. Recreation activities currently available in the Kenilworth Corridor and MPRB parks are equal to or better upon completion of the SWLRT project as those that exist.

L. Park or recreation features are restored upon completion of temporary construction activities to match as closely as possible the extant conditions.

Minneapolis Park and Recreation Board
Southwest Transitway DEIS Comment Letter


Lake Calhoun


Cedar Lake




Lake of the Isles


Lake of the Isles

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Transmittal Letter

December 5, 2012

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Minneapolis, MN 55415

Re: Minneapolis Park and Recreation Board Comments on the Southwest Transitway Draft Environmental Impact Statement

Dear Project Manager:

The Minneapolis Park and Recreation Board (MPRB) welcomes this opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Southwest Transitway (LRT) project. In collaboration with its appointed Community Advisory Committee, the MPRB prepared the following comment letter for Segment A of the Locally Preferred Alignment (LPA) for the project. It contains the MPRB's desired outcomes for the project relative to historical, cultural, visual, recreational, social, environmental, and safety impacts on the park and recreation resources it owns, manages, or maintains.

In 1883, the Minneapolis Park and Recreation Board was created by an act of the Minnesota State Legislature and a vote of Minneapolis residents. It serves as an independently elected, semi-autonomous body responsible for governing, maintaining, and developing the Minneapolis park system. The MPRB's mission is as follows:

> The MPRB shall permanently preserve, protect, maintain, improve, and enhance its natural resources, park land, and recreational opportunities for current and future generations.
>
> The MPRB exists to provide places and recreation opportunities for all people to gather, celebrate, contemplate, and engage in activities that promote health, well-being, community, and the environment.

The MPRB is also one of 10 regional park implementing agencies. It works with the Metropolitan Council to acquire and develop regional parks and trails to protect natural resources and provide outdoor recreation for public enjoyment in the Metropolitan Area. In 2011, based on Metropolitan Council annual use estimates, the regional parks and trails that are impacted by this alignment received over 6 million visits.

President
John Erwin
Vice President
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Jon C. Olson
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Scott Vreeland
M. Annie Young
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Michael P. Schmidt

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The MPRB is obligated to ensure that parks and trails and the interests of current and future park and trail users are not substantially impaired by the project. It is within this context that the MPRB makes the comments contained in this letter. There are several overarching messages the MPRB wishes to express regarding the Southwest Transitway:

- MPRB, in general, is supportive of light-rail transit.
- Current development and public use of the corridor within Minneapolis has an open and natural character that includes portions of the Minneapolis Chain of Lakes Regional Park, Grand Rounds National Scenic Byway, Kenilworth Regional Trail, and Cedar Lake Regional Trail. Park design in this area focuses on serenity, habitat restoration, minimal development, and passive recreation. To retain the area's character the water table levels and quality, cultural landscapes, habitat, and open space must be protected and preserved.
- Several topics of keen interest to the MPRB, including noise, vibration, and visual impacts, are noted in the DEIS as requiring further analysis during preliminary engineering. To monitor and protect the parks, trails, and recreation areas of this project that are within its jurisdiction, the MPRB expects to have a central role in the design of Segment A.
- MPRB does not support the co-location alternative.

Thank you for this opportunity to comment on the DEIS for the LRT. If you have any questions, please do not hesitate to contact Jennifer Ringold, Manager of Public Engagement and Citywide Planning, at 612-230-6464 or jringold@minneapolisparks.org.

Sincerely,



John Erwin
President, Minneapolis Park and Recreation Board

Introduction

The Minneapolis Park and Recreation Board (MPRB), a semi-autonomous government agency, was established in 1883 by the Minnesota State Legislature. It owns, operates, or maintains park land within the cities of Minneapolis, Golden Valley, Richfield, Robbinsdale, Saint Louis Park, and Saint Anthony. The MPRB is also one of 10 regional park implementing agencies that works with the Metropolitan Council to acquire and develop parks and trails to protect natural resources and provide outdoor recreation for public enjoyment in the Metropolitan Area.

In 2013, the MPRB will celebrate 130 years of providing outstanding park and recreation services to residents and visitors of Minneapolis. In citywide surveys, residents often remark that the Minneapolis park system is essential to their quality of life and to the identity of the city. Founders of the system, such as H. W. S. Cleveland and Theodore Wirth, understood the role parks play in a healthy, livable, and balanced city. They made preserving land for future generations a priority. Their success shaped the character of Minneapolis and continues to improve people's lives.

Segment A of the Locally Preferred Alterative (LPA) of the Southwest Transitway (LRT) and its station areas include, cross, and are adjacent to neighborhood and regional parks and regional trails that are owned or maintained by the MPRB. These include the following (see map below):

- Minneapolis Chain of Lakes Regional Park
  - Cedar Lake Park
  - Cedar Lake
  - Kenilworth Channel
  - Lake of the Isles
  - Lake Calhoun
  - Cedar Lake Parkway and Trails (bicycle and pedestrian)
  - Dean Parkway and Trails
- Grand Rounds National Scenic Byway
- Kenilworth Regional Trail (bicycle and pedestrian)
- Cedar Lake Regional Trail (bicycle and pedestrian)
- Park Siding Park

With its extensive land holdings and maintenance responsibilities, the MPRB is obligated to identify the historical, cultural, visual, recreational, social, environmental, and safety issues and impacts related to Segment A of the LPA and ensure that these parks, trails, and the current and future interests of park and trail users are protected.

MPRB Community Advisory Committee

On 1 September 2010, the MPRB approved the following charge for the appointed Community Advisory Committee (CAC):

> Prepare recommendations to the Board on the contents of a formal Comment Letter in response to the Draft Environmental Impact Statement for the proposed Southwest Light Rail Transit Alternative 3A. The recommendations of the CAC shall focus on desired outcomes relative to historical, cultural, visual, recreational, social, environmental, and safety issues as they relate to lands owned or managed by the Minneapolis Park and Recreation Board.

Appointers and CAC members are below:

Appointing Person or Group	Appointee
Board President John Erwin	Scott Neiman, Chair
MPRB Commissioner Anita Tabb, District 4	Eric Sjoding
MPRB Commissioner Brad Bourn, District 6	Kendal Killian
MPRB Commissioner Annie Young, At-large	Caitlin Compton
MPRB Commissioner Bob Fine, At-large	Matt Perry
Bryn Mawr Neighborhood Association	Barry Schade
Cedar-Isles-Dean Neighborhood Association	John Erickson
Cedar Lake Park Association	Brian Willette
Kenwood Isles Area Association	Jeanette Colby
Lowry Hill Neighborhood Association	George Puzak
West Calhoun Neighborhood Council	Meg Forney
Harrison Neighborhood Association	Maren McDonell
Hennepin County Commissioner Dorfman	Tim Springer
Council Member Goodman – Ward 7	Neil Trembley
Council Member Tuthill – Ward 1	D'Ann Topoluk
Council Member Hodges – Ward 13	Ben Hecker
Council Member Samuels – Ward 5	Vicki Moore
Mayor of Minneapolis R.T. Rybak	Jerry Van Amerongen

Supported by MPRB staff lead Jennifer Ringold and consultant Anne Carroll (Carroll, Franck & Associates), the CAC began meeting in September 2010, suspended work for most of 2011 with the DEIS delays, and scheduled their 2012 meetings to coincide with the anticipated DEIS release. Working from comprehensive background information and their own knowledge and community connections, the CAC generated an increasingly detailed set of issues and preferred MPRB outcomes. Once the DEIS was released in October 2012, the CAC created a "crosswalk" connecting DEIS contents with their issues and outcomes, which was then converted to this Comment Letter. This final version of the Comment Letter was formally approved by the MPRB Board on *December 5, 2012.*

Comment Letter Structure

Beginning with the entire corridor, the content of this comment letter is organized by location from north to south as shown in the Table of Contents and on the map below.

The first section presents MPRB's adopted opposition to the co-location alternative. The remaining sections focus on the locations where the MPRB has an interest in the design and implementation of the LRT project, they include the following subsections:

- **Location and Description**: This describes the location and why it was selected by the MPRB for DEIS comments.
- **Issues**: The issue and why it is important at the particular location is described. For each issue, the MPRB then provides one or more of the following:
  - Outcomes: Critical *outcomes* that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.
  - Statements: MPRB's adopted positions on critical issues or processes that must be resolved, reconciled, reevaluated, or otherwise included in near-term design work and decision-making.
  - Corrections: Identified errors in the DEIS that must be corrected for the FEIS and subsequent work.

Images are courtesy of MPRB unless otherwise noted; specifically, most aerials and maps are from Google and current to 2012, and are cited.

Corridor and Comment Location Map



Co-Location Alternative

According to the Section 4(f) review of the co-location alternative in the DEIS, this alternative will result in permanent loss of park land and impairment to MPRB properties and uses.

Below is the statement that the MPRB has adopted regarding co-location.

Statement: The MPRB opposes the co-location alternative and supports the co-location findings presented in the DEIS regarding Section 4(f) and Section 106 impacts to lands owned or maintained by the MPRB. Based on a review of the documents, the permanent loss of park lands, impacts to regional trail functionality and capacity, and harm to the Grand Rounds Historic District (eligible for the National Register of Historic Places) cannot be mitigated within the corridor.

1 Entire Corridor

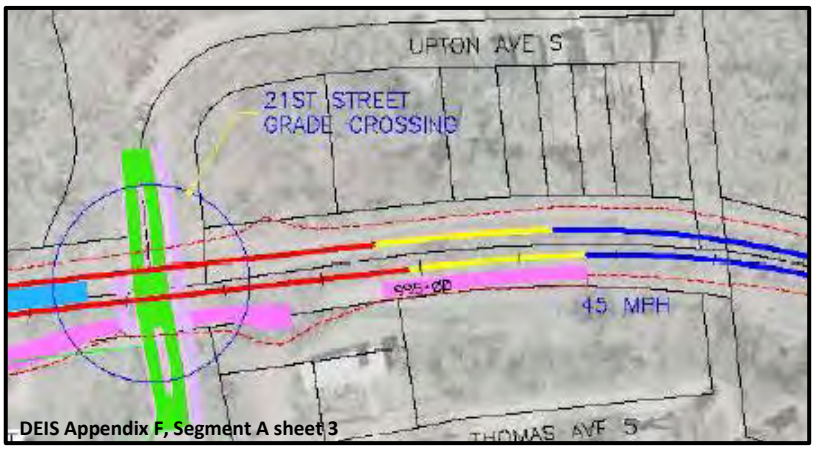
1.1 Location and Description

This section includes issues and outcomes that apply to all or most of the corridor. The sections that follow this focus on issues and outcomes that are specific to certain locations. See map above.

1.2 Issue: Section 4(f) analysis

A primary concern for the MPRB is protecting park land and recreational opportunities within and adjacent to the corridor for current and future generations. Chapter 7 of the DEIS contains the Section 4(f) evaluation of the project. It identifies potential permanent use, temporary use, and constructive use of park land for the project. For Segment A of the LPA it shows that 0.016 acres may be a potential temporary use and does not identify any potential permanent or constructive uses.

Permanent and Temporary use: Within an urban setting continuous park land and linear corridors are critical to habitat management and connectivity for park users. According to the Appendix F *LRT Alternative Segment Plan and Profile STA: 972+00 -1023+00* preliminary concepts for the area near 21st Street, additional park land may be needed to accommodate the westernmost LRT track. The analysis of park lands that are covered by Section 4(f) regulations in the DEIS does not account for this land.



DEIS Appendix F, Segment A sheet 3

Constructive use: The DEIS articulates (7.1) that "use" of a Section 4(f) resource occurs when, among other things, "There is no permanent incorporation of land, but the proximity of a transportation facility results in impacts so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired (e.g., 'constructive use')." Based on this definition, the MPRB anticipates that park land and park users may experience long-term impacts of the LRT due to noise, vibration, visual impacts, and safety. Park lands that are eligible for the National Register of Historic Places are considered especially vulnerable to these impacts. Depending on final design, these impacts may be so severe that they would constitute a *constructive use* of protected properties under Section 4(f) regulations.

Below are the critical statements and outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

1.2.1 **Statement:** Park lands near 21st Street that are shown as being used for the LRT track in the conceptual designs must be reevaluated under Section 4(f) to identify all permanent and temporary uses.

1.2.2 **Statement:** As the design progresses, park lands must be evaluated under Section 4(f) to identify all permanent and temporary uses.

1.2.3 **Statement:** As the design progresses, park lands must be reevaluated under Section 4(f) to determine whether there are constructive uses of park land due to long-term noise, vibration, and visual impacts.

1.2.4 **Statement:** As the design progresses, park lands must be reevaluated under Section 4(f) to determine whether there are constructive uses of park land due to long-term impacts on parks that are considered eligible for the National Register of Historic Places.

1.2.5 **Outcome**: Park land along the corridor is preserved in the same or better condition.

1.2.6 **Outcome**: Park property is not used permanently as part of LRT development.

1.3 Issue: Design character



Aside from Park Siding Park, the park land the MPRB owns, manages, and maintains adjacent to the corridor is classified as a regional park. A regional park according to the Metropolitan Council's 2030 Regional Parks Policy Plan is "area of natural or ornamental quality for nature-oriented outdoor recreation such as picnicking, boating, fishing, swimming, camping, and trail uses." Park Siding is considered a neighborhood park by the MPRB which means it is a block or less in size and provides basic facilities within a neighborhood.

The MPRB recognizes that current development and public use of the corridor within Minneapolis from the St. Louis Park boundary to the Penn Station has an open and natural area character that includes portions of the Minneapolis Chain of Lakes Regional Park. Portions of this area are within the Grand Rounds Historic District that is eligible for the National Register of Historic Places and are included within an Important Bird Area as designated by the National Audubon Society. Park design in this area focuses on serenity, habitat restoration, minimal development, and passive recreation. Minimizing impacts to water table levels and quality, cultural landscapes, habitat and open space will be critical to retaining this area's character. LRT and station area design that is sensitive to these issues is essential to protect the activities, features, and attributes of the park land in this corridor.

The DEIS makes several references to this issue, including the following:

- 4.1.3.6 Groundwater Sensitivity, page 4-19: Several areas in the study area lie within zones of very high sensitivity to pollution of the water table system…Portions of the land between Cedar Lake and Lake of the Isles….
- 4.1.4.2 Groundwater, page 4-21: The Build Alternatives may have long-term impacts on groundwater if a permanent water removal system (dewatering) is required. Permanent water removal is anticipated where the cut extends below the water table. There is a probable need for permanent water removal at one cut on both Segment 1 and Segment 3, and possible needs on Segment A and at a second cut along Segment 3, because of shallow groundwater. Evaluations and associated impacts of permanent water removal at the major excavations are summarized in Appendix H.
- 4.3.3.1 Riparian Habitat Areas, page 4-50: The LRT 3A (LPA) passes over several riparian areas that are associated with Purgatory Creek, South Fork Nine Mile Creek, Nine Mile Creek, Minnehaha Creek and the unnamed channel [Kenilworth Channel] between Lake of the Isles and Cedar Lake. The alternative would impact native wetland or riparian habitats, which are typified by non-native woody wetland habitat, non-native emergent wetland habitat or open water habitat (MLCCS 2008). The development of linear ROW along portions of this alignment has fragmented many wetland habitats on both sides of these features. Development of this alternative would likely increase the fragmented nature of wetland and riparian habitats.
- 3.1.2.4, Land Use and Socioeconomics, page 3-16: …. Northwest of Lake Calhoun and between Cedar Lake and Lake of the Isles the city has established the Shoreland Overlay District that specifies development guidelines within a half-mile radius around each of these lakes. Although the ordinance does not prohibit

transportation uses or facilities, it does specify guidelines for controlling both point source and non-point source pollutant discharge within the Shoreland Overlay District.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

1.3.1 **Statement**: MPRB insists that stormwater impacts to Minneapolis water bodies result in no increased volume of runoff and no increased pollutant loads.

1.3.2 **Outcome**: Minneapolis Chain of Lakes Regional Park and adjoining park land remains a quiet, tranquil, and natural park destination.

1.3.3 **Outcome**: The area between Lake Street and I-394 is naturally beautiful and serene.

1.3.4 **Outcome**: Natural wildlife habitat and serenity of the trail and park land are maintained.

1.3.5 **Outcome**: Any permanent dewatering methodologies applied to the corridor protect water table levels and quality, and habitat within the park lands that is dependent on those water levels.

1.3.6 **Outcome**: Permeable paving materials are incorporated to reduce stormwater impacts to park land when hard surfaces are added by the project.

1.3.7 **Outcome:** The Chapter 551, Article VI Shoreland Overlay District of the City of Minneapolis' Code of Ordinances is followed to preserve and enhance the environmental qualities of surface waters and the natural and economic values of shoreland areas within the city.

1.4 Issue: Trail access, use, and maintenance



The MPRB owns or maintains trails that are within or cross the LPA Segment A corridor. The MPRB is concerned that the LRT frequency and speed will impact these trails and users by reducing access to the trail from local neighborhoods and park lands, inhibiting flow and speed, adding time delays, introducing use/user conflicts and safety problems, and making the trails more difficult to maintain year-round. The MPRB is concerned that the full cost of reconstructing and resurfacing these federally funded trails will not be included in the project budget.

The DEIS makes several references to the importance of retaining the trails. It also mentions the anticipated increased use that will result from population increases and transit development. The references include:

- 10.5.3.1 Improved Multimodal Environment, page 10-18: Transitway project will improve the existing pedestrian and bicycle infrastructure along the alignment, and improve the safety of pedestrians and bicyclists through implemented design guidelines. All pedestrian facilities will be designed in accordance with current design standards and Americans with Disabilities Act (ADA) requirements to ensure access and mobility for all.
- 9.6.6.3 Anticipated cumulative impacts, page 9-23: The urban and suburban areas along the Southwest Transitway, as in the entire Twin Cities area, are expected to continue to develop and become denser. The Southwest Transitway's proposed stations in combination with RFFAs- especially residential projects – will

be part of this trend. Because fully developed urban areas typically have little opportunity for the creation of new parks and recreation areas, the existing parks are likely to become more crowded and intensely used.

- Appendix F, Legend for Plan, page 5: The grading for the trails shown will be included in the project cost, however the surfacing for the trails will not be included with the project costs. Trail surfacing must be performed at the expense of others.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

1.4.1 **Statement:** As the implementing agency of regional parks and trails in the City of Minneapolis, the MPRB insists that the full cost of reconstructing and resurfacing trails that are impacted by the project is borne by the project budget.

1.4.2 **Statement:** The project should further examine the advantages and disadvantages of the trail being aligned on the west or east side of the LRT. The route analysis should consider the number of times the trail must cross the LRT, changes in trail length, trail connections, trail access points, and park land access.

1.4.3 **Outcome**: There is adequate access to the Kenilworth Regional Trail from both sides of the LRT tracks, and access points are a reasonable walking distance apart.

1.4.4 **Outcome:** The trail alignment minimizes the number of times that the trail crosses the LRT, optimizes trail connections, maintains similar travel distances, provides sufficient access points, and ensures access to park lands.

1.4.5 **Outcome**: Bike and pedestrian trails remain with the same or better design quality and width as current trails; these include those that run along and across the corridor, as well as access trails.

1.4.6 **Outcome**: The trail design meets the needs of current and projected users.

1.4.7 **Outcome:** The trail is designed for a 20 mph design speed (including straight-line ascents and descents at bridges).

1.4.8 **Outcome**: Bicycle and walking trail users have a positive, linear park-like experience, including being free of obstructions, having a 2-foot or greater buffer on each side of all trails, and retaining a sense of connection to open space.

1.4.9 **Outcome**: All trail connections are maintained or improved.

1.4.10 **Outcome**: At all points along the corridor, and especially at the narrowest locations, sufficient space remains for trails, trail users, and year-round maintenance vehicles and crews.

1.5 Issue: Noise and Vibration

The MPRB is concerned about the LRT noise and vibration impacts on park lands and park and trail users due to the high number of trains that will travel through the corridor daily. An increase from a few freight trains per day to hundreds of LRT trains will dramatically increase the amount of time that park and trail users are exposed to noise and vibration. This could substantially diminish the park and recreation experience for park and trail users.

For noise, the MPRB is particularly concerned that park lands in the corridor are erroneously classified as a Category 3 land use. In FTA's land use categories for Transit Noise Impact Criteria, Category 3 is most commonly associated with institutional land uses and can be used for some types of parks. By contrast, Category 1 is for tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use. Category 1 is more closely aligned with the regional park classification that applies to the majority of park land in the area.

The DEIS makes several references to this issue, including the following:

- 4.7.3.5 Assessment, page 4-92: There is one moderate impact to a Category 3 land use. The impact is due to very low ambient background noise levels found in the walking trails of the Cedar Lake portion of the Minneapolis Chain of Lakes Regional Park combined with close proximity to the tracks and bell use at grade crossings and crosswalks. This may not apply to the entire Cedar Lake portion of the park, especially in areas where park-goers themselves create higher noise levels, and area of the park farther from the tracks.
- 4.8.6 Mitigation, page 4-118: Detailed vibration analyses will be conducted during the Final EIS in coordination with Preliminary Engineering. The Detailed Vibration Assessment may include performing vibration propagation measurements. These detailed assessments during the Final EIS/preliminary engineering phase have more potential to reduce project-related effects than assessments of mitigation options at the conceptual engineering phase of the project. Potential mitigation measures may include maintenance, planning and design of special trackwork, vehicle specifications, and special track support systems such as resilient fasteners, ballast mats, resiliently supported ties, and floating slabs.

Below are the critical statements and outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.



1.5.1 **Statement**: Category 1 is most consistent with the type of parks and open space the MPRB owns or maintains adjacent to or within the corridor. Noise impacts on park lands and users must be reevaluated under the standards set for Category 1 land uses.

1.5.2 **Outcome**: The vibration impacts are minimized for park and trail users.

1.5.3 **Outcome**: The noise impacts are minimized for users of parks and trail and park users and do not exceed the noise standards set for Category 1 in adjacent park land and along the trail.

1.5.4 **Outcome**: Technologies are incorporated that reduce track noise and vibration.

1.5.5 **Correction**: In 4.7.3.5 page 4-92, it appears that Segment 4 is referenced instead of Segment A.

1.6 Issue: Visual appeal

The MPRB is concerned about the impacts on park land and users of the parks and trails by visual impacts of the LRT. These concerns include the impacts on view sheds within and outside of the parks, especially those that are part of the Grand Rounds Historic District, which is eligible for listing on the National Register of Historic Places.

The DEIS makes several references to this issue, including the following:

- 3.6.3.3 Visual impacts, page 3-115: The proposed alignment is on a bridge over Cedar Lake Parkway. Visual impacts on sensitive receptors adjacent to the corridor in the multi-family residential parcel and Cedar Lake Parkway could be substantial.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

1.6.1 **Outcome**: The visual impact of the LRT and related infrastructure is minimized for trail and park users and honors the historic character of the Grand Rounds when it crosses Cedar Lake Parkway and the Kenilworth Channel.

1.6.2 **Outcome**: The train lights have minimal visual impacts on trail users.

1.7 Issue: Safety

Safety of park and trail users is a critical objective for the MPRB. This includes using design to reduce risks from user conflicts or unexpected hazards and ensuring adequate access to park facilities when the LRT is in operation. Delays in fire, police, and emergency medical response to park facilities, especially beaches, may result from the high number and frequency of trains that are projected to travel through the corridor.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

1.7.1 **Outcome**: Adequate fire safety infrastructure exists within or proximate to the corridor such that fire suppression and response times meet relevant laws and standards.

1.7.2 **Outcome**: Fire, police, and emergency medical personnel and equipment are able to access park lands adjacent to the corridor and provide response times that meet relevant laws and standards.

1.7.3 **Correction**: The Minneapolis Park Police should be included in the references to police agencies related to the corridor.



Timely public safety access is essential

1.8 Issue: Construction

The MPRB recognizes that Minneapolis has become one of the top bicycling communities in the country. As such, trail users rely on high quality trail facilities year round for recreation and commuting. A detour that requires significant rerouting of trail users or an extended closure of a trail will be a barrier to trail users on the western side of Minneapolis and the metro area.

Construction can result in extensive damage to vegetation and trees through removals and introduction of invasive species. The former results in a diminished quality of the park and recreation experience for trail and park users, the later results in long-term habitat management issues for MPRB staff. Additionally, construction can result in the altering the ground and surface water levels and quality if Best Management Practices (BMPs) are not implemented.

The DEIS makes several references to this issue, including the following:

- 6.3.3.1 page 6-60: Short-term construction effects to bicyclists and pedestrians are also anticipated in all Build Alternatives. In Segments 1, 4, A, and C, some disruptions to the existing regional trails are anticipated during construction. The extent to which the trails would be available for use throughout the process of relocation will be determined during Preliminary Engineering. Disruptions to the existing sidewalk network are anticipated in all Build Alternatives.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

1.8.1 **Outcome**: Surface and groundwater quality is protected during construction.

1.8.2 **Outcome**: Reasonable and safe alternative routes are provided for trail users when sections are closed

during construction.

1.8.3 **Outcome**: Any flora that is lost to construction or LRT use is replaced with flora that is in accordance with MPRB plans, with monitoring through a plant survey and replacement for five (5) years after construction is complete.

1.8.4 **Outcome**: Soils and slopes are stabilized during construction.

1.8.5 **Outcome**: Construction dewatering protects water table levels and habitat within park lands that is dependent on those water levels.

1.8.6 **Outcome**: Construction practices prevent introduction of new invasive species to park lands and waters.



MPRB Prairie Maintenance near Cedar Lake Park

2 Linden Avenue

2.1 Location and Description

Linden Avenue serves as an informal trail access point, as it is used primarily by city maintenance vehicles to access the asphalt and concrete recycling facility. Trail users at this access point regularly deal with high vehicular traffic with the nearby entrance to I-394. At this location, the LRT line and trail separate from MPRB-owned land.



2.2 Issue: Access, flow

The MPRB is concerned that all future work in this area be based on a comprehensive design and coordinated approach. This location requires formal and safe trail access, and cyclists need continuous flow and speed on the federally funded Cedar Lake Regional Trail.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

2.2.1 **Outcome**: Trail users easily and safely access the Cedar Lake Regional Trail.

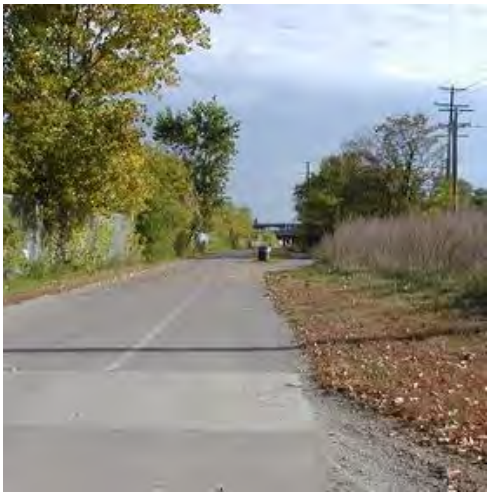
2.2.2 **Outcome**: Bicyclists in this area maintain continuous flow and speed.

2.2.3 **Outcome:** Trail development is coordinated with rail, residential and commercial development in the area.

2.2.4 **Outcome**: The federally funded, nonmotorized Cedar Lake Regional Trail is fully functional, with uninterrupted flow and speed.



From Linden Avenue junction, looking southwest along Cedar Lake Regional Trail

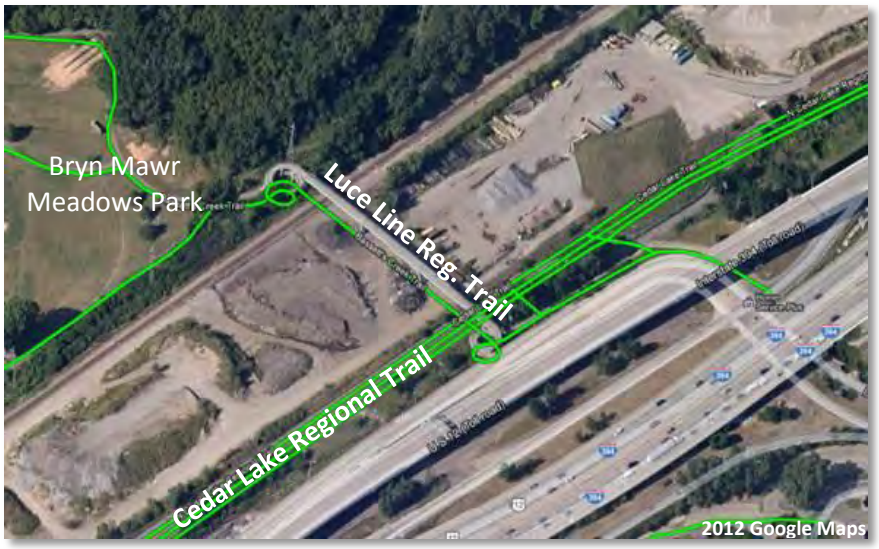


From Linden Avenue junction, looking northeast along Cedar Lake Regional Trail

3 Luce Line Regional Trail Junction

3.1 Location and Description

At this location the Luce Line Regional Trail intersects with the Cedar Lake Regional Trail, currently via a bridge over the industrial area and freight rail line, and spiral ramps at each end.



This is a critical connection in the regional trail system, and also provides access to Bryn Mawr Meadows Park.

3.2 Issue: Access, flow

The MPRB is concerned that all future work in this area be based on a comprehensive design and coordinated approach so that trail and park access be maintained, as well as flow and speed on the regional trails.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

3.2.1 **Outcome**: Trail users easily and safely make connections between Bryn Mawr Meadows Park, the Luce Line Regional Trail, and the Cedar Lake Regional Trail.

3.2.2 **Outcome**: Bicyclists in this area maintain continuous flow and speed.

3.2.3 **Outcome:** Trail development is coordinated with rail, residential and commercial development in the area.

3.2.4 **Outcome**: The federally funded, nonmotorized Cedar Lake Regional Trail is fully functional, with uninterrupted flow and speed.



Luce Line Regional Trail crossing to connect with the Cedar Lake Regional Trail

4 Spring Lake Trail Junction

4.1 Location and Description

At this location Cedar Lake Regional Trail users pass under I-394 and easily connect to the nearby parks and trails including Spring Lake, Kenwood Parkway, and Parade Stadium, and travel beyond to the Minneapolis Sculpture Garden, Loring Park, and the Grand Rounds National Scenic Byway.



4.2 Issue: Access, flow, and connectivity

As a critical access point to MPRB park lands and the Grand Rounds, the MPRB is concerned that safe and easy access and connectivity is retained. Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

4.2.1 **Outcome**: Cedar Lake Regional Trail users easily and safely connect to Spring Lake Park, Grand Rounds, other parks, parkways, and Van White Boulevard.

4.2.2 **Outcome**: Bicyclists in this area maintain continuous flow and speed.

4.2.3 **Outcome**: The design prioritizes connectivity to neighborhoods and natural amenities.



From junction, looking southeast toward Spring Lake

4.3 Safety

In this small space under I-394, the MPRB is concerned about public safety and emergency vehicle access. Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

4.3.1 **Outcome**: Fire, police, and emergency medical personnel and equipment can access the trail and Spring Lake and provide response times that meet relevant laws and standards.

4.4 Issue: Comprehensive approach

As with many locations along the LRT, this area will likely be subject to future development. The MPRB is concerned about protecting the integrity and natural features of Spring Lake and full functionality of the Cedar Lake Regional Trail. Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

4.4.1 **Outcome:** Spring Lake and the area's natural features are preserved and protected.

4.4.2 **Outcome:** The federally funded, nonmotorized Cedar Lake Regional Trail is fully functional, with uninterrupted flow and speed.

4.4.3 **Outcome:** Trail development is coordinated with rail, residential and commercial development in the area.

5 Bryn Mawr Meadows Park

5.1 Location and Description

Bryn Mawr Meadows Park is an active neighborhood park with citywide appeal. Amenities include ball fields, tot-lots, wading pools, and tennis courts. The park is adjacent to the Cedar Lake Regional Trail and LRT line. Currently parks users are connected to the Cedar Lake Regional Trail via a bridge over the industrial area and freight rail line, and spiral ramps at each end.



5.2 Issue: Access and safety

The MPRB is concerned about ensuring that people from throughout the community can access both this heavily used park *and* the Cedar Lake Regional Trail from this area, and that the trail remains fully functional.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

5.2.1 **Outcome**: Communities on both sides of the LRT safely and easily access the Cedar Lake Regional Trail and Bryn Mawr Meadows Park.

5.3 Issue: Visual appeal

The MPRB is concerned that this large and active park retain its open and natural feel. Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

5.3.1 **Outcome**: The LRT blends in visually with the natural setting of the area.

5.4 Issue: Comprehensive approach

The MPRB is concerned that all future work in this area be based on a comprehensive design and coordinated approach.

5.4.1 **Outcome**: The federally funded, nonmotorized Cedar Lake Regional Trail is fully functional, with uninterrupted flow and speed.

5.4.2 **Outcome:** Trail development is coordinated with rail, residential and commercial development in the area.



Bryn Mawr Park, looking south from Morgan Avenue

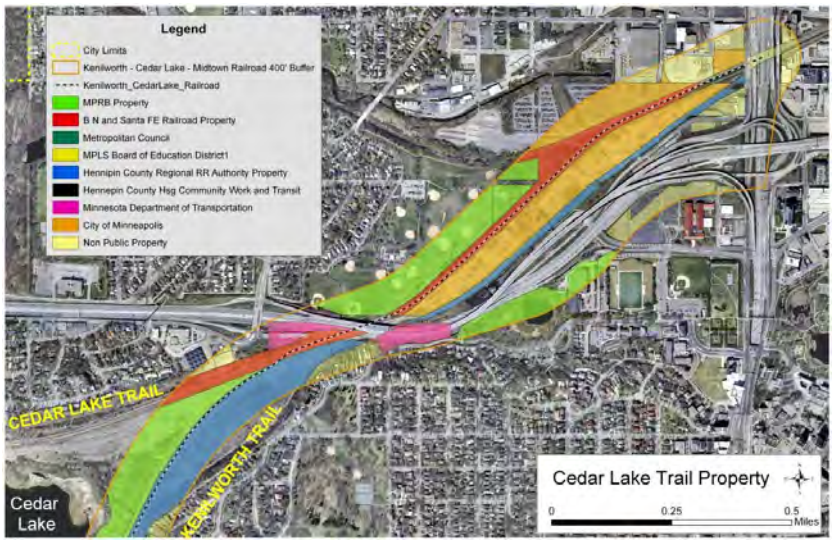
6 Cedar Lake Regional Trail and LRT Crossing Area

6.1 Location and Description

The federally funded Cedar Lake Regional Trail carries commuter and recreational bicyclists and pedestrians between downtown Minneapolis and the western suburbs.



At this location the trail junctions with the Kenilworth Regional Trail and the LRT follows the Kenilworth alignment south. In this area the bike trails are separated into north- and south-bound, and there is a separate pedestrian trail. The land in this area is owned by the County and the MPRB. Per agreement, all of the trails are maintained by the MPRB.



Into this already complex area the LRT brings dramatically increased challenges (6.3.2.4).

6.2 Issue: Safety, use, access, connectivity

In 2011, according to the Metropolitan Council's annual visit estimates, Kenilworth Regional Trail had approximately 624,400 visits and the Cedar Lake Regional Trail had 381,400 visits. The MPRB is very concerned about retaining safe and high-quality use and access to these regional trails in this area for all users and from designated access points.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

6.2.1 **Outcome**: Walkers, runners, bicyclists, and other nonmotorized trail users safely and efficiently get from one side of the LRT tracks to the other, year-round and without interruption.

6.2.2 **Outcome**: The federally funded, nonmotorized Cedar Lake Regional Trail is fully functional, with uninterrupted flow and speed.

6.2.3 **Outcome**: All users have adequate access to the trails.

6.2.4 **Outcome**: All trail connections are safe and easy to navigate, and space is allowed for future expansion to meet demand.

6.2.5 **Outcome**: The Cedar Lake Regional Trail meets commuter bicycle standards of 20 mph design speed.

6.2.6 **Outcome**: Communities north of the LRT easily access the Cedar Lake Regional Trail, Cedar Lake, and Cedar Lake Park.



At junction of Kenilworth Regional Trail (center left) and Cedar Lake Regional Trail (top left and bottom right)



At junction, looking west along divided Kenilworth Regional Trail

6.3 Issue: Environmental protection

The MPRB park lands in this area bring significant benefits to park and trail users, support native plant species, and are serve as important wildlife habitat.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

6.3.1 **Outcome**: Park lands retain their natural character.

6.3.2 **Outcome**: Wildlife habitat supports local and migratory fauna.



Cedar Lake Park and Cedar Lake Regional Trail - Prairie

7 Intersection with West 21st Street

7.1 Location and Description

The intersection of the Kenilworth Regional Trail and 21st Street is a proposed station location. The station would sit on Hennepin County property, however the west side of the rail line is MPRB property, Cedar Lake Park.

At 21st Street, Cedar Lake has a very popular beach and provides access to a trail network as well as informal foot paths.



7.2 Issue: Park access



At intersection, look west into Cedar Lake Park

This location is the sole access point for Cedar Lake Park and beach. Visitors arrive at this pristine area on foot, by bicycle, and using motorized vehicles, and via 21st Street, the Kenilworth Regional Trail, and in the future the LRT. Given that "Implementation of LRT service and stations along the Segment A alignment would likely result in some land use changes surrounding the stations…" (3.1.5.1), the natural character of this area and clear access must be ensured.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

7.2.1 **Outcome**: Access to Cedar Lake Park at West 21st Street is attractive, natural, and welcoming.

7.2.2 **Outcome**: People on the east side of the corridor safely and easily access park lands on the west side.

7.3 Issue: Safety

With thousands of park and park land users and multiple modes of transport across and along the corridor at this point, safety is of utmost importance. Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

7.3.1 **Outcome**: All Cedar Lake Park users have safe and pleasant access to and from the park, regardless of mode of transport.

7.3.2 **Outcome**: Station design *enhances* safety and access for Cedar Lake Park users.

7.4 Issue: Aesthetics, noise

The MPRB is concerned that the anticipated 1,000+ daily LRT boardings (Appendix F, Transit Effects, Figure 2) at

this location would seriously compromise the quality of experience for users of this secluded park area.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

7.4.1 **Outcome**: Cedar Lake Park remains a quiet, tranquil, and natural park destination.

7.4.2 **Outcome**: The area between Burnham Boulevard and 21st Street is naturally beautiful and serene.





Looking SW from 21st Street



8 Kenilworth Channel, Bridge

8.1 Location and Description

The proposed alignment of the LRT crosses the Kenilworth Channel, a body of water constructed in 1913 to connect Cedar Lake and Lake of the Isles to form the Minneapolis Chain of Lakes. The Channel has year-round recreational use, from boaters in the summer to skiers and skaters in the winter.

The Channel also provides access for wildlife. The bridge over the Channel for the existing freight tracks and trails is narrow and relatively low to the water.



8.2 Issue: Historic character, aesthetics, tranquility



Kenilworth Channel

The MPRB is concerned about preserving the historic character of the 1913 Kenilworth Channel in its critical role within the Minneapolis Chain of Lakes Regional Park. The channel is part of the Grand Rounds Historic District that is eligible for the National Register of Historic Places.

According to the DEIS (3.6.3.3) …the bridge design, bank treatment, and aesthetics for the new facility and the potential replacement or modification of the existing pedestrian bridge would have a substantial effect on this historic landscape… In addition, (3.4.5.3) …Potential long-term effects may occur at the following properties: Kenilworth Lagoon/Channel, Grand Rounds (potential effects of the construction of new bridge structures within the historic district; the design and footprint of these structures may affect the banks of the historic channel and may affect the district's overall feeling and setting).

While the DEIS notes that these issues will be addressed during preliminary engineering, the MPRB is concerned that they receive the most serious attention very early in the process. Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

8.2.1 **Outcome**: Support and safety structures are harmonious, beautiful, and both historically and context sensitive.

8.2.2 **Outcome**: The Kenilworth Channel retains its natural beauty and serenity and historic character.

8.3 Issue: Connectivity and recreational use

The Kenilworth Channel was central to creating the Minneapolis Chain of Lakes and provides a critical connection between Cedar Lake and Lake of the Isles. Trail access is necessary for people as is year-round channel access for both people and wildlife. It is also a critical link in the City of Lakes Loppet (winter ski race) and City of Lake Tri-Loppet.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

8.3.1 **Outcome**: Users have access to the Kenilworth Regional Trail, Cedar Lake, and Lake of the Isles from both sides of the LRT/Kenilworth Regional Trail.

8.3.2 **Outcome**: People and wildlife on both sides of the LRT/Kenilworth Regional Trail have access to and along the undeveloped channel shoreline.

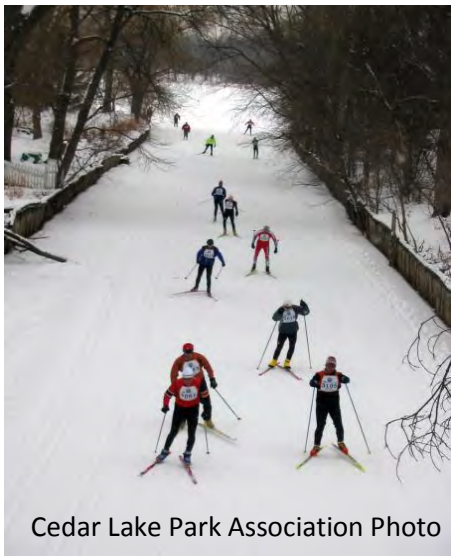
8.3.3 **Outcome**: Users have unfettered, year-round passage along the channel (in the water/on the ice) between Lake of the Isles and Cedar Lake.

8.3.4 **Outcome**: The historic water connection between Cedar Lake and Lake of the Isles remains a defining characteristic of the Minneapolis Chain of Lakes Regional Park.



From Kenilworth Regional Trail looking along Kenilworth Channel – City of Lakes Tri - Loppet

8.4 Issue: Safety



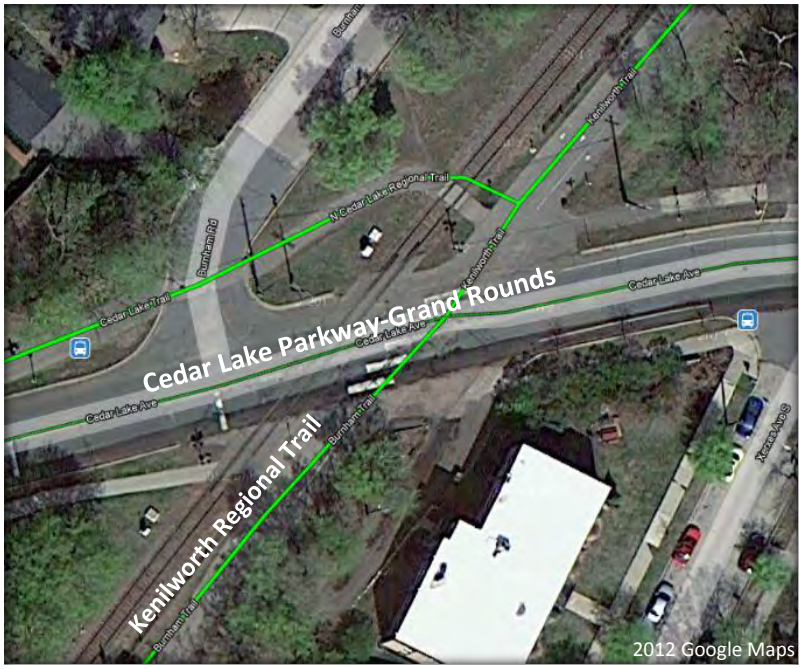
From Kenilworth Regional Trail looking along Kenilworth Channel – City of Lakes Loppet

The MPRB is concerned about protecting the safety of land and water users of the Kenilworth Channel and shoreland.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

8.4.1 **Outcome**: Year-round channel users are safe from falling debris and ice.

9 Cedar Lake Parkway-Grand Rounds





Cedar Lake Section of Grand Rounds

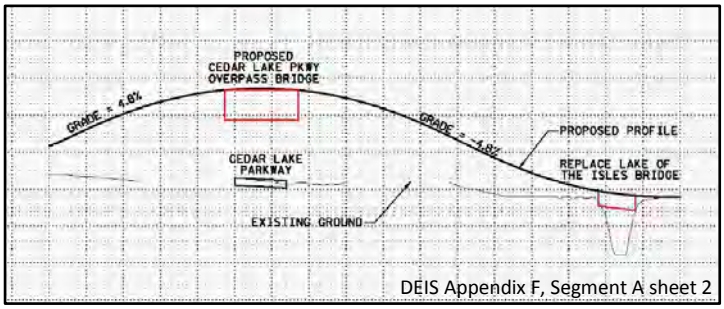
9.1 Location and Description

At this location the LRT intersects with actively used Cedar Lake Parkway, which is an essential section of the Grand Rounds National Scenic Byway (see Grand Rounds map) and within the Minneapolis Chain of Lakes Regional Park (Cedar Lake Beach, Parkway, and Trail). Directly to the west of this location is Cedar Lake South Beach.

The MPRB is concerned about LRT impacts on the Kenilworth Regional Trail and Chain of Lakes Regional Park users and properties that contribute to the Grand Rounds Historic District. In 2011, according to the Metropolitan Council's annual visit estimates, Kenilworth Regional Trail had approximately 624,400 visits and the Chain of Lakes Regional Park had 5,122,900 visits (Chain of Lakes estimate does ***not*** include motorized or nonmotorized traffic counts on the parkway). Cedar Lake Parkway, as part of the Grand Rounds Historic District, is considered eligible for the National Register of Historic Places (7.4.1.4 page 7-20).

9.2 Issues: Integrity, flow, and access

The MPRB is concerned that adding LRT into this intersection could result in frequent delays of parkway and trail users along or parallel to Cedar Lake Parkway, and create visual obstructions. The MPRB finds that both of these impacts would significantly diminish the quality of experience for parkway, park, and trail users. Further, such impacts are inconsistent with one of the basic design characteristics of the Grand Rounds: a continuous recreational driving experience.



The MPRB is also concerned that the proposal to elevate the LRT above the parkway at this intersection (see image above) will increase noise and create visual impacts that will significantly diminish the quality of experience for parkway, park, and trail users of a property that is eligible for the National Register of Historic Places.

The anticipated frequency of trains along the corridor will also increase potential conflicts between the trains and users of the trail parallel to Cedar Lake Parkway, thus raising serious safety concerns.

The DEIS makes several references to this issue, including the following:

- 7.4.1.4 Section 4(f) Properties Potentially Used by the Project, page 7-20: Cedar Lake Parkway and the Cedar Lake-Lake of the Isles Channel have been determined eligible for inclusion on the NRHP as part of the Grand Rounds Historic District.
- 3.4.5.3 Cultural Resources, page 3-79: Potential long-term effects may occur at the following properties: Cedar Lake Parkway, Grand Rounds (potential effects of the changes to the intersection of the LRT corridor with the historic parkway, including the LRT overpass bridge, and, under the co-location alternative, the effects of widening the trail/rail corridor; these changes may affect the parkway itself and may alter its setting.)

Below are the critical statements and/or outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

9.2.1 **Statement**: The MPRB conducted a preliminary feasibility study of a grade-separated crossing at this intersection, which revealed that lowering the tracks and trail, and bridging portions of the parkway would allow the train and trail to travel beneath the parkway (see Appendix A for illustrations). The MPRB recommends further exploration of this type of integrated solution that significantly reduces safety hazards, noise impacts, visual impacts, and delays for motorized and nonmotorized vehicles.

9.2.2 **Outcome**: The Grand Rounds (eligible for National Register of Historic Places) fully retains its integrity and intention.

9.2.3 **Outcome**: Motorized and nonmotorized vehicles and pedestrians along the trail parallel to Cedar Lake Parkway experience continuous and safe flow.

9.2.4 **Outcome**: Trail users have direct access to the trails and trail connections that are currently provided at this location.

9.2.5 **Outcome**: Recreational and commuter trail traffic on both the Kenilworth Regional Trail and the trail parallel to Cedar Lake Parkway follows substantially the same route as at present.



On Cedar Lake Parkway-Grand Rounds; at junction looking SW along Kenilworth Regional Trail; Cedar Lake and beach at right

9.2.6 **Outcome**: The view of and from Cedar Lake and surrounding parkland is preserved.

9.2.7 **Outcome**: The parkland around Cedar Lake remains a natural visual buffer between Cedar Lake and the LRT corridor.

9.3 Issue: Safety

Safety of park and trail users is a critical objective for the MPRB. This includes using design to reduce risks from user conflicts or unexpected hazards, and ensuring adequate access to park facilities when the LRT is in operation.

Delays in fire, police, and emergency medical response to park facilities, especially beaches, may result from the high number and frequency of trains that are projected to travel through the corridor. Due to the proximity of South Cedar Lake Beach, timely emergency medical access across this intersection is critical.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

9.3.1 **Outcome**: Fire, police, and emergency medical personnel and equipment can access South Cedar Lake beach and provide response times that meet relevant laws and standards.

9.4 Issue: Noise and air quality

The MPRB is concerned about the noise and air quality impacts of LRT at this intersection due to the high frequency of trains that will cross here. For an at-grade crossing, high levels of track, bell, and whistle noise would significantly diminish the quality of experience in adjacent parkland and along the trails. Noise generated by a flyover condition is also a concern. Frequent traffic delays for train crossings are expected to diminish air quality for park and trail users.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

9.4.1 **Outcome**: LRT and crossing-related noise does not diminish the enjoyment and use of the trails, adjacent park land, and Grand Rounds National Historic Byway.

9.4.2 **Outcome**: Air quality at this location meets state and federal standards.



At junction, looking NE along Kenilworth Regional Trail



From Kenilworth Regional Trail looking toward Cedar Lake, Grand Rounds

10 Park Siding Park

10.1 Location and Description

The MPRB owns Park Siding Park, a small neighborhood park, which is immediately adjacent to the LRT corridor and an access point to the Kenilworth Regional Trail. With play equipment as well as formal gardens, it is actively used by children and adults from neighborhoods on both sides of the corridor.



10.2 Issue: Access and safety

Although the DEIS commits to improving the pedestrian and bicycle infrastructure along the alignment and improving the safety of pedestrians and bicyclists through implemented design guidelines (10.5.3.1), the MPRB has particular access and safety concerns at this location. Park visitors, including small children, come from both sides of the corridor as well as from the Kenilworth Regional Trail. This is also a popular bicycle and pedestrian trail ingress and egress point.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

10.2.1 **Outcome**: All users have formal and safe access to the park from both sides of the LRT.

10.2.2 **Outcome**: As an important trail access point, the trail design accommodates a safe ingress and egress.

10.2.3 **Outcome**: Trail users have safe access to and from the park.

10.3 Issue: Visual appeal

This small neighborhood park provides play equipment for children and formal gardens for adults. The heavily planted berm between Dean Court and the Kenilworth Regional Trail currently provides a visual screen, but the MPRB is concerned with ensuring that during and after construction there is a strong visual barrier that remains compatible with this important neighborhood park.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

10.3.1 **Outcome**: The LRT's visual impact does not disrupt park visitors' enjoyment, nor detract from the park's character.

10.4 Issue: Noise

The MPRB is deeply concerned about the impact of LRT noise on Park Siding visitors, especially the very young children who frequent this neighborhood park.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

10.4.1 **Outcome**: Park users, especially young children, are not subject to LRT noise levels that exceed the noise standards set for Category 1 land uses.



Park, looking SE from Kenilworth Regional Trail access



Kenilworth Regional Trail access, looking toward corridor



A heavily landscaped berm between Dean Court and the corridor provides a safety and visual barrier for Park Siding users

11 Trail Access at Abbott Avenue S (by new West Lake Station)

11.1 Location and Description

This is an actively used trail access to the to the Kenilworth Regional Trail and Midtown Greenway and is the closest access point to the Chain of Lake Regional Park. West Calhoun Neighborhood Association contributed park-like features to this location including a kiosk, picnic table, bike racks, decorative fencing, and a drinking fountain.



11.2 Issue: Park and trail access

The MPRB is committed to preserving this important trail access, ensuring safe and convenient wayfinding between the trail and nearby Lake Calhoun, and advocating for sufficient bicycle parking for all visitors to the area. The access was originally designed with input from Hennepin County to accommodate future LRT.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

11.2.1 **Outcome:** West Lake station users and all other users have safe and convenient access to and from Lake Calhoun and the Kenilworth Regional Trail.

11.2.2 **Outcome**: Wayfinding is provided between the West Lake station and Lake Calhoun and the trails.

11.2.3 **Outcome**: Safe and adequate bike parking is provided for recreational and commuter users of the trail and for Lake Calhoun visitors.





12 Northwest Corner of Lake Calhoun Area

12.1 Location and Description

This location within the Minneapolis Chain of Lakes Regional Park is the closest major park land to the proposed West Lake station. It is a primary visitor portal to the Grand Rounds National Scenic Byway. The Calhoun Executive Center parking lot next to Lake Calhoun sits on land that is partially owned by the Minneapolis Park and Recreation Board as part of the Minneapolis Chain of Lakes Regional Park. On weekends and weekday evenings, visitors use this area for parking and to access the regional park and the Grand Rounds.



12.2 Issue: Park and trail access

Millions of annual park visits to this area originate by foot, bicycle, motorized vehicle, and in the future the LRT.

Traffic patterns altered by the addition of a West Lake station will have a direct impact on the park visitor experience and all modes of traffic on Lake Calhoun Parkway and Dean Parkway. The MPRB is concerned that the introduction of the high-volume West Lake station increases the complexity of this area and is committed to ensuring that all visitors have a positive, easy, and safe experience accessing and using the park lands and trails in this area.



Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

12.2.1 **Statement:** Multimodal traffic patterns in a roughly 1/2-mile radius of the West Lake station must be studied in partnership with the street/trail property owners (Hennepin County, City of Minneapolis, MPRB). Deliverables of the study should include traffic volume and flow projections, and recommendations for 1) long-term street/trail network modifications and 2) short-term network modifications to be implemented with station development.

12.2.2 **Outcome**: LRT and West Lake station area design decisions for this area are based on design recommendations from a comprehensive and multimodal (bicycle, pedestrian, transit, vehicle) circulation analysis that addresses impacts to the Grand Rounds parkways and trails.

12.2.3 **Outcome**: The design of this area makes clear that it is a "gateway" to the Minneapolis park system.

12.2.4 **Outcome**: A safe, free-flowing pedestrian and bicycle route with exceptional wayfinding exists between the LRT station area and Lake Calhoun and adjacent park land.

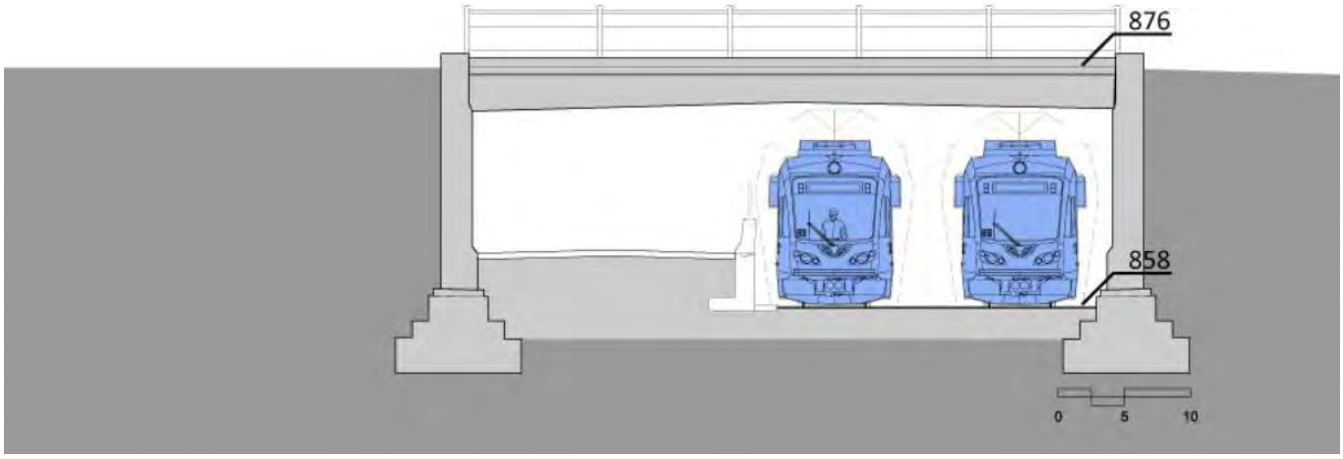
12.2.5 **Outcome**: There is no loss of vehicle parking for park and trail users.

12.2.6 **Outcome**: Greenspace at the northwest corner of Lake Calhoun is preserved for park visitors and recreational purposes.

13 Appendix A – Cedar Lake Parkway/ Southwest Transitway

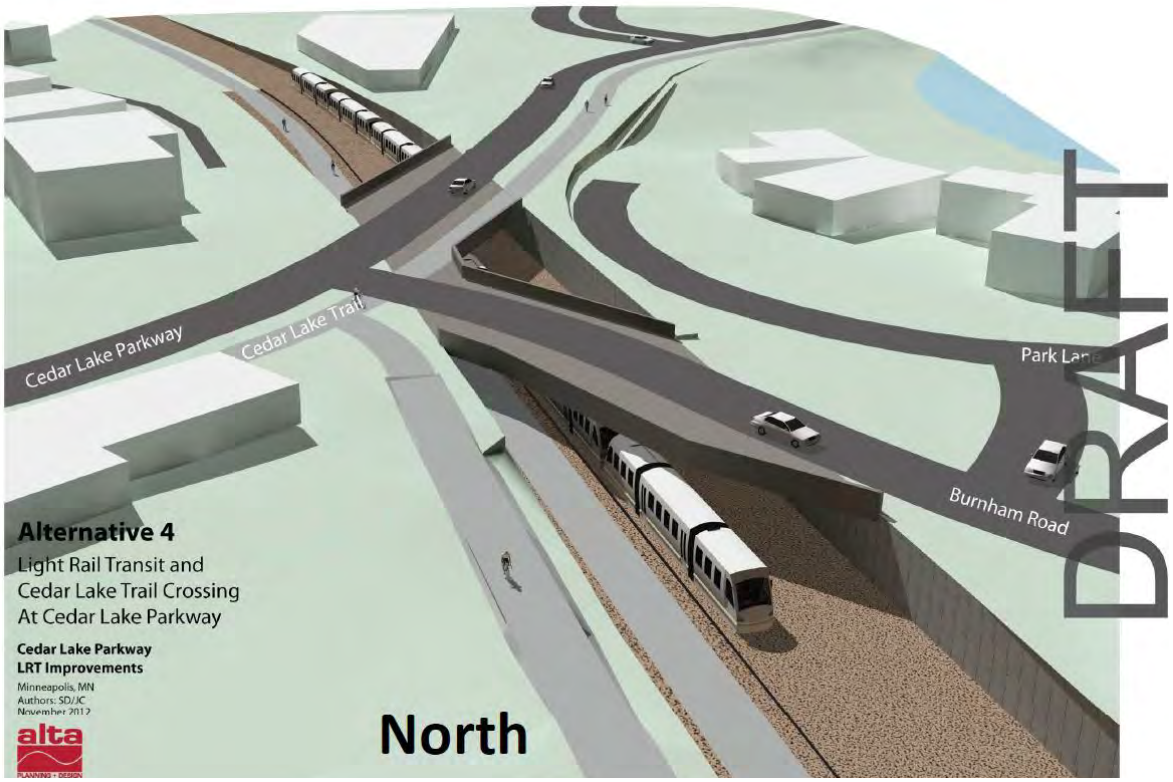
Appendix A is intended to illustrate the concept of lowering the train and trail and bridging Cedar Lake Parkway at the Cedar Lake Parkway/Southwest Transitway intersection. This concept is discussed in Section 9 of this comment letter. The following pages contain a few key images of the analysis conducted on this concept by Steve Durrant of Alta Planning + Design for the MPRB.

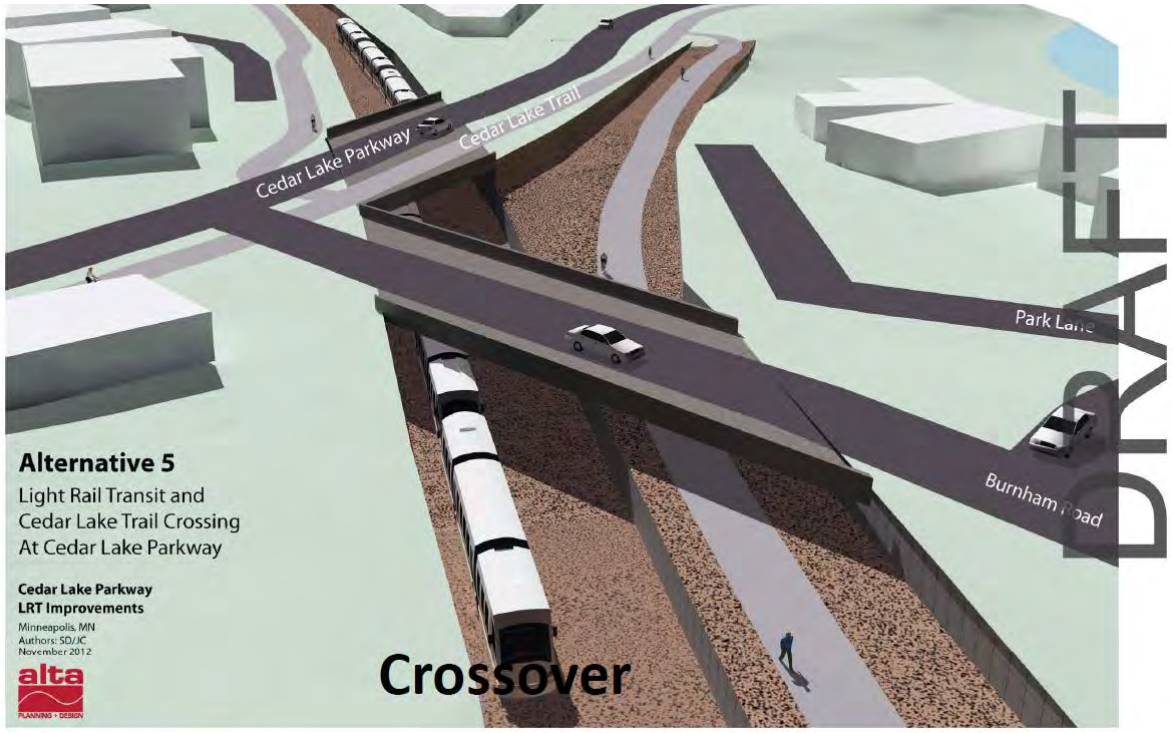
Below Grade



Above is a potential cross-section showing elevations for Cedar Lake Parkway (above) and the trail and train.

These are examples of grade separated crossings with trail on east (North version) or west (Crossover version) side of tracks. These are provided to illustrate the concept, not to provide a complete overview of the feasibility study.





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CELEBRATING 45 YEARS est. 1970 OF EXCELLENCE

STUART CO
YOUR HOME. OUR COMMITMENT.

July 17, 2015

Nani Jacobson
Assistant Director, Environmental & Agreements
Metro Transit – SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

RE: Comments and Objections of Stuart Companies to Supplemental Draft EIS (SDEIS) and Supporting Reports of Westwood Engineering and ESI Engineering

Dear Ms. Jacobson:

Stuart Companies has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) prepared by the Met Council. We were struck by the document's failure to adequately consider important issues affecting Stuart's residential development north of Smetana Road in Minnetonka and Hopkins. These omissions, including failure to properly identify, analyze and consider noise impacts, and inadequate consideration of alternative sites which would avoid such adverse impacts, and failure to adequately consider risks of the release of environmental contaminants, are described in more detail in the attached reports done by Westwood Engineering and ESI Engineering. These reports are incorporated as part of Stuart's comments and objections.

It should be apparent from the matters discussed in the ESI and Westwood Reports that the SDEIS has been rushed and is defective in key respects. It should not have been necessary for Stuart Companies to retain its own engineering firms to identify issues that should have been investigated as part of the Project's own environmental studies. Nonetheless, we have done this work and provided it to you. Please take note of the issues and adverse impacts raised that have not been properly considered in the SDEIS. Your response should consider and address these incorporated reports.

We strongly object to this process going forward until the environmental impacts on our property – which will be severe and disruptive to a quiet and protected residential property with more than 1,500 residents – are correctly analyzed and considered. This is especially true since a preferable alternative using 11th Avenue is readily available at a lesser cost.

Sincerely,

STUART COMPANIES

Stuart H. Nolan
Chairman and Founder

Lisa Moe
President and CEO

Corporate Headquarters
1000 West 80th Street
Minneapolis, MN 55420-1000
☎ (952) 948-9500
fax: (952) 948-9570

www.stuartco.com

July 17, 2015

Ms. Lisa Moe
StuartCo
1000 West 80th Street
Minneapolis, MN 55420

Phone (952) 948-9506

ESI ENGINEERING, INC.
7831 Glenroy Road/Suite 430
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Internet: esi-engineering.com

Supplemental Draft EIS Comments
Southwest Transitway Light Rail Noise and Vibration
StuartCo – Minneapolis, Minnesota

Dear Ms. Moe,

We have completed an initial review of the May 2015 Supplemental Draft Environmental Impact Statement (SDEIS) prepared by the Met Council for the Southwest Light Rail Transit (SWLRT) project. We understand the last day for public comment is July 21, 2015. The following are our findings related to noise and vibration impacts to your properties north of Smetana Drive in Hopkins, Minnesota.

As you are aware, the SDEIS references the Draft EIS issued October 2012. Several assumptions used by the Met Council's consultants for the noise and vibration analysis are listed in Chapter 4 of the DEIS, including the following:

- The LRT makes 198 trips between 7:00 am and 10:00 pm
- 60 trips are made between the hours of 10:00 pm and 7:00 am
- 16 trips are made each hour during peak hours (6:00 am to 9:00 am and 3:00 pm to 6:30 pm)
- There are three articulating cars per transit train
- Train speeds vary in different segments of the corridor, ranging from 20 to 50 miles per hour
- LRT bells are used for five seconds as vehicles approach at grade crossings, crosswalks, and station platforms.
- Grade crossing bells are used for 20 seconds for each train. (from Appendix H of 2015 SDEIS)

Operations and Maintenance Facility Location

Figure 1 shows the location of the proposed Hopkins Operations and Maintenance Facility (OMF) in comparison to nearby StuartCo properties. In the review of possible environmental categories effecting OMF sites, several categories were dismissed for review for Site 9A, Hopkins K-Tel East. These dismissed categories include noise and vibration impacts. According to the FTA guidelines in the 2006 Transit Noise and Vibration Impact Assessment document, the screening distance required for noise assessments **from** "yards and shops" is 1000 feet. Figure 1 shows a circle with a radius of 1000 feet with a center at a point on the south end of the proposed Hopkins OMF site location. Multiple StuartCo residential units fall within this area, with the closest unit being approximately 750 feet from the proposed Hopkins OMF. Clearly a noise impact assessment will be needed per the FTA requirements and none was done. Noise from the OMF will also need to meet the MPCA requirements, which may be more restrictive.

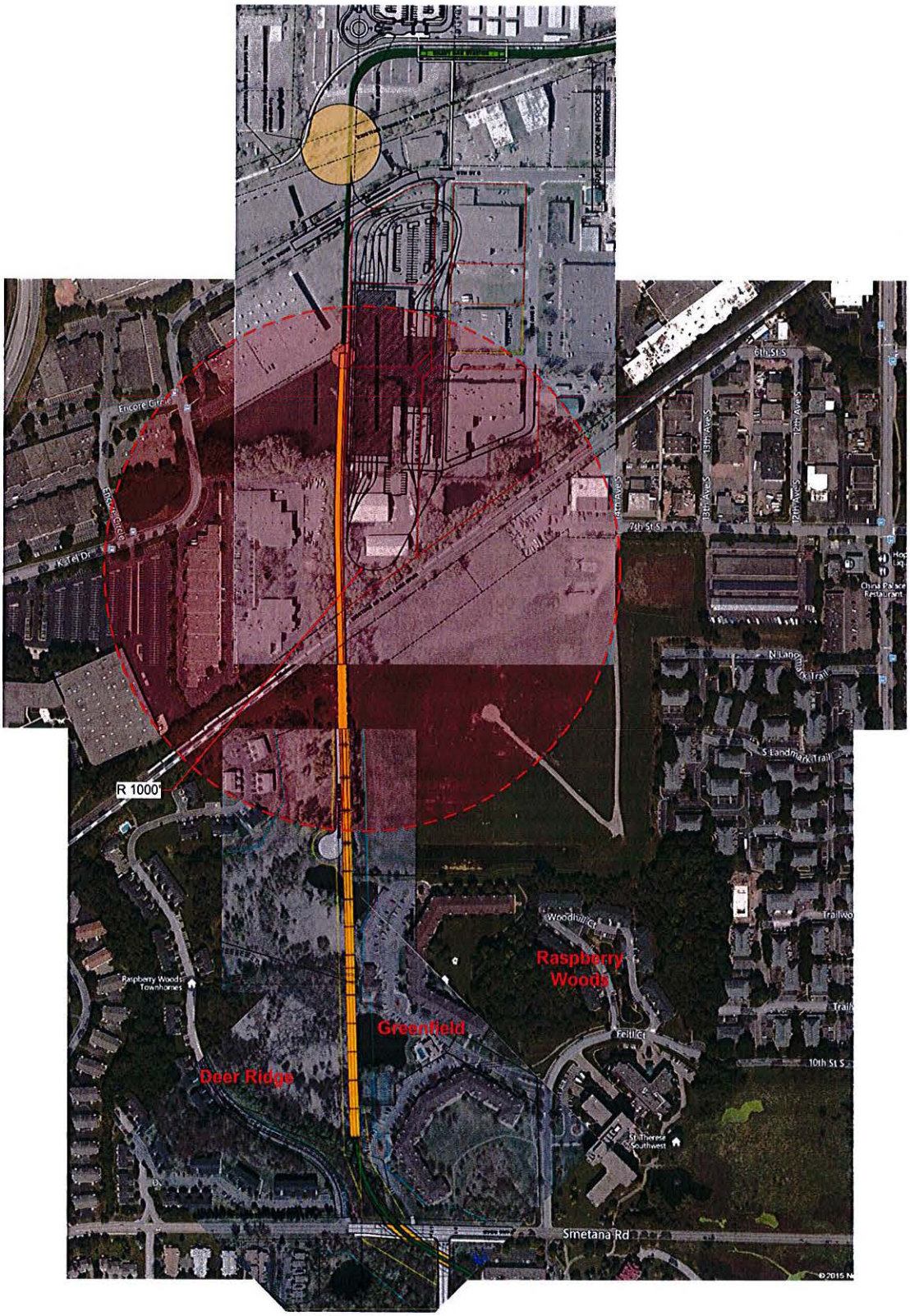

Figure 1 – Hopkins Operations and Maintenance Facility Location

Existing Noise and Vibration Assessments

Appendix H of the DEIS includes the representative receptor/clusters used in the noise assessments that were done for the project. In an evaluation of the Distance to track and Unit count columns, the noise assessment data given in the DEIS appears to be inaccurate regarding the representative receptor properties for the StuartCo properties.

Table 1 is a summary of the clusters assessed in the DEIS Noise Assessment Table that are near Smetana Drive in Hopkins and the StuartCo properties. The main column categories we are concerned about are highlighted in red. Based on our review, the values listed for distance to track are too large to represent the Greenfield buildings. The shortest "distance to track" length that was listed in the DEIS for the 3-F segment is 125 feet. According to our estimates, there are apartments and townhomes in this track segment that are less than 100 feet from the track. Additionally, the unit count data for the eastbound clusters does not match an expected unit count for the Greenfield properties that would fall into these clusters.

Based on a review of the clusters listed in Table 1 that are greater distances than the StuartCo properties, we expect the impact assessment for the StuartCo properties, had it been done, would be in the severe range.

We do not find that a vibration impact assessment was completed for the Greenfield or other StuartCo properties. The FTA screening distance for a vibration assessment for residences is 150 feet. Since these apartments are within that distance, it is necessary for the vibration impacts to be assessed.

Event Building

An outdoor social event building is located on the north side of the Greenfield property. This particular building is less than 30 feet from the proposed LRT tracks. Because there are no cluster identifiers within the 3-F segment that are listed as being even somewhat within this distance from the tracks, it is apparent that this particular unit has been overlooked in the noise assessment. The screening distance for vibration is 100 feet for this type of building (Land Use Category 3), which means a vibration assessment is also required.

Rail Crossovers

Segments of the track with crossovers or turnouts can produce an increase in noise level of up to 6 dB and an increase in vibration levels of up to 10 dB. These assumptions are stated in the SDEIS, but are not stated as assumptions in the DEIS noise and vibration assessment for StuartCo's properties. The drawings do not show where railway crossover locations are positioned. However, if there are crossovers near the StuartCo properties, it is necessary for these to be included in the impact assessments.

Elevated Rail

Portions of the track nearby StuartCo properties are proposed to be elevated on bridges due to ground conditions and ponds. When track is built on an elevated structure rather than on ground, there is potential for additional structure-borne noise. This additional impact has not been addressed in the noise assessment for this area. Figure 2 shows the elevated track near the StuartCo properties. The effects of the elevated rail structure should be included in the impact assessment.

Table 1 – Noise Assessment Summary for Segment 3-F Near the StuartCo Properties

	Count								Impact Criteria						Number of Impacted Receptors	
Cluster Identifier	Land	Unit	Land Use Category	Side of Guide way	Distance to track (ft)	Train Speed (mph)	Noise Metric	Existing Noise Level (dBA)	Moderate (dBA)	Severe (dBA)	Project Related Noise (dBA)	Cumulative Noise Level (dBA)	Increase Over Existing (dBA)	Impact Level	Moderate (land [units])	Severe (land [units])
3-F-EB-2-13	3	99	2	EB	938	50	Ldn	62	59	64	55	63	1	None	-	-
3-F-EB-2-14	1	1	2	EB	187	50	Ldn	62	59	64	66	67	5	Severe	-	1 [1]
3-F-EB-2-15	1	1	2	EB	164	50	Ldn	62	59	64	71	72	10	Severe	-	1 [1]
3-F-EB-2-18	1	1	2	EB	230	50	Ldn	62	59	64	66	67	5	Severe	-	1 [1]
3-F-EB-2-19	3	3	2	EB	528	50	Ldn	62	59	64	63	66	4	Moderate	3 [3]	-
3-F-EB-3-8	1	1	3	EB	607	50	Leq	62	64	69	57	63	1	None	-	-
3-F-WB-1-3	1	1	1	WB	125	50	Leq	62	59	64	61	65	3	Moderate	1 [1]	-
3-F-WB-2-16	1	1	2	WB	295	50	Ldn	62	59	64	63	66	4	Moderate	1 [1]	-
3-F-WB-2-17	1	1	2	WB	200	50	Ldn	62	59	64	70	71	9	Severe	-	1 [1]
3-F-WB-2-20	13	19	2	WB	344	50	Ldn	62	59	64	68	69	7	Severe	-	13 [19]
3-F-WB-2-21	33	33	2	WB	449	50	Ldn	62	59	64	64	66	4	Moderate	33 [33]	-
3-F-WB-2-22	7	13	2	WB	673	50	Ldn	62	59	64	62	65	3	Moderate	7 [13]	-
3-F-WB-3-7	1	1	3	WB	1056	50	Leq	62	64	69	52	62	0	None	-	-

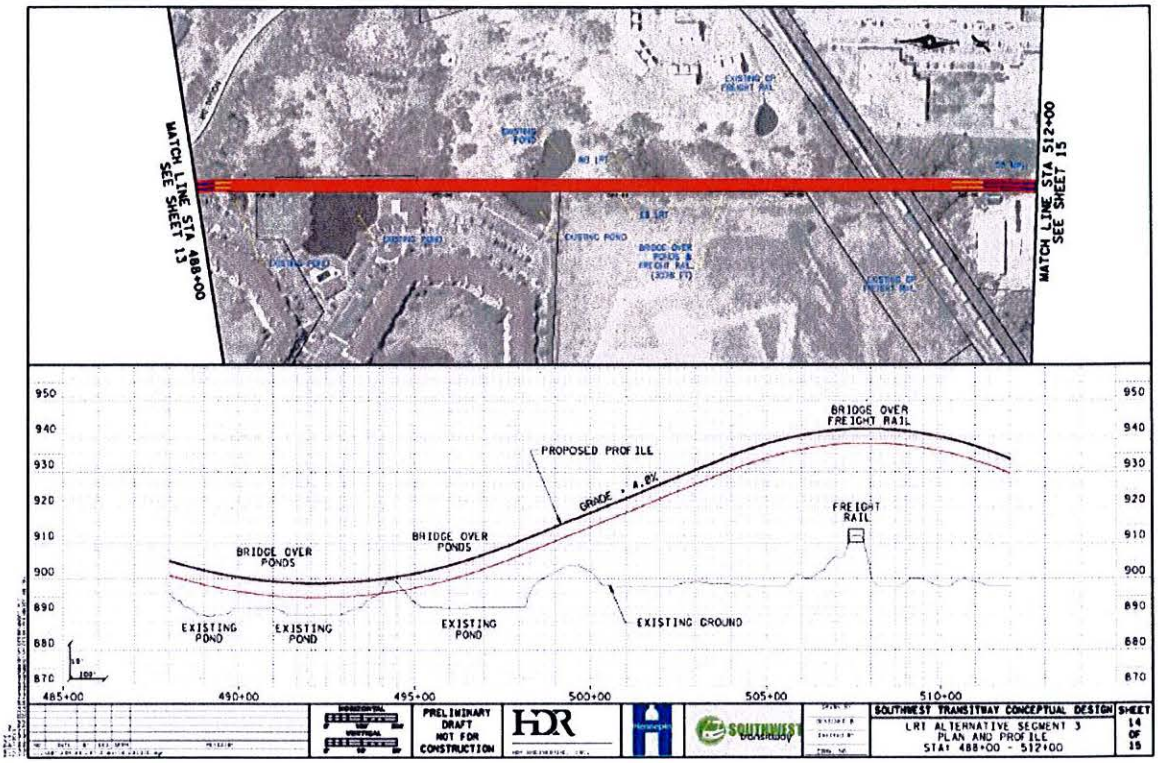

Figure 2 - Elevation of track in SDEIS Appendix F

Construction Vibration and Noise

Appendix H in the DEIS has a section on construction noise; however we do not find that an assessment has been done. Considering the extremely close proximity of the construction to the StuartCo properties, and the number of affected residences, construction vibration and noise will need to be studied and alternate construction methods may need to be considered. We are particularly concerned about the pile driving vibration and noise impacts.

We appreciate the opportunity to work with you on this project and remain available to assist in the resolution of these and any other matters. Please let us know if you have questions or need more information.

Sincerely,

Anthony J. Baxter, P.E.
ESI Engineering, Inc.

Westwood

7699 Anagram Drive
Eden Prairie, MN 55344

Main (952) 937-5150
Fax (952) 937-5822

westwoodps.com
(888) 937-5150

July 17, 2015

Ms. Lisa Moe
Stuart Companies
1000 West 80th Street
Minneapolis, MN 55420

RE: Supplemental Draft EIS (SDEIS) Comments
Operations and Maintenance Facility Location, Hopkins

Dear Ms. Moe,

At the request of Stuart Companies, Westwood Professional Services (Westwood) has completed our review of the SDEIS. Based on our review we found numerous shortcomings in the SDEIS's analysis of and preference for the selection of the Operations and Maintenance Facility (OMF) at the SW corner of K-Tel and 16th Avenue in Hopkins (Site 9A, Hopkins K-Tel East). Though by no means exhaustive, these problems are the result of the lack of information provided on the Environmental Resources studied for the OMF site, and the lack of findings on how the criteria were graded to support and/or dismiss compatible sites. Specifically there is a lack of information on the evaluation of alternative site, 11A Hopkins 11th Ave West, which was the runner-up site.

The following points outline our objections.

1. OMF Site Selection Evaluation: Failure to Identify Reasons for Selection of Site 9A

The SDEIS does not adequately address the rationale for selecting the proposed 9A site over a compatible alternative neighboring site, 11A, 11th Ave West. We request that the SDEIS provide more detail on the selection of its preferred site per our notes below.

Site 9A was not part of the original DEIS review and thus did not receive the full studies that were associated with the DEIS. In fact the DEIS recommended four other sites for the location of an OMF, all of them outside the city of Hopkins. The four other sites included three in Eden Prairie and one in Minneapolis. Although early in the process four sites were considered in Hopkins they were all dismissed during the review process. We understand that a more centralized location was identified as a reason for selecting a site in Hopkins in the SDEIS, however we feel not enough information was provided on the selection process.

As part of the SDEIS analysis for a preferred OMF site the Met Council used a four step process. Through that process approximately 30 sites were initially identified and subsequent steps dismissed potential sites. The four steps were as follows:

- First Step—preliminary site evaluation, 30 initial sites were reduced to 18 sites
- Second Step—detailed assessment based on 13 criteria—18 sited were reduced to 7 sites
- Third Step—an operational analysis and public jurisdictional review—7 sites were reduced to, the recommended 9A site and 11th Ave site 11A.
- Fourth Step final selection—detailed assessment and public jurisdictional review

Site 11A, K-Tel at 11th Ave., was a top candidate throughout the process. During the second step evaluation, assessed on 13 criteria as listed on table F.4-2, site 11A had a better rating than 9A. The K-Tel at 11th Ave site received seven (7) Excellent ratings compared to 5 received by site 9A, K-Tel East. Site 11A also received three (3) Very Good rating, two (2) Good ratings and a marginal rating for cost. The cost difference between the two sites was marginal as the 11A site had a cost range of 40-45 million while the 9A site was 35 to 40 million, thus having overlapping cost estimates.

In the Third Step Evaluation site 11A received better scores in alignment location and was even in all other categories except for the cost, as noted above. In regards to cost, the SDEIS does not identify the costs associated with the two sites. With critical budget constraints being currently discussed this part of the analysis should be further reviewed. This is especially true since it is apparent that the likely costs of acquisition from Stuart Companies are substantially understated.

The reasons cited in Appendix F, Table 4.3 (attached) for selecting site 9A apply equally to site 11A, but were not credited to 11A:

- Consistent with land and zoning
- Operate relief access/station proximity favorable
- Freight Rail and LRT alignment buffer along property borders
- Redevelopment potential of remnant area

While the rationales cited in Table 4.3 for dismissing 11A included "Nine Mile Creek crossing the site"; known site contamination; and potential development impact on Shady Oak Station, it is apparent, however, that these same arguments should apply to dismiss site 9A. This failure to apply identical physical criteria equally suggests an arbitrary and defective evaluation process. Also site 9A has significant additional environmental problems: the K-Tel East site (Site 9A) requires the filling of wetland and of floodplain and is adjacent to a capped sanitary land fill, which is being monitored for methane. The report does not identify if there are known site contaminations on site 9A, but does note that all industrial sites are subject to contamination and must go through a Phase II analysis. And as far as potential development impact to the Shady Oak Station, moving the OMF to site 11A would support the potential growth around the station. By

contrast, the SDEIS notes that the proposed OMF will adversely impact the potential development opportunity around the Shady Oak Station under the long-term impact section of the SDEIS.

In conclusion, the site selection process appears arbitrary and incomplete. We recommend that additional information be obtained and analyzed to demonstrate why site 9A was selected over site 11A.

2. Environmental Resources Which the SDEIS Did Not Consider in the 9A Site Selection

The SDEIS concluded that sixteen (16) environmental resource categories not be reviewed. We believe that since this is a new OMF location that was not reviewed in the previous DEIS it is imperative that all resource categories should be considered. Determination not to review an environmental resource was based on whether there would likely be new substantial environmental impacts for a particular resource category. The sixteen (16) categories dismissed by the SDEIS are as follows:

- Social Economics*
- Neighborhood and Communities
- Cultural Resources
- Visual Quality and Aesthetics
- Biota and Habitat
- Threatened and Endangered Species*
- Farmlands*
- Air Quality
- Noise
- Parklands, Recreational Areas, and Open Space
- Vibration
- Electromagnetic Interference and Utilities*
- Energy and Climate Change*
- Transit
- Freight Rail*
- Bicycle and Pedestrian

We agree that a few of the categories need not be investigated as they do not exist at or near the site and are a non-factor to the review; they are highlighted by an asterisk above. However the remaining categories should be considered and reviewed. An Operations and Maintenance Facility brings with it many environmental impacts to the surrounding area, especially when operating 24 hours a day, 7 days a week, and 365 days a year. The site is proximate to numerous residences (including those of Stuart Companies), an extensive and environmentally sensitive wetland and a closed sanitary landfill. With trains continuously entering the OMF facility through the network of switching rails and being routinely serviced at the OMF, the community surrounding the facility as well as the physical environment will be adversely impacted by its operations.

The categories associated with Neighborhood and Communities, Air Quality and Pedestrian Interference will be negatively impacted by the 24-7, 365 days a year operation of a rail facility. The lights, noise and activity of the OMF will be a change to the neighborhoods and a potential impact to the landfill.

The categories associated with Cultural Resources, Visual Quality, Habitat and Open Space are all negatively impacted by the location of the OMF adjacent a large wetland basin and the park like qualities associated with the surrounding residences.

One key example of an environmental resource being improperly dismissed is the noise category. No further testing is identified for the proposed OMF site even though critically sensitive residential properties (including Stuart Companies' development) are proximate to that site. This omission is a major failing for a study of this kind.

Stuart Companies has engaged ESI Engineering to provide further review of the SDEIS with regarding to its analysis (or lack of analysis) of noise.

3. Risk of Environmental Releases at Site 9A

In its review of the environmental resources categories that were studied the SDEIS raised potential concerns with groundwater contamination resulting from hazardous material releases. With four known hazardous sites at site 9A and several potential hazardous sites the possibility of groundwater contamination near residential homes is concerning.

This is compounded by the fact that a capped landfill is adjacent the site and presents a risk of a release which would contaminate groundwater if disturbed by vibration resulting from construction or the constant running of trains immediately adjacent to the landfill.

We believe a more in-depth study is necessary that shows how the landfill may be protected from potential groundwater impacts and identifies the mitigation steps that will be taken if the landfill releases methane or other contaminates as a result of the construction of the OMF or vibration of the trains utilizing the facility and rails.

Sincerely

Tom Goodrum
Senior Planner
Westwood Professional Services

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JUL 20 2015
BY: SPO

STUART CO
YOUR HOME. OUR COMMITMENT.

Nani Jacobson
Assistant Director, Environmental &
Agreements
Metro Transit – SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

1000 West 80th Street • Minneapolis, MN 55420

From: Steven Goldsmith
To: swlrt
Subject: Comment on SWLRT SDEIS
Date: Tuesday, July 21, 2015 3:32:05 PM

I fully endorse the comments submitted by LRT DONE RIGHT

There are many very serious matters raised in the SDEIS. To really address them will be complicated and very expensive. The project is already over budget and the proposed cuts to reduce cost also reduce value and may fatally compromise ridership/cost estimates. You will do the ultimate success of this project grave and likely fatal harm by submitting it to the fTA before all key feasibility issues are resolved and the final true costs of running the line partially at grade with co- located freight are known.

Sent from my iPad

From:	CIDNA Neighborhood
To:	swlrt
Cc:	Craig Westgate; Ginis, Sophia
Subject:	Comments for Southwest LRT Supplemental Draft EIS
Date:	Tuesday, July 21, 2015 4:44:22 PM
Attachments:	CIDNA SDEIS.pdf

Hello,

The Cedar Isles Dean Neighborhood Association (CIDNA) Board of Directors approved the attached comments in response to the Southwest LRT Supplemental Draft Environmental Impact Statement on July 21, 2015.

Thank you,

Monica Smith
Coordinator
CIDNA
612-821-0131
info@cidna.org

Cedar Isles Dean Neighborhood Association (CIDNA)
Comments for the Southwest LRT Supplemental Draft Environmental Impact Statement

The CIDNA Board of Directors approved the following comments in response to the Southwest LRT Supplemental Draft Environmental Impact Statement on July 21, 2015.

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

This section identifies the potential long-term and short-term impacts that would result from the need to acquire land to implement the LPA in the St. Louis Park/Minneapolis Segment. The numbers of parcels that would need to be acquired and the potential for relocation of existing businesses are discussed in this section.
Long-Term Direct and Indirect Acquisitions and Displacements Impacts This section addresses how businesses and other land uses could be affected by the proposed LPA in the long term. Implementation of the LPA in the St. Louis Park/Minneapolis Segment would result in full acquisition of 23 parcels and partial acquisition of 29 parcels, including those with industrial, commercial, railroad, and residential land uses, as summarized in Table 3.4-3 and illustrated on Exhibit 3.4-1. All potential acquisitions within the segment will be within the cities of St. Louis Park and Minneapolis. The full acquisition of the 11 parcels with industrial and commercial uses could potentially result in the relocation of up to nine businesses that currently operate on or use these parcels. The acquisition of three parcels owned by a construction company and used for storage could result in the displacement of that business if the storage area needs to be in close proximity to the company's operation that is not affected by acquisition. Depending on the preferences of the owner, the project would work to relocate displaced businesses. A combined total of approximately one acre of land would be acquired from a total of seven residential parcels occupied by multiple condominiums and apartments, and would result in no displacements or relocations.

We request more information about 3400 Cedar Lake Parkway. On the Hennepin County property tax website, this parkland is listed as being owned by the Minneapolis Park and Recreation Board. What evidence does the Council have that it is owned by BNSF railroad? This ownership question is of critical importance in the analysis of compliance with federal Section 106 and 4(f) laws. Also, how does the Council determine a fair acquisition price to pay a private railroad company for a property that is indicated in public records as being owned by a public entity?

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise

levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see: http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Using figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately [$240,000] but Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Assn and Cedar Lake Shores Townhomes and other private property in Minneapolis but no property tax loss is listed for Minneapolis. The Council should explain its calculations that the property tax losses are that low or nonexistent. Although we anticipate that the Council will not release dollar figures for specific property acquisitions, how can the public be assured that the Council is minimizing the cost of acquiring these properties, which will be borne by taxpayers as part of the Project cost?

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

This section describes long-term direct and indirect impacts on cultural resources within the segment's APEs. Tables 3.4-4 and 3.4-5 provide preliminary determinations of effect that the LPA could have on the architecture/history and archaeological resources in the St. Louis Park/Minneapolis Segment and, identifies areas for continued consultation. Long-term direct and indirect effects include changes to historic properties and their settings, including visual effects, resulting from the construction of the project and new development and redevelopment around transit stations. Long-term indirect effects include noise effects and changes in traffic and parking patterns associated with operation of the project, as well as new development and redevelopment around transit stations. Final determinations of effects (i.e., whether they would be adverse or not) will be made by FTA, in consultation with MnDOT CRU, MnSHPO, and other consulting parties, in the forthcoming Final EIS.

Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office, an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will

have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that may be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

These items will not avoid, minimize or mitigate the long term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS. Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The bridges over the Lagoon will have an adverse impact because of their the size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure will alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation and avoidance/minimization/mitigation measures to be identified. The possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change

traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need to ensure that plans are in place to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction as well as an agreement that specifies how these potential impacts will be monitored. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction.

The SDEIS also lists "station area development" as an item to be addressed through continued consultation. Numerous statements have been made that development is not anticipated at the 21st Street Station. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station
The discussion of development potential at the Penn Station does not relate to the Kenwood Parkway side:
http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf
The Council must explain what development is being referred to in Table 3.4-5.

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

This section identifies parklands, recreation areas, and open spaces in the St. Louis Park/Minneapolis Segment, along with potential long-term direct and indirect, and short-term impacts that would occur as a result of the LPA. Some potential effects of the LPA on parklands, recreation areas, and open spaces in the segment have changed since publication of the Draft EIS; these are also identified and addressed in this section. As summarized in Table 3.4-1, there would be no long-term direct impacts (defined as the permanent incorporation of parklands, recreation areas, or open spaces into the project) from the LPA on parklands, recreation areas, and open spaces in the segment. Long-term indirect and short-term temporary construction impacts (i.e., visual, noise, and access) from the LPA would occur at four parks that would be directly adjacent to the proposed light rail extension.

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

We request more information about 3400 Cedar Lake Parkway. This parkland has long been listed as Minneapolis Park and Recreation Board property on the Hennepin County property tax website. What evidence does the Council have that it is owned by BNSF railroad? Does the conclusion of no long-term direct impact of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

This section describes the potential short-term impacts to parklands, recreation areas, and open spaces that would occur during construction of the LPA.
Construction activities could result in short-term indirect impacts to parklands, recreation areas, and open spaces that would be located directly adjacent to the project's construction zones (i.e., Jorvig Park, Lilac Park, Park Siding Park, Cedar Lake Park, and Lake of the Isles Park). These short-term indirect impacts could include temporary generation of dust, noise, and increased truck traffic (see Sections 4.6.5 and 4.6.6 of the Draft EIS for further information on short-term air quality impacts and mitigation measures; and see Section 3.4.2.3 of this Supplemental Draft EIS for additional information on short-term noise impacts and mitigation measures, including noise generated by increased truck traffic). These impacts would be of short duration and will be minimized through the implementation of standard related construction BMPs, such as dust control, erosion control, and proper mufflers.

Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

> **Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:**
>
> **Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> **Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.**

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial." (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor.

Throughout this area, the SWLRT project will remove a large amount of green space and trees, and replace them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the degree of change in the visual resource will be great, and, with well over 600,000 annual visitors to the Kenilworth Trail, the exposure to viewers will be high. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

It appears that the consultant determining the visual qualities of the corridor relied entirely on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J,

section 2B). If this is true, it is very discouraging that the area was not visited in person by the evaluator, nor were any stakeholders consulted.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station – a slab of concrete and metal with fencing and catenaries – will certainly "create a focal point," but it is not credible to assert that this will positively impact the visual qualities of a place that is now adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. **We assert that the Council must recognize this and identify robust and meaningful mitigation measures for incorporation into the project.**

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

The Section 404 permit application will identify compensatory mitigation for unavoidable impacts to wetlands and other aquatic resources. A Compensatory Mitigation Plan will be developed by the Council, and reviewed by USACE, prior to the submittal of the Section 404 permit application.

CIDNA demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming. Further, CIDNA is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contaminination is

likely to be found, and while the additional contamination is stated to be covered by the contingency fund, CIDNA finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contamination in such soil due to its former use. CIDNA strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor. The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design and construction implications on the shallow tunnel, which have not been addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council has indicated replacing 200' of the dual 18" sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, the design impacts and costs associated with relocating the force main are not appropriately addressed in the SDEIS or identified in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then cross under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan indicates a pit to be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The depth to the top of the casing pipe is approximately 17 feet and the bottom depth is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change

then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts.

Economic:

Cost:

Long term impact - Increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

Short term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:

Short term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration :

Short term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

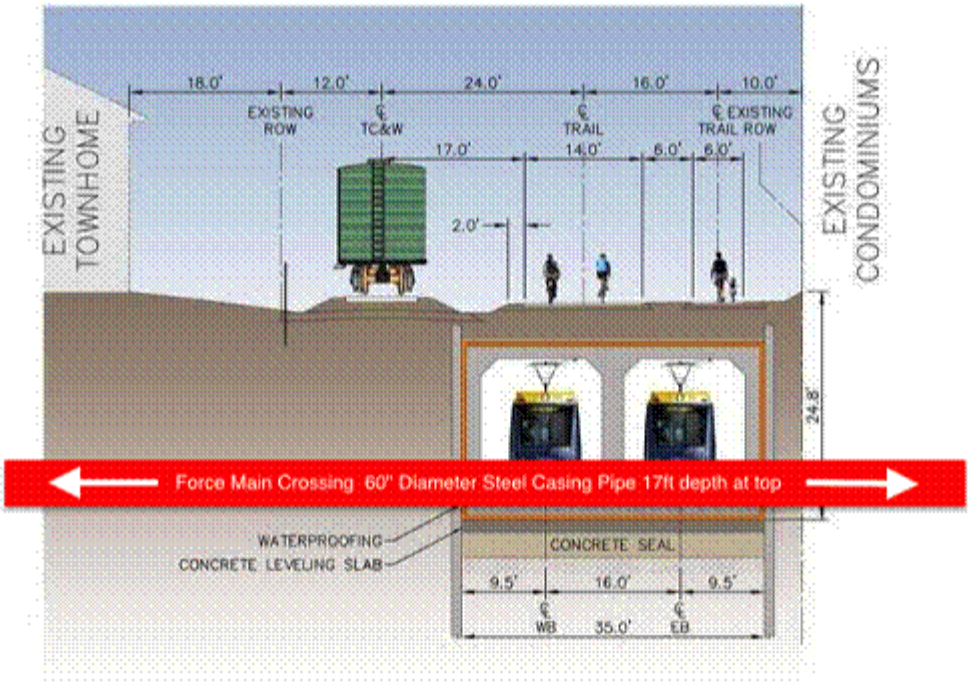


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

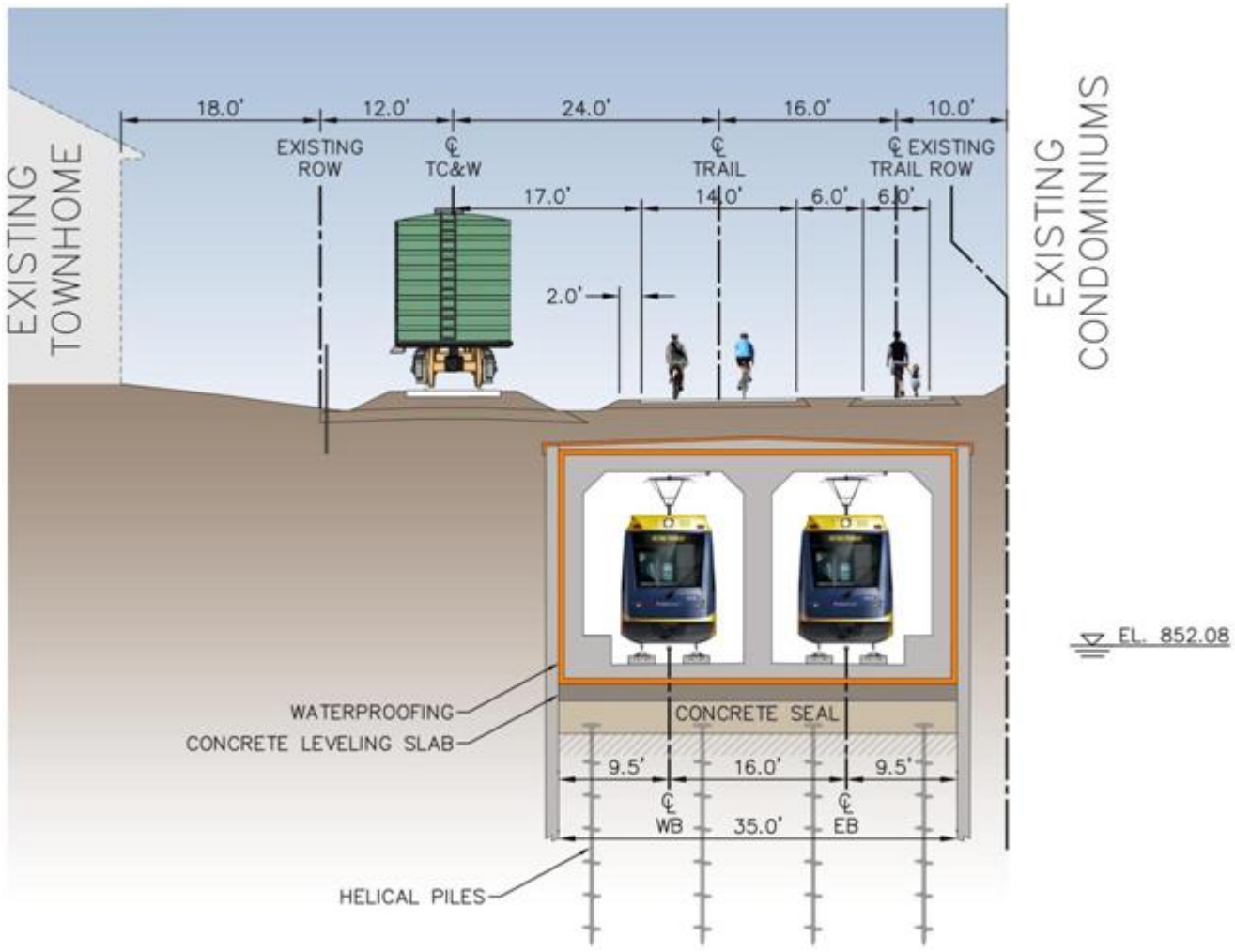
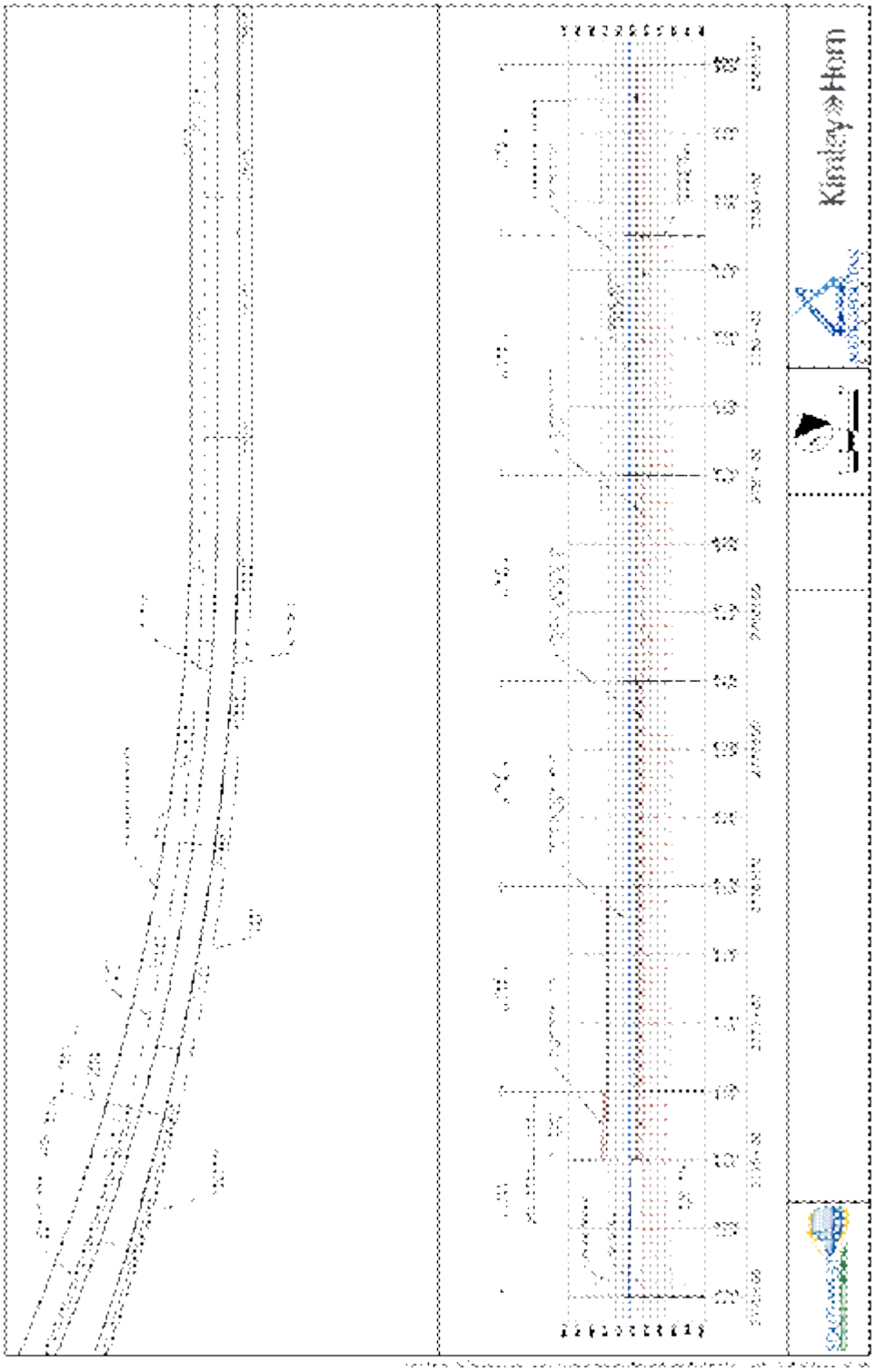


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 and 3.4.2.3 Noise and Vibration

The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[1] ***This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.***
- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.
- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

This section provides a summary of the existing noise levels around noise-sensitive properties with the St. Louis Park/Minneapolis Segment; an assessment of how those properties would be impacted by the LPA; and how those impacts will be mitigated. As summarized in Table 3.4-1, there would be 67 moderate noise impacts and three severe noise impacts without mitigation. Background information on how noise is defined, the noise generated by LRT and freight rail, and FTA noise impact guidelines can be found in the Noise Fact Sheet in Appendix H of this Supplemental Draft EIS. Appendix H of the Draft EIS also contains background information on noise and FTA evaluation criteria. In addition, detailed information regarding noise measurements, impact methodology, and the impact assessment can be found in Appendix H of this Supplemental Draft EIS.

When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

[1] http://metrocouncil.org/swlrt/sdeis

SWLRT noise impacts substantially minimized

We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. This proposed SWLRT route is not comparable to the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue), which are immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**.

A **National Scenic Byway** is *a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. The program was established by Congress in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).*

The Kenilworth Corridor accommodates pedestrian and bike traffic, along with a slow moving freight train – two to five times per 24 hour period – which was intended to occupy the corridor only on a temporary basis.

Now let's take a look at how this reality is compatible with the LPA of the SWLRT:
The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact; translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration. As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet, 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT 3 - car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, critically increasing the noise generated. This holds true even if the only noise increase resulted from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph. The conclusion of overwhelming intrusion is further evidenced by the analysis below combining LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency found in Appendix H, SDEIS p.3-13 and p.3-18.

CIDNA's Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train - 21st Street is also a grade crossing.

- Bells are sounded twice at stations - 1x entering and 1x exiting station platforms, such as the 21st Station (SDEIS gives no duration). *
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

* We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6-8 trains per hour = 9-12 trains per day 4:00 AM – 5:30 AM
- 1 SWLRT train at 66-76 dBA every 7.5 – 10 minutes
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 7.5 – 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour = 186 trains per day 5:30 AM – 9:00 PM
- 1 SWLRT train at every 5 minutes
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106A dBA + unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise

Evening to early morning 9 PM - 2 AM

9 PM – 11 PM

- 6-8 trains per hour = 12-16 trains per day 9 PM – 11 PM
- 1 SWLRT train at every 7.5 - 10 minutes
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 7.5 --10 minutes

11 PM – 12AM

- 2 trains per hour = 2 trains per day 11 PM – 12 AM
- 1 SWLRT train every 30 minutes
- 25 + seconds of bells ((5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

Very early morning 12 AM – 2 AM

- 1-2 trains per hour = 2-4 trains per day 12 AM – 2 AM
- 1 SWLRT train every 30– 60 minutes
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 30 – 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains = baseline, current noise levels

Total = 211-220 SWLRT 3-car trains per weekday

WEEKENDS

Early morning 4:30 AM – 9 AM

- 6-8 trains per hour = 26- 36 trains per day 4:30 AM – 9 AM
- 1 SWLRT train every 7.5 – 10 minutes
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 7.5 – 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour = 120 trains per day 9 AM – 7 PM
- 1 SWLRT train every 5 minutes
- At least 25 seconds of bell noise (5 seconds 88 dBA + 20 seconds 106A dBA + unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise

Evening 7 PM to 9 PM

- 8 trains per hour = 16 trains per day 7 PM – 9 PM
- 1 SWLRT train every 7.5 minutes
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour = 12 – 16 trains per day 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 7.5 -10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour = 4 trains per day 11 PM – 12 AM
- 1 SWLRT train every 15 minutes
- 11 PM – 12 AM weekend train frequency is double weekday frequency 11 AM – 12 AM
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM – 2 AM

- 2-4 trains per hour = 4-8 trains per day 12 AM – 2 AM
- 1 SWLRT train every 15 – 30 minutes
- 12 AM – 2 AM the weekend train frequency is double weekday frequency 12 AM – 2 AM

- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 15 – 30 minutes

Very early morning 2 AM – 4 AM

- No trains = current existing conditions

Total = 180 -195 SWLRT 3- car trains every weekend day

The result of LRT noise is the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, to a severely noise disrupted, highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article goes on to review that:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [2]

In the area of mental health, there is growing evidence that the opportunity for 'soft fascination' experienced in greenspace supports social and psychological resources and recovery from stress. [3] The perpetual and repetitive noise from SWLRT would interrupt the soft fascination currently experienced in the Kenilworth Corridor, nearby beaches, parks, the Kenilworth Channel and general environs of Lake of

[2] Sleep Science, Volume 7, Issue 4, December 2014, Pages 209-212).

[3] British Journal of Sports Medicine 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG."

the Isles and Cedar Lake. Opportunities for 'soft fascination ', though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally if not more critical for the mental health of urban residents.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be simply ignored. Therefore, we request a study of the physical and mental health impacts of the noisy, hyper-mechanization of this currently placid area.

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

The SDEIS uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[4] ***This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.***

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted that "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements there were made and publicly financed should be made public.

[4] http://metrocouncil.org/swlrt/sdeis

B. Potential Noise Impacts

This section identifies and evaluates the potential long-term and short-term noise impacts that would occur in the St. Louis Park/Minneapolis Section. The long-term noise impact evaluation considers the potential increase in noise levels for sensitive receptors closest to the proposed LRT stations and track as a result of operation of light rail and freight rail.

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Following FTA noise assessment guidelines, the 76 dBA LRT noise every 5 minutes is measured as having a lower impact than actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as 51 – 64 dBA in Tables **3.4-11, 3.4-12**. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non –existent, moderate or severe. This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.

The 25 + seconds of repetitive bell noise described in the **CIDNA's Analysis of SDEIS Appendix H Table 1 & p. H-4 Data** above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank. Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well established noise barrier currently in the path of noise from freight and future SWLRT. The SDEIS does not address the impact of clear cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel

We strongly question the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word -- the term "passive" to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.
Most significantly, that the consequence of placing the Kenilworth Channel in Category 3 is that both the obligation to mitigate impacts is lowered, and the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact."

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Breaks the *System* of Minneapolis Parks.

Horace Cleveland's visionary masterplan, Suggestions for a System of Parks and Parkways for the City of Minneapolis, proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a Minneapolis Park System.

The scenario of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area breaks the larger *system* of the Minneapolis Parks.

Site N 17 (p. 3-182)
21st Street Station Noise Impacts
At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted.

The **CIDNA's Analysis of the SDEIS Appendix H Table 1 & p. H**-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations.

We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.
We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely
According to the federal Train Horn Rule[5], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals
Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS.

First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System

Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact. Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations

The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.

3.4.2.4 Vibration

Long-Term Direct and Indirect Vibration Impacts

The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment,* the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit

> system which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[6]

The SDEIS says that 54 residences[7] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels(dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected may underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states:[8]

> …the degree of [ground-borne vibration and noise] annoyance can not always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

Short term vibration impacts

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within a month of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The project had to be halted (the piles were extracted), since going forward was deemed to be catastrophic. The pile-driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Tryg's site incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile-driving for SWLRT is planned.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific

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6 *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*

7 All of them are Category 2 receivers: "residences and buildings where people normally sleep."

8 *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-6*

liability plan and budget should be included in the project cost estimates. There is a "contingency" line item in the budget, but it should be used for truly "unpredictable" costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.
Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later. Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

Mitigation
The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.
With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

Short term
The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.
The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.
The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario,

they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.
We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. The SW Project Office provided only the highest level of information, and indicated that they do not track the line items for things like soil remediation on a segment by segment basis, but only in total for the project.
We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects
Long-Term Direct and Indirect Economic Impacts

Further, the loss in property tax revenue due to the acquisition of privately-held land has the potential to be offset with increased property tax revenues, if the station areas within the affected city result in higher property values due to improved access and other benefits associated with the proposed light rail stations within the city limits. The loss of property tax revenue could also be reduced if the affected businesses relocate elsewhere within the affected city. Depending on the preferences of the owner, the project would work to relocate the five displaced businesses in this segment. All acquisitions made for the St. Louis Park/ Minneapolis Segment and all potential displacements and relocations of businesses resulting from those acquisitions would conform to the applicable federal and state laws. Businesses displaced by the project would receive compensation and relocation assistance, as discussed in Section 3.1.2.2 of this Supplemental Draft EIS.

As an indirect economic impact, there is also the potential for increased property tax revenues from the potential redevelopment of property around the proposed light rail stations within the Cities of St. Louis Park and Minneapolis. Improved transit access can increase the convenience and desirability of surrounding residential, commercial, and office properties. Light rail transit can contribute to existing market forces that can increase the potential for transit-oriented development or redevelopment.

Comment: CIDNA disputes the statement that SWLRT will positively impact property values, especially around the 21st St station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect on property values, and this becomes magnified as a negative and permanent defect on properties along the line with co-location of SWLRT, which is precisely why some residents expressed this as a reason against co-location. The threat of a collision and derailment as such incidents gain increased attention in the news media will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and light without the previously promised removal of freight rail is an exponential increase on aesthetic disturbance in the neighborhood, that in the past was well known for its park like feel and up north atmosphere and a truly special neighborhood in the city. The increased adverse effects of co-location will be a forever permanent defect to homes within earshot and sight of the line; auditory adverse effects would reach as far as Lake of the Isles Parkway based on the audible sounds of the current freight line, but as a much more disruptive cacophony of bells and horns versus the current "low rumble" of freight.

Further, while studies such as rtd-fastracks.com and others show that the access to light rail increase property values in high density, transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor is not representative of those attributes. The study mentioned, among others, shows that higher income and low density neighborhoods do not see the positive impact on property values and rentals, which are minimal in the area, as they do in lower to middle income neighborhoods that more regularly use public transit.

While the 1600 ride/day numbers has not been substantiated and is unrealistic, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing on street parking in front of their homes. This will create a parking lot feel to the low density neighborhood and be a detractor from potential buyers, negatively impacting home values.

Finally we do not support denser development in the area (with the exception of the W Lake Station area if land is available) nor would it be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and any free space available. Any development would further denigrate the existing green space in the corridor, especially around the 21st St station which is the access point for the beach and trail access for the neighborhood.

Additionally, the negative economic impact on the entire "brand" of the City of Minneapolis by running a divisive, noisy, and environmentally unsound line through the crown jewel of "The City of Lakes" park area will forever cause a negative impact on tourism as the former serenity of the channel, lagoon and lake are disturbed with the imposition of Light Rail. The larger, more oppressive bridge will denigrate the current experience enjoyed by kayakers, walkers, bikers, etc. and cause tourists to leave the city to get that natural experience they currently enjoy.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

As summarized in Table 3.4-1, there would be three new at-grade light rail crossings of roadways within the segment (Wooddale Avenue, Beltline Boulevard, and West 21st Street). At each crossing, light rail operations would impede vehicular traffic for approximately 50 seconds approximately 12 times per hour (six times per hour in both directions).

CIDNA is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Indirectly, the LPA could affect the supply of and demand for off-street parking in the St. Louis Park/ Minneapolis Segment due to development new light rail station areas. Any development occurring within the segment would, however, be required to comply with the City of St. Louis Park's and the City of Minneapolis' parking requirements, which would tend to ensure a long-term balance of parking supply and demand.

CIDNA is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests., as well as emergency access to those homes, especially in winter when streets are narrowed. CIDNA strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

Freight Rail Summary
• Light rail/freight rail Swap and Southerly Connection with some modified freight rail operations
• Remove approximately 11,771 feet of freight rail siding track segments in the Bass Lake Spur
• Temporary movement of the freight rail tracks during construction in the Kenilworth Corridor

This section provides a summary of existing freight rail operations in the St. Louis Park/Minneapolis Segment and how the proposed LPA could impact those operations in the long term and short term. In addition, mitigation measures addressing adverse impacts to freight rail operations are identified.

As summarized in Table 3.4-1, the LPA would result in the light rail/freight rail Swap and Southerly Connection, with some modified freight rail operations; the removal of approximately 10,375 feet of freight rail siding track segments in the Bass Lake Spur; and temporary movement of the freight rail tracks during construction in the Kenilworth Corridor.

A. Existing Conditions

This section describes the existing freight rail ownership and operators in the St. Louis Park/Minneapolis Segment.

Exhibit 2.3-4 illustrates the existing freight rail ownership and operators in the St. Louis Park/Minneapolis Segment. In summary, CP owns the Bass Lake Spur, on which TC&W currently operates freight rail service. The Bass Lake Spur directly connects to the HCRRA-owned Kenilworth Corridor, on which TC&W trains operate, before connecting to the BNSF-owned Wayzata Subdivision. The Bass Lake Spur also connects to the MN&S Spur via the Skunk Hollow switching wye (illustrated on Exhibit 2.5-5). The switching wye provides freight rail access to the Robert B. Hill Company salt facility at the west end of the switching wye, which is the only business in the St. Louis Park/Minneapolis Segment that receives direct rail service. The switching wye also allows CP and TC&W trains to connect between the Bass Lake Spur and the MN&S Spur, which is also owned by CP.

TC&W railroad operations have changed since the Draft EIS (refer to the Freight Alignment – Traffic Impact Evaluation Memorandum; Kimley-Horn and Associates, Inc., 2013; see Appendix C for instructions on how to access this report). Currently, TC&W typically operates 14 weekly trains (about two per day) with 65 to 75 cars and 5 to 6 unit trains (currently no more than one per day) with approximately 80 to 125 cars per train. CP operations remain unchanged from the Draft EIS, with 10 weekly trains with one to two locomotives and 10 to 25 trains per car.

Response:

The SDEIS states the need to develop and maintain a balanced and economically competitive multimodal FREIGHT rail system as justification of the project. However freight was never supposed to be included in the LPA, and why does colocation further justify this project when it was to be a LRT only project. The SDEIS never looked at alternative transit modes for serving the southwest suburbs with the consideration of colocation, but only under the consideration of both the location of SWLRT to Kenilworth and the relocation of freight to some other corridor. From the beginning, the project's process was flawed. All of the Met Council's environmental studies assumed freight rail would be relocated out of Kenilworth. Now the Met Council is proposing freight rail remain in Kenilworth and be co-located with LRT. We are taking a temporary situation that was supposed to go away (freight) and making it permanent.

Historically, the Original Project Scoping Report stated that "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the Scoping Report to include freight rail. When the Locally Preferred Alternative (LPA) was selected in 2009-2010, under the assumption that freight rail would be re-located and that LRT would run at-grade in Kenilworth, the costs and concerns of relocation were not addressed in either the scoping report or the later DEIS. In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until SWLRT came. All along, this promise was made to Minneapolis and the Cedar Isles Dean and Kenwood neighborhoods. Now, the proposal would make this permanent. Hence, SWLRT DEIS or SDEIS never did a true alternatives analysis using the assumption of colocation.

Prior to colocation, there was no active community groups fighting SWLRT, until colocation was forced upon the SWLRT design. The Kenilworth community, has actively fought against the colocation of freight and LRT since the summer of 2013 when it was introduced. Since then, our education on the risks of colocation have been eye opening.

The Municipal Consent process has been designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight COLOCATION with LRT and tunneling was never part of the original LPA and subsequent DEIS, municipal consent was given without foreknowledge of the risks to both community and environmental safety. Now the SDEIS is similarly devoid of important human and environmental safety information around colocation of freight and SWLRT.

The SDEIS, triggered by the addition of colocation and the necessity of building a tunnel through the Kenilworth Corridor, is remarkable more for what is **not** included than what is included. The absence of substance is reflective of a long process of well intentions that have been poorly planned and executed and which does not bode well for the long term success of this process. These sins of omission, where substantive real issues remain unexamined is especially present in the environmental section dealing with freight and the later section dealing with safety. The SDEIS, appears to be largely a rehash of the DEIS with no additional substantive issues around colocation dangers and safety, and its absence in the SDEIS contains a silence that is deafening. The SDEIS never answers the most important question, which is 'why colocation?' The SDEIS contains nothing about routing alternatives, or the reasons why this route

was chosen with colocation. It contains nothing about substantive safety concerns of colocating high hazard freight feet from LRT construction and later LRT trains. The story of colocation is important to the process because it reflects planning that has been and continues to be haphazard and blind.

The history of SWLRT colocation has resulted in many community members becoming expert activists. Nationwide, there has been a radical change that is occurring in high hazard freight, with community awareness of these 'bomb trains' running through our towns and cities. High hazard trains have long run through our communities, but never with the frequency nor the amount of dangerous materials being hauled, and Kenilworth corridor is a high risk evacuation blast zone were a high hazard freight derailment to occur. Running these trains through any populous areas is undesirable and puts many in the "blast zone", running 1/4-1/2 mile on either side of the track, and Kenilworth has this problem as well. (See Claire and Dave's Map).

The original DEIS did not recommend colocation because of adverse environmental and safety impacts. In fact, the recently released SDEIS only talks about the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not on the environmental and safety effects of colocation of freight and light rail through the corridor.

Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high hazard products, and the use of much longer trains has increased freight safety concerns. TC&W currently is the only engineer that is allowed to take trains through the corridor, but can connect to any other carriers to take those trains through, and currently partners with Canadian Pacific to carry their products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service. In order to provide elected officials, policy makers and members of the public with current, factual and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson, 'in 2012, TC&W hauled over 2.4 million net tons of goods, traveling more than 2.1 million net ton miles on behalf of its customers. 'TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia'. Ethanol, propane, fuel oil and fertilizers are all high hazard products. Distiller's oil, and potash are also flammables. Exposure to even small amounts of anhydrous ammonia can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking to occur and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach. When the eyes are exposed to concentrated gas or liquid anhydrous ammonia, serious corneal burns or blindness can occur. In general, the severity of symptoms depends on the degree of exposure.

Through 2012, 'customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities'. That number continues to expand annually, with 'the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years – almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010'.'Annual sales for the 20 largest TC&W clients range from almost $3.0 million to more than $400.0 million with estimated combined annual sales of almost $4.0 billion, more than 37.0 percent of which are shipped via Twin Cities & Western Railroad Company – which equates to almost $1.5 billion in client goods shipped via TC&W annually'. As the economy has improved since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota

Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to double (increase ethanol in gas to 20%), we can also expect the production and transport of these high hazard products through the corridor to radically increase. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they 'have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states'. Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chorine, etc….. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, at any point, TC&W could sell their company to one of the major railroads, like BNSF, which could generate 10 times as much traffic and hazardous materials into the corridor.

Safety of freight trains is controlled by the Pipeline Hazardous Materials Safety Administration (PHMSA). Historically, standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. However, TC&W, which is a Class III rail carrier (short lines with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in the now infamous DOT-111s and will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed breaking mechanisms on the hazardous cars. They have lobbied to go from two person crews to one or two person crews. The push of freight railroads to migrate from two person crews to one person operators (pending legislation in US House mandating two operators was introduced last year but went nowhere due to strong RR lobbying). A single point of freight operator would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazmat freight may not even apply to TC&W due to their small Class III status. Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and missing rail spikes which hold the rails in place. From May 2015 to July 2015, potholes have bordered the track at Kenilworth crossing, and have went unfixed despite calls to TC&W and MNDOT.

The FRA estimates that there will be at least 10-20 oil or ethanol derailments per year going forward. Nationwide, we had over 7000 train derailments of some kind in 2014. These concerns are not just theoretical.

The mix of commodities that TC&W carries has changed over time, with approximately 30% of TC&W's freight being ethanol. It has only been in the last 5-10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities was much more common. Unit trains of 100 cars of ethanol, a highly flammable product, daily traverse the corridor. Through the planning process, the Met Council repeatedly told us that the primary products in Kenilworth were agricultural, which sounds innocuous. While ethanol may be an agricultural byproduct, it is highly dangerous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosivity potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosivity potential). For oil, only Bakken Crude matches its danger due to a high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough to

melt steel structures (3488 °F). The melting point of steel is 2795 °F. The freight through Kenilworth currently runs feet from bridges and high rises that would be vulnerable in the case of a derailment.

Of great concern are the waivers requested by the Met Council from the FRA to put jurisdiction of the colocated corridor under FTA with the FRA abdicating jurisdiction. The combination of placing both modes of transport which have radically different missions in the same corridor is highly problematic, particularly with such close proximity. The FRA seems to be abdicating jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents along the Kenilworth Corridor. But the construction of SWLRT running right next to high hazard freight is of particularly alarming concern to residents.

B. Potential Freight Rail Impacts

This section identifies the potential long-term and short-term impacts that would result from the changes to how the LPA would change the freight rail movements within the St. Louis Park/Minneapolis Segment.

Long term direct and Indirect Freight Rail Impacts

This section describes the long-term direct and indirect freight rail operation impacts in the St. Louis Park/ Minneapolis Segment. Proposed modifications to existing freight rail facilities within the St. Louis Park/ Minneapolis Segment are described in Section 2.5.3 of this Supplemental Draft EIS. The proposed LPA would generally result in no changes to existing freight rail operations because all segments of existing mainline freight rail track would remain unchanged, except for relatively minor modifications to some track to accommodate the construction of the proposed light rail line. This includes construction of the Southerly Connection between the CP Bass Lake and the MN&S spurs (see Section 2.5.3 and Exhibit 2.5-5 of this Supplemental Draft EIS for additional detail) to replace the existing Skunk Hollow switching wye to allow continuation of freight in that section of the corridor. While this would change the geometry of the freight rail alignment for the movement of freight rail between the Bass Lake Spur and the MN&S Spur, it would not result in substantial long-term impacts to freight rail operations.

In addition,the LPA would result in the removal of 11,771 feet of siding along the CP Bass Lake Spur, eliminating the backing of freight trains at the Woodpile Avenue crossing that occurs under exiting conditions. The removal of the siding tracks would be negotiated with the freight rail owner and operators, which could include negotiated compensation for adverse effects to their operations. No indirect effects to freight rail transportation are anticipated.

Long term freight Response

Hazardous freight is a nationwide problem seeking a solution. Throughout the planning process Kenilworth was chosen as the LPA with the intention to move the freight out of the corridor. The existing situation in the Kenilworth with freight only is already problematic. The addition of LRT in a corridor that does not meet the minimum AREMA safety guidelines of 25 feet separation center to center rail is untenable. In fact AREMA recommends a 200 foot separation as optimal. Many will say that across the nation, we have corridors that contain both freight and passenger trains that are in narrow corridors that do not meet minimum safety standards. However, our increasing awareness of freight danger has meant

that going forward, communities are much more exacting on safety standards and meeting those minimum AREMA guidelines. In fact, in no other project currently under construction can we find a project that won't meet at least the minimum 25 foot grade separations that this project long term will not meet.

The multiplicative risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is absolutely nothing in the SDEIS that deals with an evaluation of risk or readiness of dealing with a derailment, especially of a high hazard product.

LRT catenary wires that regularly spark off the pantographs will run, in some places 10-15 feet from freight. In 2014 alone, FRA reported 43 ‘accidents’ in the US related to pantographs. Even with the eventual placement of crash walls, catenary electrification runs immediately adjacent to highly flammable unit trains (80-125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. It burns hot enough to melt steel structures and substructures. Ethanol vents at the top of trains will run closest to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains carry ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers oil, and potash regularly traversing the Kenilworth Corridor. These old generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high hazard products like ethanol and crude oil because they are prone to punctures, spills, fires and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a 6 year time period. However, the rule defines and applies to “high-hazard flammable trains” (HHFTs) as a continuous block of 20 or more tank cars loaded with a flammable liquid or 35 or more tank cars loaded with a flammable liquid dispersed through a train, making it certain that single hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail car. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61% of high hazard oil was misclassified. Sometimes the train manifest may not actually reflect what is being transported by the freight.

According to the Department of Homeland Security, high hazard train tankers are vulnerable to terroristic threats. The proposed SWLRT will run adjacent to freight through St. Louis Park and Kenilworth Corridor all the way into downtown where it will join Northstar Commuter rail in tri-location, until it stops at the Target Station. HHFTs have been coined 'bomb trains' by many, and this tri-location terminating at the Target Station is concerning. The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high value targets vulnerable to terrorism. The colocation of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster waiting to be prevented. Were high hazard freight not running through this corridor as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath theTwins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Where tri-location of high hazard freight, Northstar and

SWLRT will run under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement of these multiplicative risks or of risk readiness.

In fact, the SDEIS does not contain one word acknowledging high hazard freight through Kenilworth. There is evidently no safety plan should an ethanol or other hazmat freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business increases. They also have no ability to stop TC&W should they choose to sell. These risks to this corridor are likely to only increase as federal mandates to increase the mix of ethanol from 10% to 20% in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, who could make this an extremely busy corridor which would transport an even more numerous mix of hazardous chemicals. Common carrier obligations mean that TC&W must carry whatever their shippers desire (for example anhydrous ammonia, chlorine…, where a single car derailment could kill hundreds or even thousands).

Heavy freight causes vibrations that can travel through the ground. Long term damage from vibrations of heavy freight to LRT structures and vice versa raise concerns long term, and going forward. As a nation, we prefer new projects to taking care of existing infrastructure, where the state of our current freight rail infrastructure is poor, even along the Kenilworth Corridor. Vibrations are also affected by the ground substructures where water logged soil tends to increase those vibrations. Problems with ground – borne vibration and noise are common when there is less than 150 m between the railway track and building foundations, and here the LRT will run within 1.5 feet of the Grain Silo Condos. Long term damage to LRT infrastructure from heavy freight vibration within feet of buildings is highly problematic for both noise, vibration and for property damage. This will be multiplied by the addition of LRT, running adjacent. Whether the problem will be perceptible vibration or audible noise is strongly dependent on local geology and the structure details of the building.

The SDEIS does not explore Met Council liability if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This insurance liability assessment should be done prior to building SWLRT. Who will pay for life lost and or property damage?

Short-Term Freight Rail Impacts

This section describes potential short-term freight rail operation impacts caused by construction of the LPA. Constructing the LPA would have some effects on freight movements in the corridor that would be temporary in nature.

Construction of the proposed south light rail tunnel in the Kenilworth Corridor would require the temporary movement of the freight rail alignment at various locations along the Kenilworth Corridor. The shift would be about 2 to 3 feet to the northwest and would facilitate construction of the proposed light rail tunnel. During the time when the freight rail tracks are shifted to a temporary location, freight rail operations would not be obstructed, discontinued, or slowed. Instead, light rail construction would be stopped by a flagger, and the workers and machines would be moved away from the track whenever a freight train comes through the work area. The cost of the flagging operation for labor and equipment delay would be borne by the project. Despite this, the freight rail operator might choose to continue to travel through the corridor at lower speeds based on its operating procedures. During this reconstruction period, the freight track would be

maintained for a maximum 25-mph track speed, which is the existing condition. However, the TC&W has agreed to hold speed to 10 mph within the Kenilworth Corridor, their existing operating speed at that location (see Section 3.4.3.B of this Supplemental Draft DEIS for additional detail).

Short term freight comments

Similar comments to long term safety exist for short term safety issues, but multiplied many times. Tracks are separated by less than 25 foot AREMA guidelines, as close as 11-12 feet. During construction, the dangers to the community will be much higher due to the fact that freight, particularly hazmat freight, will continue through the corridor. The plan to use flaggers will mean that freight, which will get priority during construction, will stop LRT construction workers while freight passes. During construction a 35 foot wide (upon completion) and 25-35 foot deep trench with pilings to around 50 feet will be constructed. The freight will run right next to this construction pit at a time when the corridor will be filled with construction workers and construction debris. The freight will be allowed to pass and the construction will resume. At this point, there will be no crash walls.

The track geometry at the narrow points through the corridor do not seem to align with any kind of safety standards that are logical. The corridor at the narrowest point is 59 feet at the pinch point. This point runs between the historic grain condos on the east and the red town homes to the west side. The SDEIS states that they will move the freight tracks 2-3 feet closer to the red condos. The tunnel trench will be dug at the base of the grain tunnel within about 1-2 feet of the footings of that building. There will be a buffer between the red condos to the east of around 22-24 feet and the freight train is about eight feet wide (35 feet wide + 2 feet + 24 feet + 8 foot wide freight train = 69 feet). This math does not inspire confidence in the safety of the construction zone. This will mean that during construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at literally the edge of a 35+ foot construction trench carrying high hazard freight including ethanol, fuel oil, and fertilizer with NO crash walls. Plus under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling. That train is literally, at the edge of that construction pit, and construction will take two years to complete. Two years with no crash walls to prevent that train from falling into that construction trench. If there were a derailment, that freight train would fall into that construction pit one after the next in a spectacular domino type fashion that would certainly lead to an explosion at the foot of the oldest most historic 12 story grain tower condo in Minneapolis filled with residents, and next to town homes whose beds may be less than 20 feet away. High Hazard ethanol freight can melt steel structures. People live their lives in those condos every day, and people are put into harm's way because of colocation.

Construction by its nature disturbs the safety of freight by disturbing those freight tracks and infrastructure. When soil is disturbed, its composition will effect its stability. The composition of the soil along the Kenilworth is between the chain of Lakes and where the water table is high. The geometry of constructing a tunnel in boggy soil immediately adjacent to active hazmat freight raises the risk of derailment.

It is also important to point to the poor condition of freight rail infrastructure currently which increases risk for a short term freight derailment both during and after construction. From late May through July, two pot holes painted pink at Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TCW. In 2010, there was a derailment by a TC&W train and the track through Kenilworth was replaced with a single weld safer track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. Why these were not replaced when the single weld rail was replaced is an

indication of poor maintenance and concern of both short and long standing freight infrastructure problems.

The construction corridor will be littered with construction debris which will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train once it begins to tip into that construction pit. Tip guard rails have been suggested as a solution (not is SDEIS), but can build up with snow and actually cause derailments. With snow build up, the snow pack buildup can launch the train right off the rail.

Nightime running of freight (also not in the DEIS, but mentioned to Mark Wegner by the SWLRT staff) will be perhaps even more dangerous than day time. People will be asleep in their beds as these trains run only feet from a construction trench. Construction debris may be left near or on tracks and may not be visible to the freight engineer conductor at nighttime. Final day inspection of track is an imperfect science and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure and rain can washout surrounding already disturbed soils, increasing the derailment risk during construction.

Additionally, if a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the geometry of the corridor - in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st or Cedar Lake Pkwy. Fire equipment must be accessible in case of a derailment emergency, and an in depth coordination between the fire department, Met Council engineers, and the citizens has not been done. It is not even addressed in the SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually some sort of foam specific to the chemical spill. These fires can not be fought with water, which can actually worsen a fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at stations, but for many freight derailment fires, it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire. As an aside, Dave Christiansen, an expert advisor to the SWLRT project misinformed a group of concerned residents, saying the ethanol can be fought with water and that ethanol does not burn hot enough the melt steel, both of which are patently false. Dave Christianson has been an adviser to the SWLRT project.

According to TC&W freight president Mark Wegman, there had only been one planning meeting as of June 2015 with SWLRT project staff to discuss issues of joint construction concern. This seems short-sighted. These are issues of such great import to our community and the community has repeatedly been told that the Met Council and SWLRT project staff have everything in control.

The SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Construction may put insurance waivers in place requiring specific insurance to be purchased guarding against life or property loss to the community. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be done prior to building SWLRT.

Currently, TC&W reports that they go 10 miles/hour through the Kenilworth Corridor, but this is voluntary, and not mandated. Residents believe they often go faster than the speed they claim, and during construction, any speed may have devastating consequences. Derailments can happen at any speed. Going

forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

C. Mitigation Measures

No long-term impacts to freight rail transportation in the St. Louis Park/Minneapolis Segment are anticipated. Therefore, no long-term mitigation measures have been identified.

In order to mitigate short-term impacts to freight rail operations related to construction activities, the Council will develop and update a freight rail operations coordination plan. The purpose of this plan is to facilitate coordination between the project and the freight railroads throughout the construction period in order to minimize impacts on freight owners and operators without creating unreasonable constraints during construction of the LPA. Freight rail owners and operators in the project area will approve the coordination plan, prior to the start of construction. As part of the effort, Council staff will also work with the freight railroads to provide provisions in the construction contract to identify how the contractor will interact with the railroads. Further Council staff will work with the freight railroads to sequence construction to minimize effects on freight movements and to identify optimal periods for closing the rail service and reducing speeds.

During construction activities, flaggers will be used to allow freight rail operations to continue without interruption, except for the following proposed activities and durations:

- **Four- to eight-hour stoppage when completing the freight rail track swap**
- **Two-day (likely over a weekend) stoppage for MN&S and TC&W trains for turnout construction for the new southerly connection to MN&S tracks**
- **One-day stoppage to shift the bridge over Highway 100 from its location along the current alignment to a location north of the light rail mainline**

Dates and times for all stoppages will be determined by CP, the owning railroad for the Bass Lake Spur, and HCRRA for the Kenilworth Corridor. TC&W will also be coordinated with, as the freight rail operator on the Bass Lake Spur and Kenilworth Corridor. The use of flaggers will require construction activities to halt while freight trains traverse the construction area at regular speeds. Other construction activities will include shifting the existing track into a temporary location (two to three feet to the north/west) to allow for construction of the proposed light rail tunnel. This shift would be gradual, and is estimated to take approximately a week to shift the tracks and another week to shift the tracks back after the light rail tunnel is complete. Coordination between the contractor and the railroads will assist in minimizing disruptions and planning for the expected shutdowns to occur at times that would cause the least impact on freight rail operations. More detailed information on the impacts on freight rail carriers will be identified as construction plans are developed. The Final EIS and freight rail operations coordination plan will include details regarding construction sequencing, schedule, means, and methods.

Response to mitigation measures

It is difficult to respond to this section surrounding freight since no problems with colocation have even been acknowledged in the DEIS. There is no real analysis of the effects of colocation and the danger of running high hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines of 25 feet grade seperation. This SDEIS is astounding more for what it does not contain than what it does. The mitigation discussed is more concerned for making sure that the freight schedule is unimpeded than for assessing the safety of

neighborhood residents, construction and freight personnel, or future SWLRT riders. The only solution to mitigate this problem completely is to do what was promised for the residents of Minneapolis. That is to go back and relocate freight trains out of this corridor. Minimally, during construction, high hazard freight MUST be diverted from the corridor. The wisdom of running high hazard freight both during construction at the edge of a potentially unstable water logged construction trench without crash walls, and after when potentially leaky ethanol or other hazmat tanker cars will run adjacent to sparking pantographs is extremely concerning.

No-tip guard rails for freight have been proposed for the Kenilworth Corridor, although not in the SDEIS. In a meeting with Mark Wegner of TC&W, he shared his concerns with community members about the build up of snow that can actually lead to freight derailments. They tend to build up snow increasing risk of freight literally sliding off the rails. However the importance of no tip technology in a corridor where trains run for significant times less than 25 feet apart and during construction of a tunnel 25-35 feet deep running immediately adjacent to high hazard freight leaves us in a bind. We both need it to protect us from freight falling into a construction tunnel but also are concerned that it may actually promote a derailment.

Long term, mitigation of crash walls is important between freight LRT is important, but short term, without crash wall, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present.

With the recent budget shortfalls for SWLRT, we are concerned that mitigation around freight and freight safety will occur. The SDEIS states the need to develop and maintain a balanced and economically competitive multimodal FREIGHT rail system as justification of the project. That the SWLRT project is now intended to further develop a freight rail system, needs further explanation. It is not in the original scope of the project and has been snuck in to the SDEIS, but is confusing and unclear. The DEIS specifically did not recommend Colocation of freight and LRT. The bottom line is that there should be no COLOCATION as was recommended and promised in the first DEIS.

We have been told that these issues will be dealt with as they arise but the freight section of the SDEIS indicates that there is not even an awareness of the danger and concern to area residents or long term to SWLRT passengers.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current “north woods” feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.

3.4.4.6 Safety and Security

Long-Term Impacts

The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Short-Term Impacts

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue bridge. The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction.

Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. Now we understand that the sewer project would need to be completely re-done as part of the SWLRT tunnel-building.

3.7 Safety and Security

3.7.2 Existing Conditions, page 3-129

Public safety and security within the study area is provided by the police departments, fire departments, and emergency response units of the cities of Eden Prairie, Minnetonka, Hopkins, St. Louis Park, and Minneapolis. Emergency medical services are located in each city.

Primary safety concerns associated with the freight rail relocation segment of the proposed project, as expressed by the community, are derailments, chemical spills, the accessibility and safety of pedestrians (particularly near schools), and vehicular and traffic safety at grade crossings.

Comment : Please note that residents near the Kenilworth Corridor are equally concerned about such issues as derailments, chemical spills, pedestrian and cyclist safety, and traffic safety.

3.7.3.3 Safety – Long Term Effects - Build Alternatives, page 3-131

The project would be designed in a manner that would not compromise the access to buildings, neighborhoods, or roadways, and would not compromise access to the transitway in the event of an emergency.

Addendum: CIDNA's Position Statement on Freight Relocation for SWLRT

The following resolution, passed by the CIDNA Board of Directors on February 8, 2012, concerns the co-location of the freight rail and SWLRT which is currently under study by the Minnesota Department of Transportation, HCRRA and the Metropolitan Council and asks that co-location be denied on behalf of the adjoining neighborhood.

Resolution

Whereas, this request on behalf of the adjoining neighborhood is based on the earlier assessment prepared by R.L. Banks and Associates issued December 2010 which includes a letter of Dec. 3, 2010 to Ms. Katie Walker, Transit Project Engineer. It states the minimum space requirements for co-location of the freight rail and SWLRT. It concludes that there is insufficient space within the existing ROW to accommodate both freight and LRT at grade in the Kenilworth Corridor. To have freight rail and LRT co-locate at grade, it would be necessary to take property on either the west side or the east side of the existing ROW (right of way) even if the LRT alignment is shifted from its planned location.

Whereas, that report also contains a listing of seven scenarios that are injurious to the bicycle path, requirement of the acquisition of 33 to 57 housing units which would disrupt an entire townhouse community or acquisition of 117 housing units as well as other alternatives that would create noise and aesthetic impacts and other environmental impacts.

Whereas, the overall negative effect on the adjoining neighborhoods and park system would be detrimental to the environment.

Now Therefore, the CIDNA Board requests that the co-location of the freight rail SWLRT on the Kenilworth Corridor be denied.

From: Cathryn Konat
To: swlrt
Subject: Comments on SDEIS from LRT-Done Right
Date: Tuesday, July 21, 2015 2:16:18 PM

I want to state my endorsement of the comments submitted by the LRT-Done Right in response to the SDEIS. This response represents thousands of hours of work done by neighborhood volunteers. It is my hope that you will read their comments with careful consideration.
Best,
Cathy Konat

--
Cathy Konat
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Comment #148

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Kenwood Isles Area Association

Southwest Light Rail Supplemental DEIS response

July 20th, 2015

Introduction to SDEIS Comments by the Kenwood Isles Area Association

The Kenwood Isles Area Association (KIAA) represents the neighborhood that extends, on its west side, from the proposed SWLRT Penn Avenue station to the Kenilworth Lagoon.

KIAA has participated in the SWLRT planning process in the spirit of cooperation and compromise for approximately nine years. For most of this time, we were assured verbally and in planning documents that freight rail in the Kenilworth Corridor was a temporary condition and would be moved to make way for LRT. The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's policy is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the two following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor will be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured from a basis of no freight and no light rail.

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation will continue to grow as transport of oil, ethanol and other volatile materials expands and freight trains grow longer.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor – and included "co-location" making the temporary freight rail permanent – they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. KIAA does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: In Short-Term Acquisition and Displacement Impacts, the Council states "[s]hort-term occupancies of parcels for construction would...change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see:
http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf.
In the case that the MPRB decides against owning these properties, KIAA expects that the spirit of the agreement be upheld, i.e., that any remnant parcels remain publicly held.

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office, an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that may be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

These items will not avoid, minimize or mitigate the long term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS. Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The bridges over the Lagoon will have an adverse impact because of their the size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure will alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation and avoidance/minimization/mitigation measures to be identified. The possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific

mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need to ensure that plans are in place to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction as well as an agreement that specifies how these potential impacts will be monitored. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction.

The SDEIS also lists "station area development" as an item to be addressed through continued consultation. Numerous statements have been made that development is not anticipated at the 21st Street Station. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station...."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station
The discussion of development potential at the Penn Station does not relate to the Kenwood Parkway side:
http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf
The Council must explain what development is being referred to in Table 3.4-5.

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS response.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect the environmentally sensitive parkland, recreation areas, and open spaces along the Kenilworth Trail and adjacent parks. During construction, how can the safety of park and trail users (East Cedar Lake Beach, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed? Please also explain how emergency vehicles will maintain access to East Cedar Lake Beach and Cedar Lake Park.

Section 3.4.1.5 Visual Quality and Aesthetics

> ***Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:***
>
> ***Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.***
>
> ***Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.***

Comment: While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial." (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor.

Throughout this area, the SWLRT project will remove a large amount of green space and trees, and replace them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the degree of change in the visual resource will be great, and, with well over 600,000 annual visitors to the Kenilworth Trail, the exposure to viewers will be high. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

It appears that the consultant determining the visual qualities of the corridor relied entirely on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). If this is true, it is very discouraging that the area was not visited in person by the evaluator, nor were any stakeholders consulted.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent

neighborhood. The 21st Street Station – a slab of concrete and metal with fencing and catenaries – will certainly "create a focal point," but it is not credible to assert that this will positively impact the visual qualities of a place that is now adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. **We assert that the Council must recognize this and identify robust and meaningful mitigation measures for incorporation into the project. In fact, many feel that the adjacent parkland and the park-like environment of the Kenilworth Trail will be forever disrupted, and this alignment was selected when other, better alignments exist.**

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: Given its history as a marshy area that in many places was made solid by landfill, and its former use as an active freight corridor, KIAA is very concerned that so much remains unknown about the soil and groundwater conditions in the Kenilworth Corridor under which the SWRLT tunnel and other elements will be built.

On page 3-170, the SDEIS notes, "the amount of settlement below and in the vicinity of the tunnel would be negligible." KIAA urges the Met Council to consult with the builders and managers of Calhoun Village about settling. Our understanding is that the buildings in Calhoun Village are built on pilings; the parking lot has settled and been raised, perhaps more than once, so the step from the walkway in front of the stores to the asphalt remains within reach. KIAA has no engineering data, but we have been told that an underground flow from Cedar Lake to Lake Calhoun is believed to be responsible for the parking lot sinking. With the longer, heavier freight trains that have begun to use the Kenilworth Corridor – which will likely increase with the upgraded rail facilities that the Met Council plans to build as part of the SWLRT project – and the frequent LRT trains, KIAA is not confident that "construction and operation of the light rail system would not affect the performance of the proposed tunnel or the other structures located in the vicinity of the tunnel, such as roadways, utilities, and nearby buildings."

Regarding groundwater, the SDEIS further points out that "in areas with high groundwater elevations and granular soils, there is an increased potential for groundwater contamination as a result of previous hazardous and contaminated materials spills" (page 3-168). We appreciate the Council's plan to create a system of filtration tanks and infiltration basins to accommodate a 100-year storm event during construction, but urge the Council to fully understand the nature of the contaminants in the soil before digging begins. The Council assumes that it will obtain permits from all local, state, and federal agencies for impacts to wetlands and other aquatic resources, but it would, of course, be irresponsible for these agencies to grant permits if unknown contaminants cannot be safely managed. We also urge the Council to understand the costs of dealing with this contamination before proceeding with construction, as we understand these cost are not currently known.
KIAA requests that there be a much more significant and transparent presentation regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially potential for damage to the Kenilworth Channel and Cedar Lake.

While a permit application is required, the SDEIS identifies that there will be damage done to Minneapolis' aquatic resources but does not specify the level of damage that may be done during construction and operation of the SWLRT. The further impairment of these resources is a violation of the EPA Clean Water Act. The Minneapolis Chain of Lakes is a vital recreational and natural resource; while we appreciate that the Council will apply for a Section 404 permit, to knowingly degrade the Chain of Lakes is unacceptable.

Further, KIAA is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. The Kenilworth Corridor north of 21st Street is a former rail yard that housed up to 58 rail lines during its peak and was in service for decades. The SDEIS specifies the numerous toxic contaminants in the area due to this former use. Much of the rest of the Kenilworth area was constructed through landfill when standards for waste disposal were not stringent. When disturbed, contaminants from freight operations and landfill could enter the nearby lakes and groundwater.

In a June, 2015, Community Advisory Committee meeting, Southwest Project Office staff told the committee that contamination beyond what was identified in the SDEIS is likely to be found. Advancing the project without thorough knowledge of the type and degree of contamination elevates the risk to our water resources. The SPO staff further stated that measures to address the additional contamination are to be covered by contingency monies from the overall project budget. The SPO admits it does not fully understand the scope of the contamination nor does it know whether there will be adequate funds to address the potential

contamination of soil and water resources due to the construction and operations of the SWLRT. KIAA finds this approach to be irresponsible both financially and environmentally.

Noise 3.4.2.3

The SDEIS simply states that the noise issues described below will be addressed in the Final EIS and that they will be mitigated. We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.

Comment: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT through Kenwood and CIDNA will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Kenilworth Corridor. This proposed SWLRT route is not comparable to the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue), which are immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**.

A **National Scenic Byway** is *a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. The program was established by Congress in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).* The Kenilworth Corridor accommodates pedestrian and bike traffic, along with a slow moving freight train – two to five times per 24 hour period – which was intended to occupy the corridor only on a temporary basis.

The noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the Kenilworth Corridor and the adjacent neighborhood with near-constant noise and vibration.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet, 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT 3 - car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, critically increasing the noise generated. This holds true even if the only noise increase resulted from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

The result of LRT noise is the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, to a severely noise disrupted, highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise, a research review published in the December 2014 edition of Sleep Science, summarizes:

> emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article goes on to review that:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased

mortality....during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [1]

Further, there is growing evidence that the opportunity for experiences in greenspace and nature supports social and psychological resources and recovery from stress. [2] The perpetual and repetitive noise from SWLRT would interrupt the current experience of the Kenilworth Corridor, nearby beaches, parks, the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Opportunities for experiences in natural environments, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally if not more critical for the mental health of urban residents.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be simply ignored.

A. Existing Conditions (p. 3-180)

Fundamental defect with baseline noise measurements

Comment: The SDEIS uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] ***This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.***

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS. KIAA requests that the SW Project Office contact CIDNA to obtain a copy of this report.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted that "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise every 5 minutes is measured as having a lower impact than actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as 51 - 64 dBA in Tables **3.4-11, 3.4-12**. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non -existent, moderate or severe. This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.

Repetitive bell noise does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations.

The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

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[1] Sleep Science, Volume 7, Issue 4, December 2014, Pages 209-212).

[2] British Journal of Sports Medicine 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG."

[3] http://metrocouncil.org/swlrt/sdeis

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel

KIAA strongly questions the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material..."

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word -- the term "passive" to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Most significantly, that the consequence of placing the Kenilworth Channel in Category 3 is that both the obligation to mitigate impacts is lowered, and the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Breaks the *System* of Minneapolis Parks.

Horace Cleveland's visionary masterplan, Suggestions for a System of Parks and Parkways for the City of Minneapolis, proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a Minneapolis Park System.

The scenario of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area breaks the larger *system* of the Minneapolis Parks.

Site N 17 (p. 3-182)

21st Street Noise Impacts

We strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

As we currently understand the SWLRT project, crossing and station bells will generate a noise level of 106 dBA and LRT bells generating 88 dBA for 22 hours; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents be able to sleep uninterrupted.

Further, freight trains, which were supposed to have been relocated out of the Kenilworth Corridor to make way for LRT, may need to use bells and horns to safely cross 21st Street. This noise impact, which we regard as *new* since the status of the freight rail is going from temporary to permanent, does not seem to have been considered in the SDEIS.

We disagree with the assessment that the SWLRT project will create only 22 moderate noise impacts and one severe impact within the 21st Street station area. With appropriately robust measurement of the existing conditions (*without* freight), many of the residences with noise impacts deemed "moderate" would likely experience severe impacts. In addition to the residences identified in the SDEIS, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least moderate noise impacts. It's clear that although measurements may not rise to the "moderate" or "severe" level as defined in engineering manuals, noise from the 21st Street station will degrade a large portion of the Kenwood neighborhood. We underscore the need for the highest level of noise management and mitigation.

NB: It appears that the SDEIS may misidentify some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses may actually be on Sheridan Avenue South.

LRT Horns are Likely

According to the federal Train Horn Rule[4], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it may not be safe to silence LRT horns at this crossing. That does not mean that KIAA welcomes the horns being sounded due to the prestated tranquility of the corridor and the severity of the noise impacts. If they were reinstated for safety reasons, the noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood. KIAA has no evidence that there is a viable solution to the conflicting imperatives of safety vs. quality of life.

Not addressed: Impacts near Portals

Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS.

First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be identified and made public prior to the final DEIS.

Not addressed: Tunnel Ventilation System

Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building, among other things, before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations

The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment*, the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[5]

The SDEIS says that 54 residences[6] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". The impact of vibration of the freight rail, which the SW LRT is making into a permanent condition, should be included in this analysis.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed in this SDEIS. The FDA manual states: [7]

> ...the degree of [ground-borne vibration and noise] annoyance can not always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

SHORT TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within a month of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The project had to be halted (the piles were extracted), since going forward was deemed to be catastrophic. The pile-driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Tryg's site incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile-driving for SWLRT is planned.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the project cost estimates. There is a "contingency" line item in the budget, but it should be used for truly "unpredictable" costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.

Note that KIAA submitted concerns about building conditions during the 2012 DEIS scoping period. During this period, Kenwood residents showed that new construction in the 2500 block of Upton Avenue South required extra deep footings due to the unstable nature of the soil. Architects' drawings and technical information were submitted to Hennepin County.

KIAA requests that the nature of the building conditions be better understood before proceeding with the tunnel and bridge construction. Further study is needed of:

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[5] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*

[6] All of them are Category 2 receivers: "residences and buildings where people normally sleep."

[7] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-6*

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION

The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

KIAA understands that an online search of MPCA and MDA databases was conducted to identify documented hazardous and contaminated soils in the Kenilworth Corridor (page 3-189). While we appreciate that several sites were located with this method, people who have lived in Kenwood for many years have reported that undocumented disposal of hazardous waste formerly occurred in the Kenilworth Corridor area. KIAA has only anecdotal evidence, but we urge the Met Council to thoroughly investigate the possibility of undocumented contamination prior to commencing construction.

The SDEIS does not make clear whether the contamination risks throughout the corridor, including those areas of potential groundwater contamination or contamination that may infiltrate groundwater when disturbed, will be subject to Phase II evaluation prior to construction. Permanent pumping of an average of up to 520 gallons per day of water that has seeped into the tunnel would, if contaminated with the residue of freight operations or landfill, directly pollute the Chain of Lakes. We request that this risk and valid mitigation measures be identified before it is determined that a tunnel is environmentally safe and appropriate to build. The SDEIS states:

"Over the short term, four of the high-risk sites have the potential to directly affect LPA-related construction activities in the St. Louis Park/Minneapolis Segment (see Table 3.4-15). As previously noted, the high-risk sites would be investigated prior to construction using a Phase II ESA, which would include preliminary soil and groundwater investigations."

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts include:

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad. KIAA does not believe that the general public is even aware of the amount of wiring and electrical current and sparking in the LRT infrastructure, and we request that the Met Council make a public statement informing the general public of such. Below is a photo of a green line junction of a power tower that will be in very close proximity to the ethanol trains. KIAA strongly objects to this alignment and the risk to those families living in the "blast zone."



SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the SWLRT project budget.

The SDEIS comment, however, seems to say that the cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they could become a Superfund site, requiring significant and expensive remediation.

Several members of the public requested budget information that would indicate what amount of the May 2015 increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in the Kenilworth Corridor. The SW Project Office provided only the highest level of information, and indicated that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project. KIAA is disappointed in this low level of transparency and is left to wonder if remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: KIAA disputes the statement that SWLRT will positively impact property values, especially around the 21st St station and Kenilworth Channel. The current freight alignment in the Kenilworth Corridor, which was supposed to be temporary, is already a negative and permanent defect on property values, and this becomes magnified as a negative defect on properties along the line with co-location of SWLRT. The threat of a collision and derailment as such incidents gain increased attention in the news media will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Much of Kenwood is within the half mile "blast zone." Currently there is no viable plan to contain the effect of a derailment and crash in any urban area other than to let the blast "burn out" for the safety of the overwhelmed first responders. Further, the increased noise, vibration, and light without the previously promised removal of freight rail is an exponential increase in the disturbance in an area that is well known for its park-like feel and "up north" atmosphere. The increased adverse effects of co-location will be a permanent defect to homes within earshot and sight of the line; auditory adverse effects would reach as far as Lake of the Isles Parkway based on the audible sounds of the current freight line, but as a much more disruptive cacophony of LRT bells and horns versus the current infrequent "low rumble" of freight.

Further, while studies such as *rtd-fastracks.com* and others show that the access to light rail increase property values in high density, transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor is not representative of those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods do not see the positive impact on property values, as they do in lower to middle income neighborhoods that more regularly use public transit.

While the projected 1600 ride/daily boardings and alightings appear unrealistic, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing on street parking in front of their homes. This will create a parking lot feel to the low density neighborhood and be a detractor from potential buyers, negatively impacting home values.

Finally we do not support denser development in Kenwood, nor would it be feasible on any meaningful scale due to the mature and stable nature of the neighborhood. Any development would further denigrate the existing green space in the corridor, especially around the 21st St station.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

Short-Term Direct and Indirect Economic Impacts

Comment: The SDEIS addresses only short-term economic impacts related to freight movements in the corridor. We assert that property owners in Kenwood would experience adverse economic impacts during construction; we are concerned that there will be a severe temporary degradation of property values due to the noise, traffic, vibration and uncertainties of the construction period, and we request that property assessments be reconsidered with the purpose of providing tax relief such as what was seen and acted upon during the upgrade of Highway 12 to Interstate 394. We request that a standard preconstruction survey be conducted on the route of construction vehicles or within the construction zone. We also request that there be a plan to ensure that school hours at the Kenwood School be respected – noise and activity should not take place in a manner that interrupts learning. Further, we request specification on what daily clean up and street sweeping would occur to minimize impact on the neighborhood.

3.4.4.2 Roadway and Traffic

As summarized in Table 3.4-1, there would be three new at-grade light rail crossings of roadways within the segment (Wooddale Avenue, Beltline Boulevard, and West 21st Street). At each crossing, light rail operations would impede vehicular traffic for approximately 50 seconds approximately 12 times per hour (six times per hour in both directions).

Comment: KIAA is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS. Police frequently need immediate access to the beach and park for the purpose of public safety and criminal matters; Water emergencies, fire, or medical emergencies would be exacerbated with each moment of delay. We see no possible way to mitigate this impact.

KIAA is concerned about the short-term impact on neighborhood roads that would be used for construction of the Kenilworth Corridor segment, including, but not limited to Penn Ave S, 21st St W. KIAA requests that funding be set aside for road repair

during and at the conclusion of construction to ensure that the burden of the cost of repair is not tendered to Kenwood residents via an assessment.

KIAA requests that passage of construction vehicles and materials through the neighborhood are limited to normal business hours to minimize neighborhood disruption. Please see Addendum #2 for the referendum passed by KIAA regarding the importance of this issue and we request some acknowledgement and plan for such mitigation during construction and repair post construction to any damage sustained to neighborhood housing or infrastructure.

3.4.4.3 Parking

Indirectly, the LPA could affect the supply of and demand for off-street parking in the St. Louis Park/ Minneapolis Segment due to development new light rail station areas. Any development occurring within the segment would, however, be required to comply with the City of St. Louis Park's and the City of Minneapolis' parking requirements, which would tend to ensure a long-term balance of parking supply and demand.

Comment: KIAA is concerned that there is complete disregard in the SDEIS for the impairment of on-street parking availability in its neighborhoods near the proposed 21st St Station for residents and their guests, as well as emergency access to those homes, especially in winter when streets are narrowed due to snow buildup. KIAA continues to oppose a park and ride lots at 21st St.

3.4.4.4 Freight Rail

Comment: Contrary to 15 years of previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (SDEIS page 1-1). The public, policy makers, and funders are generally unaware of this new "need" – one that has directed approximately $200 million of the Southwest light rail budget to improving *freight* rail and making it permanent in the Kenilworth Corridor.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. Despite public agreements and related state funding, none of the responsible parties secured appropriate legal documentation to ensure that freight would be moved to make way for light rail. Many of the parties responsible for this serious and politically tainted "mistake" have been, and continue to be, deeply involved in the SWLRT planning process.

Since the Alternatives Analysis assumed that "freight would be relocated to make way for light rail," the financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered at this critical juncture. Neither Hennepin County nor the Met Council has ever conducted an honest and unbiased analysis of alternative ways to serve the southwest suburbs' transit needs.

When the City of Minneapolis was required to vote on alignment 3A as the proposed Locally Preferred Alternative (LPA), the City Council members were told that freight rail would be relocated and that LRT would run at-grade in Kenilworth. The costs and concerns of freight relocation were again ignored.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

When the City of Minneapolis was pressed to accept co-location in 2014, the City Council lacked critical information to make an informed decision because freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS.

The present SDEIS does little to further the knowledge of risks to the environment and public safety of co-location of freight and SWLRT. It is remarkable more for what is not included than what is included.

Not addressed in this SDEIS are the following issues related to making freight permanent in the Kenilworth Corridor:

1) The current freight operator, TC&W, transports hazardous freight through Kenilworth, in very close proximity to homes, trails and parks. This freight includes such flammable and explosive products as ethanol, fuel oil, propane, and anhydrous ammonia. Should a derailment occur, the consequences could be catastrophic. The need for containment and evacuation plans in nowhere acknowledged in the SDEIS. The federal Freight Rail Administration (FRA) expects at least 10 to 20 oil or ethanol derailments annually. Nationwide, over 7000 train derailments occurred in 2014. These concerns are not just theoretical.

It is troubling that even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the

relocation of freight proposed the 2012 DEIS, the current SDEIS does not contain one word acknowledging the presence or dangers of high hazard freight through the Kenilworth Corridor. There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

2) TC&W is a private business and is free to operate as it deems appropriate. Since 1998 when freight was temporarily reintroduced, TC&W has significantly expanded the number of cars shipped through Kenilworth. The contents of these cars has also changed and will continue to do so as ethanol production increases – unit trains of 100 ethanol tankers have replaced short configurations of soybean and farm equipment carriers. Furthermore, the owners of TC&W are free to sell the company at any point to any one of the major railroads. This would cause an even greater expansion of traffic and movement of hazardous products in close proximity to homes. Upgrading the freight rail infrastructure at public expense and making it permanent increases the value of TC&W and thus increases the likelihood that it will be sold. Nowhere has this been made public.

3) Currently, TC&W trains voluntarily operate at a speed of 10 miles per hour through the Kenilworth Corridor. Our understanding is that they are under no legal obligation to do so. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. A long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.

4) The Met Council has requested waivers from the Federal Rail Administration in order to put the jurisdiction of the co-located freight and light rail under the FTA. We see no evidence that the FTA or the Met Council have the capacity to oversee the co-location of hazardous freight and passenger rail in a narrow urban corridor.

5) The distance between the newly permanent freight rail and the light rail with its overhead electrical wires does not appear to respect industry standards or best practices. Even with crash walls, the proximity of electrified freight rail to passenger rail adds to safety risks. Catenaries can and do spark, which could be disastrous if it occurs when an ethanol tanker is passing. The risk may be low, but the consequences would be extreme.

6) Heavy freight rail obviously causes vibrations that travel through the ground. We see no evidence that the potential for long-term damage to either LRT structures or to residences and other buildings from freight vibrations has been considered in this SDEIS. Upgrading and making freight permanent increases the risks that freight vibrations will damage homes; KIAA therefore requests a pre-construction assessment of potentially affected properties and long-term monitoring with agreements that damage to residences will be compensated.

7) The SDEIS does not explore public sector liability if SWLRT or freight causes damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor, this insurance liability assessment should be done prior to building SWLRT, made public, and included in construction and operating cost estimates.

3.4.4.5 Bicycle and Pedestrian

Comment: The Minneapolis Park and Rec board reported in 2010 the Kenilworth Corridor receives 600,000 discrete unique visits per year. And the current "north woods" feel of the area enhances those visits. That experience would be significantly impacted by the addition of light rail, especially co-located with freight rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users. KIAA asserts that this clearly constitutes a long-term adverse impact on bicycle and pedestrian experience in the Kenilworth Trail and must be mitigated to the greatest extent possible.

There is also a concern for safety at crossings, and a poor precedent set by previously constructed light rail lines on what we might expect. We find this photo to be an example of an unacceptable measure of safety:



As previously stated, is there any concern of having live wires for light rail within 25 feet of an active ethanol freight line? We ask for consideration on this matter per Rep Hornstein's statement at the Dunwoody SWLRT hearing.

3.4.4.6 Safety and Security

Comment: KIAA is concerned about the difficulty of providing emergency services to LRT users and freight trains throughout the Minneapolis portion of the corridor. There is limited operational infrastructure in the corridor (e.g., lack of hydrants), and few access points for emergency vehicles. In particular, we expect that the 21st Street access point will have to be used by police cars, fire engines, and ambulances to service points between the Kenilworth Lagoon and the Penn Avenue station. We request and urge the Council to design access in a minimally intrusive way, and consider mitigation that will limit the impact of these public services on the neighborhood.

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Comment: Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior. To reduce the risk of such behavior we request that the Met Council study whether it be appropriate for service at 21st St station cease at 10PM, which coincides with the normal evening closure of Cedar Lake Park.

SHORT-TERM IMPACTS

Cedar Lake Parkway is a critical artery for Kenwood residents and others. Currently, rush hour traffic produces backups that sometimes extend from Lake Street, along Dean Parkway and Cedar Lake Parkway. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.) The closing of Cedar Lake Parkway at the Kenilworth Trail would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period. Especially important are routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed.

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction.

Appendix - Addendum #1

Addendum: Kenwood Isles Area Association Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position is reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January, 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December, 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the

Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of space for light rail and the existing trails.** Currently, rails and trails safely coexist in more than 60 areas of the United States.

End of Addendum

Appendix: Addendum #2

January 5, 2015

Resolution to Recommend Review of Metropolitan Council's Policy Regarding Project Administration and Accountability to Property Owners

WHEREAS, It has come to the attention of the Kenwood Isles Area Association (KIAA) that a number of homeowners in the Cedar-Isles-Dean neighborhood apparently suffered damage to their properties as a result of the Metropolitan Council's Cedar-Lakes Sewer Improvement Project (MCES Project No. 804122), and

WHEREAS, Neither the Metropolitan Council's contractor nor the Metropolitan Council Environmental Services have taken responsibility or satisfactorily addressed CIDNA homeowners' documented property damage claims, and

WHEREAS, This lack of accountability leads to legitimate concerns about this and all other projects the Metropolitan Council administers, especially the construction and operation of the proposed Southwest Light Rail Transit (SWLRT), and

WHEREAS, This dereliction of responsibility with regard to property damage will potentially affect all properties – public, park or private property alike - along the 16-mile proposed SWLRT route.

THEREFORE BE IT RESOLVED, That the KIAA Board of Directors urgently requests that the Metropolitan Council review its policies for resolving property damage disputes resulting from its construction projects and its role in administering projects;

BE IT FURTHER RESOLVED, That based on this review and before construction begins on the SWLRT, the KIAA Board of Directors urges the Metropolitan Council to put clear and reasonable processes in place to resolve damage disputes and fairly compensate property owners who experience damage as a result of Metropolitan Council projects.

Kenwood - Isles Area Association

RECEIVED
JUL 20 2015
BY:

Nani Jacobson
SWLRT Project Office
6465 Wayzata Blvd Suite 500

Re: SDEIS Response

From: Susu
To: swlrt
Subject: Comments on the Southwest LRT SDEIS
Date: Tuesday, July 21, 2015 8:09:53 PM
Attachments: SWLRT Comments on the SDEIS 7-21-15.docx

FRIENDS OF COLDWATER

1063 Antoinette Avenue Minneapolis MN 55405-2102 612-396-6966
www.friendsofcoldwater.org info@friendsofcoldwater.org

July 21, 2015

Nani Jacobson, Assistant Director
Environmental and Agreements
Metro Transit—Southwest Light Rail Transit Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park MN 55426
SWLRT@metrotransit.org

Dear Ms. Jacobson,

Please see the attached Comments on the Southwest LRT SDEIS.

Friends of Coldwater is a Minnesota non-profit, non-governmental organization founded in 2001 to educate citizens to protect our water commons.

Sincerely,
Susu Jeffrey

Attachment: Comments on the Southwest LRT SDEIS

FRIENDS OF COLDWATER

1063 Antoinette Avenue Minneapolis MN 55405-2102 612-396-6966
www.friendsofcoldwater.org info@friendsofcoldwater.org

July 21, 2015

Nani Jacobson, Assistant Director
Environmental and Agreements
Metro Transit—Southwest Light Rail Transit Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park MN 55426
SWLRT@metrotransit.org

Comments on the Southwest Light Rail Transit Project SDEIS

The Southwest Light Rail Transit (SWLRT) public process by Hennepin County Commission and Metropolitan Council has been an exercise in pretend democracy. From the beginning the LRT was presented by elected and appointed government officials as a fait accompli.

Although design plans have morphed since 2014 no new municipal consent procedure appears to be planned. With an estimated cost approaching $2-billion, half the funds from federal sources, SWLRT is the most expensive tax-payer program ever imagined for Minnesota.

Co-Location

The off and on again co-location of heavy and light rail traffic was a bait-&-switch tactic. To illustrate the intent to deceive the public about the safety of co-location no "blast zone" map of ethanol rail cars next to the SWLRT was produced for citizen inspection and comment.

From St. Louis Park to the baseball stadium, through the Chain of Lakes, the half mile wide residential and park land remains menaced. The manipulation of promises and threats reifies citizen mistrust of government powers.

The "Equity Train"

The "equity" argument for the SWLRT was a brilliant public relations maneuver to silence guilt-prone white people. Equity is P.C. The pitch was that underserved black

Northsiders would get transportation to jobs in the southwest suburbs. Like the promise to move heavy freight with dangerous ethanol traffic out of the urban zone, the equity promise lapsed.

SWLRT was never planned to move the densely populated Minneapolis black Northside or white Uptown populations. In addition to being a construction jobs program the SWLRT was apparently designed as infrastructure for workers to get to suburban cubical factories.

Urban vs. Suburban

The wealthy southwest suburbs pitted their financial clout against urban public parklands and people—and money won. Furthermore the outcome was assured ahead of time since the elected Hennepin County Commission and the appointed Metropolitan Council are dominated by white suburbanites. Apparently black economic lives do not matter here.

Reducing Cars and Auto Emissions

The Draft EIS predicted no reduction in automobile greenhouse gas emissions with SWLRT until after 2050.

Water

Destruction of parkland is the hallmark of recent transportation development in Minneapolis. Our famous parks, the only undeveloped urban land, are actually lakes, creeks and wetlands previously too wet for development

The Great Medicine Spring and Glenwood Spring

The Interstate-394 corridor is dewatered daily at the rate of 2.5-million gallons. Plastic drain tile pipes with little holes where groundwater infiltrates funnel the water into a series of ponds from the Highway 394/100 intersection to Sweeney Lake and out Bassett Creek, under downtown Minneapolis, to the Mississippi. A sign at the mouth of Bassett Creek used to warn pregnant women and children under six not to eat fish caught there.

Two springs dried up with Highway 394 permanent dewatering: Glenwood Spring, formerly sold as commercial spring (now well) water and the Great Medicine Spring in Theodore Wirth Park. Indian people "came hundreds of miles to get the benefit of its medicinal qualities" Col. John H. Stevens, first white Minneapolis resident, said of the Great Medicine Spring in 1874.

The place is still there but no water runs. Treated city water is now piped into Wirth Park. The Minneapolis Park and Recreation Board waited 10-years for the spring to recharge. In 1999 a 150-foot well was drilled with negligible results.

Coldwater Springs

The Hiawatha LRT project reduced the flow to Coldwater by more than 35-percent. Coldwater is the last natural spring in Hennepin County, is a federally recognized Dakota sacred site, it furnished water to Fort Snelling 1820-1920, and is considered the birthplace of Minnesota where the first Euro-American community developed to service the fort.

MnDOT offered to pump treated city water into the Coldwater reservoir before it was forced to redesign the Hwy 55/62 interchange. Nevertheless Hiawatha LRT and Highway 55 reroute construction resulted in the loss of 46,000 gal/day—from 130,000 down to 84,000. The Hwy 55/62 interchange pipes out 27,500 gal/day but a mysterious 18,500 gallons is simply gone.

“How could your professionals be so far off in their hydrology? What facts were not available to you,” Judge Franklin Knoll asked MnDOT attorneys in Hennepin County court 9/13/01. “MnDOT is one of the largest and most well-staffed departments in Minnesota. Your engineers, geologists and water specialists all signed off on this design,” Knoll said.

MnDOT attorney Lisa Crum said “MnDOT (design) standards were based on reasonable estimates.” Coldwater supporters were repeatedly told that the groundwater would "just flow around" sunken highways built into the water table. The inference was that the water would just flow around and return to its former paths. It did not.

Removing groundwater results in dirty water and dry land. The land dries out when groundwater is prohibited from running through nature's slower filtration system. The water gets dumped into the lakes, creeks and the Mississippi with contaminants adhering to dirt particles. Think of mercury poisoning from fish taken in our northern lakes far from the coal-fired power plants that vented into the air.

Dry soil does not easily absorb the increasingly heavy storms events experienced with climate change. Storm water runs off quickly with top soil, fertilizers, air and road impurities, and goose and duck poop.

Tunnel Through the Chain of Lakes

A half-mile tunnel would be inserted (after tree removal) between Cedar, Lake of the Isles and Calhoun. Solid steel walls would be sunken 55-feet down for the length of the tunnel to anchor the 35-foot wide structure. Otherwise it would float up or down with fluctuating underground water levels.

According to the Burns and McDonnell Engineering Company water study for the Metropolitan Council as much as 24,000 gallons per day from inside and around the tunnel would be pumped out. Less groundwater flow into and out of the lakes would

allow more contaminants and particulate matter to fill in and remain in our public waters, our water commons.

Again citizens are being assured that the groundwater will "just flow around" a half mile long "shallow" tunnel—built into the already saturated land between the lakes. In fact the very same expert consultants in hydrology and geology are employing the very same language to assure Metropolitan Council appointees, Hennepin County Commissioners, Minnehaha Creek Watershed District staff and managers, and concerned citizens that groundwater will "just flow around" a huge underground tunnel in the land between the Minneapolis Chain of Lakes.

The idea that people can "manage" water is being sold like comfort food. Hydrologists, geologists, architects and engineers are hired to plan waterproof structures. Sure—in a virtual world. In our world infrastructure is I-35W falling into the Mississippi or a brain-eating amoeba in Lake Minnewaska.

The US business model did not evolve to plan sustainably. Public works programs are funded on a formula of minimum cost because cost is somehow limited to the cost of construction.

Although SWLRT is the most expensive public works program ever proposed in Minnesota wet soil conditions along the proposed route would multiply costs. "Reasonable estimates" versus digging down into a saturated landscape will become obvious if this project makes it through the legal hurtles set up to protect citizens from government-business collusion.

Conflict of Interest

The last hurtle before golden shovels break the soil is normally a permit from the Minnehaha Creek Watershed District (MCWD). The district purchased 17-acres of land across the street from the proposed SWLRT station at Blake Road with a $15-million tax payer bond.

Odds are the appointed MCWD Board of Managers would vote to permit SWLRT.

When developers take over a watershed the mandate to protect the water commons is compromised. So ownership of a $15-million parcel of land at the proposed SWLRT Blake station appears to have influenced MCWD's favorable study of the proposed shallow tunnel plan.

Below are transcribed legal audio minutes of the May 8, 2014 regular meeting of the Minnehaha Creek Watershed District Board of Managers (appointed by the Hennepin and Carver County Board of Commissioners).

The discussion centers on the SWLRT and 17-acres at Blake Road and West Lake Street, south of Knollwood Mall, in Hopkins, across the street from the proposed Blake

SWLRT station. The station location is now part of a strip mall, just south of the railroad tracks and Pizza Luce at 210 North Blake Road.

The parcel includes a large cold food storage warehouse, and borders Minnehaha Creek and the Cedar Lake bike trail which is next to the RR tracks. The land was purchased about four years ago for $15-million for redevelopment investment, for storm water ponds (water storage) and Minnehaha Creek restoration.

At a MCWD Board of Managers meeting the question of interest payments on the $15-million bond was posed by SWLRT opponent Bob Carney. Managers skirted the question. Approximately $100,000 per year in interest payments would be expected.

The players in this 2014 audio transcription include MCWD Board of Managers:
--Sherry Davis White, president, Orono, term expired 3/15 (wife of former Orono mayor, Jim White who organizes housing developments), reappointed until 3/18
--Brian Shekleton, vice president, St. Louis Park, term expires 3//16 (works for Hennepin County Commissioner Peter McLaughlin)
--Richard Miller, treasurer, Edina, 3/17 (former Wells Fargo employee who arranged bonding, government finance)
--Jeff Casale, secretary., Shorewood, 3/15 (realtor) Kurt Rogness of Minneapolis, architect, was appointed for a three-year term replacing Casale. Minor felony charges against Casale for using MCWD staff in his private real estate business were dropped because "the alleged embezzlement occurred outside the statute of limitations."

Three managers were absent:
--Jim Calkins, Minnetonka, 3/16 (PhD, professor Horticultural Science UMN)
--Pamela Blixt, Minneapolis, 3/17 (MA public administration, City of Minneapolis emergency services)
--Bill Olson, Victoria, 3/16 (engineer Rockwell International)

--Richard Miller "…the worst could be that LRT didn't get approved…we've got to do a quiet plan if LRT doesn't go through and it (the land) doesn't have its commercial value at its highest and best use as a train station site....We've got to build in our budget someplace (for) the losses we're going to absorb on disposing of that site, because we always know [sic] we've got more in it than we'll get from it but the benefits of the (Minnehaha) creek frontage, and the (storm water) storage capacity, etc. you know it had certain value to us and so that could cover the, but you know, if we do have a problem in 2 or 3 years or 4 years you know let's not have it in a situation where we're in a disaster with no plan. And I don't think it would take much of an effort to plan it out, you know, how we're going to pay for the costs.

[The bonding loan to be paid back with tax money comes due in 2017]

--James Wisker, MCWD staff Director of Planning, Projects & Land Conservation: "By the end of July we should have a lot more clarity…worst case scenario planning we should revisit like, July 24th by then all municipal consent should have occurred."

[In a 6/16/14 email Wisker wrote to the author: "Regarding (SWLRT) dewatering. I referenced that there would be no system in place to perpetually dewater following construction completion."

--Richard Miller: "We can't be naked when that $15-million comes due (in) 2017….We're planning for the best but we're ready for the worst".

--unidentified male voice: "When we started on this…we had very strong interest in senior housing…there's no question it's going to be more valuable with light rail…

--Brian Shekleton: "And I will offer that light rail will happen...
--Jeff Casale: (interrupts) "That's going in the minutes I think."
-- (laugh)
--Brian Shekleton continues: "and by every indication I get that commitment from (Minneapolis) city council members."

Jeff Casale: If we're going to have this on the record…disaster is nothing like I would have considered it as. I think the property has been improved significantly from the work that we've done surrounding it…whether or not LRT goes in that property will have significant real estate value and I would not characterize it at all as disaster planning.

Richard Miller: "Well, you can call it what you want but it will be (a disaster) when the note comes due and we got a third of the value of the note."

The rhetorical questions are: who's watching out for the water and is this land purchase a conflict of interest for MCWD managers who would be voting to permit the SWLRT?

It appears that citizens, not officials or paid experts or politicians or white suburban developers, care about the sustainability of keeping Minneapolis waters clean enough for human recreation.

Clearly the voting managers of a permitting agency should be leery of the appearance of a conflict of interest regarding public money and political power. It certainly appears to be conflict of interest, legally actionable or not.

The Minnehaha Creek Watershed District deciders have violated public trust with their ambitious financial scheme that supersedes the preservation and protection of the water commons.

Water Standards Enforcement

Neither the MCWD nor the state Department of Natural Resources (DNR) has enforcement powers. The state legislature did not grant permitting agencies police powers.

It took the DNR three years to win a court order to stop illegal pumping of groundwater from 1800 West Lake Street into the lagoon. Some 240,000 gallons per day of water from a sub-sub basement parking garage was piped into a city sewer emptying into the lagoon between Lake of the Isles and Calhoun.

Two kinds of pollution flowed into the lagoon and Calhoun and down the chain: a temperature differential and garage drippings including grains of heavy metals from cars mixed with oil products. The temperature change was noticed by Loppett organizers when parts of the lagoon failed to freeze which could have allowed skiers to fall through rotten ice.

The problem was "solved" by moving the discharge pipe. Before the 1800 West Lake Street upscale apartment construction the Minneapolis Park Board spent a quarter million dollars on Lake Calhoun clean up.

Calhoun and Cedar lakes have six of the city's dozen swimming beaches. Lake Hiawatha at the butt end of Minnehaha Creek accumulates all the flowing pollutants from much of Hennepin County and most of Minneapolis since water obeys gravity.

The Park Board plans to close the beach at Hiawatha, remove the sand and build an "open pavilion." While the beach is a neighborhood treasure the shallow lake is a pollution catch basin. A new $7-million natural filtration public swimming pool at Webber Park in north Minneapolis seems to be the future of safe swimming.

Small Scale Flexibility

Nobody is disputing the need for transportation.

LRT is 20th century technology—big, clunky, really pricey and fixed. We need to have smaller, more numerous and flexible transport choices. The greater Twin Cities are growing in an expanding circumference with multiple "centers." People commute from a 27-county radius.

The push to build big rather than to decentralize is less efficient in both time and money, does not provide jobs and sabotages our water. The current SWLRT proposal is a dinosaur.

Sincerely,
Susu Jeffrey
for Friends of Coldwater
susujeffrey@msn.com

From: BLUMENTHALAL@aol.com
To: swlrt
Subject: comments
Date: Tuesday, July 21, 2015 3:47:42 PM

We were born and raised in Minneapolis over 70 years ago. We now reside in Florida and spend summer months on vacation in Golden Valley. We are appalled at what we understand is the planned SWLRT routing.

It seems to us that THE MOST IMPORTANT element of any transit system is to first provide reasonably priced public transportation to THOSE WHO NEED IT THE MOST. Things have not changed that much since we left the northside of Minneapolis. We do not see any public transportation benefit from the current SWLRT routing to those living anywhere north or northwest of Minneapolis. We do see an incredible amount of disruption planned for areas adjacent to our chain of lakes and the recreational areas around them. We believe the route serves middle and upper-middle income individuals/families.

The outcome will not affect our lives personally. But we a very concerned that the greatest living city in America will be transformed into another city that pours it's money into a failed transit system that will not benefit the people who need it the most - thus taking money from a park and recreation system that is second to none.

Allen & Shirley Blumenthal
250 Turners Crossroad So.
Apt. 314
Golden Valley, Mn 55416
and
897 Collier Court
Apt. 302
Marco Island, Fl 34145

From: Haworth, Brooke (DNR)
To: swlrt
Subject: DNR comments-Supplemental DEIS- SW Light Rail Transit
Date: Tuesday, July 21, 2015 5:30:58 PM

Dear Ms. Jacobson,

The Minnesota Department of Natural Resources (DNR) has reviewed the Supplemental Draft EIS for the Southwest Light Rail Transit. We offer the following brief comments.

For the most part we agree with document statements regarding Environmental Effects (the "no effect" determination in the DEIS) for Biota and Habitat, including Threatened and Endangered Species.

- As project designs move forward, we request that consideration be given to identification of high profile areas for wildlife crossings (wetlands, public waters, open park spaces), and that wildlife fencing and turn-back structures be incorporated to minimize wildlife mortality.
- We request that wildlife friendly erosion materials (natural materials, no welded webbing) be used throughout the project, especially around wetland and open water areas, to minimize mortality to small mammals and herpetofauna.
- Before construction begins, we request that an updated DNR Natural Heritage Inventory (NHIS) data review be requested to determine if any new records of rare species have been identified within the project footprint. An NHIS review is considered valid if performed within one year.

Design of public water crossings identified in the document should avoid impacts below the ordinary high water level; if this is not possible, steps to minimize impacts will be required during consideration of DNR public water permits. Unavoidable impacts may be waived to WCA at the DNR's discretion if deemed appropriate. DNR will continue to follow the progress of the project and provide guidance as needed.

We appreciate the attention given to control of potential groundwater contamination in the document, as well as consideration of groundwater flow and withdrawal. A DNR dewatering permit is required for withdrawals in excess of 10,000 gallons/day. Groundwater models and management plans will be reviewed by DNR staff during the application process.

Thank you for the opportunity to review this document. Please feel free to contact me with any questions.

Sincerely,

Brooke Haworth
Environmental Assessment Ecologist, Central Region
MnDNR Division of Ecological and Water Resources
1200 Warner Road, St. Paul, MN 55106
Phone: 651-259-5755
Email: Brooke.haworth@state.mn.us

From: squinlivan@comcast.net
To: swlrt
Cc: Lori Home Lewis
Subject: Endorsement of Light Rail Transit Done Right Comments on SDEIS
Date: Tuesday, July 21, 2015 2:53:23 PM

I endorse and support the comments submitted by Light Rail Transit Done Right (LRTDR). Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Steve Quinlivan
3141 Dean Court #704
Minneapolis, MN 55416

From: Jennifer Labovitz
To: swlrt
Subject: Endorsement of LRT Done Right"s comments to the SDEIS
Date: Tuesday, July 21, 2015 11:32:41 PM

Dear Met Council,

I fully endorse the response submitted by LRT Done Right. I hope critical assessment of what's been done so far and the potential cost of fulfilling the current proposal will yield cool heads and more rational decision making.

Best,

Jennifer

Jennifer Labovitz
jennifer.labovitz@comcast.net

From: Asad Aliweyd
To: swlrt
Subject: Environmental Comment from New American Academy
Date: Tuesday, July 21, 2015 10:34:30 PM
Attachments: EP_DevGuide102913-2-3-3.pdf

New American Academy (http://www.newamericanacademy.org/) is a community organization that serves the primarily Somali immigrant community in Eden Prairie and other southwest suburbas. New American Academy has been active partners with the Southwest LRT Project Office in engaging their community members (http://www.newamericanacademy.org/community.html) in decisions related to alignment, station area planning, and developing the Eden Prairie Town Center development guidelines.

Eden Prairie Alignment:

AMS supports the Eden Prairie alignment: Adjustments to the proposed light rail alignment and LRT stations, generally from the intersection of Technology Drive and Mitchell Road to the intersection of Flying Cloud Drive and Valley View Road.

Yet with the July 8th, 2015 Metropolitan Council Southwest LRT budget decision to defer the Eden Prairie Town Center Station, on opening day a significant environmental justice community in Eden Prairie will be delayed the benefits of this $1.7 billion public infrastructure investment.

Using EJView, the mapping tool of the Environmental Protection Agency, AMS found that within a 3 square mile area at the Eden Prairie Town Center Station:

- 40% minority
- 42% households under $50,000
- 65% renters
- 23% under 17 years of age
- 10% 65 years and older*

* American Community Survey 2006 - 2010

We chose to look at a broader area than the ½ mile station area circumference to include residential areas south because of the medium density in this suburban city.

Equitable Development:

New American Academy in partnership with Twin Cities Local Initiatives Support Corporation as a Corridors of Opportunity Initiative funded by FTA/EPA/HUD Sustainable Communities developed Eden Prairie Town Center Development Guidelines. See http://www.corridorsofopportunity.org/activities/LIC/CDI-Plus for a description of this project. These development guidelines represent the economic opportunities and potential of the Southwest LRT station at Eden Prairie Town Center that would provide great benefits to the significant communities of color in this station area.

New American Academy presented these Eden Prairie Town Center Development Guidelines March 2014 to city council. This guideline was endorsed by the city staff as well as other community developers such Twin cities Lisc. It took almost 6 months to plan, execute and print the final guidelines for the Town Center housing development. The city of Eden Prairie has yet to respond or endorse these development guidelines. Without a station at Eden Prairie Town Center the opportunities to increase affordable housing and jobs for the communities of color will not be realized.

Finally, the RFP of Southwest LRT project include to have affordable housing, jobs and economic development for low-income and people of color. unfortunately, We don't see the possibility of that here in the Southwest.

Sincerely
Asad Aliweyd, MBA
Executive Director

New American Academy
6873 Washington Avenue south #201
Edina, MN 55439
952-212-7446
www.newamericanacademy.org

https://www.facebook.com/NewAmericanAcademy?bookmark_t=page
Building better and sustainable future for our communities

EDEN PRAIRIE TOWN CENTER DEVELOPMENT GUIDELINES

August, 2013



INTRODUCTION

Eden Prairie is a vibrant city known for its desirable housing, excellent business climate, quality schools and outstanding parks. It has been named one of Money Magazine's "Best Places to Live" in America since 2006; the city earned a first place ranking in the 2010 survey. Comprising many large lakes and ponds, the city has more than 170 miles (270 km) of multi-use trails, 2,250 acres (9 km2) of parks, and 1,300 acres (5 km2) of open space. Previously a bedroom suburb in the 1960s, the city is now home to more than 2,200 businesses and the corporate headquarters. Regionally known for the Eden Prairie Center, it is also the hub for the proposed Southwest Transit corridor. Population has increased 13.4% since 2000, with 62,258 residents in 2012. Part of that growth stems from an increase of Somali and East African families (2010 census data indicates 5.6% black or African American).

One of the proposed Southwest light-rail transit stations will be located in the Town Center area, a primarily commercial district that offers a mix of higher density housing, office and retail space, in close proximity to the Eden Prairie Center. The Town Center area is bordered by Regional Center Road to the south, Flying Cloud Drive to the east, Technology Drive to the north, and a proposed north/south roadway to the west between Costco and Emerson Rosemount. In 2005 - 06 the City of Eden Prairie commissioned a Major Center Area (MCA) study to examine and plan for the future of the area surrounding the Eden Prairie Center. The study was approved by the City Council in as an advisory tool for future redevelopment and public improvements, which recommended developing detailed design guidelines for future buildings, parking ramps, streetscape amenities, pedestrian/bicycle connections and other public spaces for the Town Center area.

With the advent of the light-rail transit investment, the City of Eden Prairie partnered with New American Academy, a community-based organization of Somali and East Africans, and the Twin Cities LISC / Corridor Development Initiative to lead a series of community workshops to explore development options and scenarios to enhance the area, and to elevate the potential for a more transit-oriented and walkable neighborhood. Although the CDI community workshops were open to the general public, special recruitment was made to engage the Somali community, many of whom live in the Town Center vicinity. These development objectives are the result of the community workshops, and serve to inform the future development of the Town Center area.

ASSETS

The City of Eden Prairie:

- Maintains and enjoys a strong residential market;
- Is home to many businesses that provide quality jobs;
- Offers renowned regional and municipal parks, conservation areas, trails, and recreational facilities that are community centerpieces that attract people of all ages and abilities
- Provides a great place to raise a family, run a business, age in place, and recreate;
- Maintains a strong and diversified tax base, a healthy by a vibrant local business climate with high-quality jobs that provide families with economic security;
- Values diversity and opportunity for its residents; and
- Takes pride in its strong school district.



Above: Examples of the housing, trails, and green space in Eden Prairie.

GUIDELINES: TOWN CENTER NEIGHBORHOOD

As a future station area along the Southwest Light Rail Transit corridor, the Town Center area is ideal to explore how transit-oriented development could enhance the area by addressing accessibility, livability, and strengthening the pedestrian environment. It will take a strong will by the City of Eden Prairie to set principles for sustainable redevelopment going forward, to guide investment, and measure every project against these principles.

The redevelopment of the area must complement the existing uses in the area, that are largely commercial, residential, and office space. Because there is a large population of Somali families that have located in the area, there was strong interest in the preservation of affordable housing that can accommodate larger families, and to offer economic opportunities for small business entrepreneurs, as well as access to jobs and opportunities throughout the region through close proximity to the regional light rail transit system. The Eden Prairie Major Center Area Study calls for a retail and housing core with a walkable mainstreet, which could incorporate affordable housing for families, seniors, and the growing need for multi-generational housing (http://www.eden-prairie.org/modules/showdocument.aspx?documentid=359).

There is a shared value around the preservation of young families to preserve the high quality of the Eden Prairie schools, and to offer housing options to accommodate all stages of life. The Town Center area offers an important opportunity to create a more concentrated development pattern that would allow for a mix of uses, a mix of incomes, and greater pedestrian access to transit, goods, and services.

Town Center District - Block Exercise Site



RECOMMENDATION FOR REDEVELOPMENT INCLUDE:

I. Enhance Opportunities for Mixed-Use and Mixed-Income Projects

A. Promote mixed-use development that incorporates retail, office, and residential uses;
B. Provide for a mix of housing options that could accommodate different household sizes (e. g. 3 – 5 bedroom units), configurations, incomes, homeownership and rental, as well as generational diversity;
C. Incorporate affordable workforce and family housing and affordable commercial space where ever possible to create opportunities for diversity and local small business entrepreneurs.
D. If government resources are required to fill financial gaps, focus on affordable housing that serves a mix of housing needs (e.g. size of family, seniors), and supports local multi-cultural businesses.
E. Identify and address existing housing gaps through development opportunities presented through investments along the Southwest LRT corridor (e.g. age, mix of owner and rental, family size, income level, etc.)
F. Blend into and complement the existing neighborhood.
G. Consider elements that enhance "indoor-outdoor" experience, such as balconies and screened porches, and courtyards to create open spaces;
H. Encourage underground parking or structured parking to enhance pedestrian experience;
I. Ensure economic development opportunities including home ownership opportunities that are culturally appropriate







II. Create a destination

J. Enhance the livability of the area for residential uses by strengthening the pedestrian orientation to create greater access to transit, goods, services, and regional amenities (e.g. create a pedestrian overlay to enhance walkable connections throughout the area);
K. Strengthen or link to natural amenities and places for outdoor recreation;
L. Include opportunities for youth and family recreation, such as centers that attend to gender specific needs and opportunities;
M. Incorporate green spaces;
N. Consider and minimize the ecological impact;
O. Utilize CPTED (Crime Prevention Through Environmental Design)

principles to promote safety through design of building and public spaces, and engage the community to inform strategies for greater safety and other design features;

P. Prioritize transit and housing accessibility to accommodate people with disabilities;
Q. Seek to create alternative education and job training opportunities (e.g. alternative schools, job training for public sector employment, etc.) for young people, families, and adults;
R. Provide opportunities for intercultural interaction to build stronger community ties;
S. Incorporate signage and way-finding in multiple languages;
T. Attract a variety of food and entertainment options;

III. Create commercial spaces for small business entrepreneurs to build assets and job opportunities for the local community

U. Explore ideas like the Midtown Global Market, Suuqa Karmel, and Urban Bazaar (in San Francisco) to provide opportunities for small business entrepreneurs to locate in the area, serving the local community with culturally specific goods and services.
V. Consider locations for a farmers market or grocery store that would provide access to healthy foods for people that live in the area.
W. Encourage a mix of commercial spaces that include small, mid, and large scale commercial users.







From: Kathleen Fix
To: swlrt
Cc: kathleen.fix@comcast.net
Subject: Endorsement of LRT-Done Right"s comment on the SDEIS for the SWLRT
Date: Tuesday, July 21, 2015 10:19:25 PM

To the Met Council:

I am a resident and home owner in Minneapolis and I fully endorse the comments submitted by LRT-Done Right on the SDEIS for the SWLRT.

Kathleen Fix

From:	Jacobson, Nani
To:	swlrt
Subject:	FW: HC Comments to SWLRT Supplemental DEIS
Date:	Tuesday, July 21, 2015 5:10:46 PM
Attachments:	HC Comments Southwest SDEIS July 2015 FINAL.xlsx

From: David J Jaeger [mailto:David.Jaeger@hennepin.us]
Sent: Tuesday, July 21, 2015 3:16 PM
To: Jacobson, Nani
Cc: John Q Doan; Debra R Brisk; Alene G Tchourumoff
Subject: HC Comments to SWLRT Supplemental DEIS

Nani.

Attached are comments from Hennepin County's internal review of the SWLRT's SDEIS report.

We appreciate the chance to provide this input and appreciate all of your hard work on the very important project.

Regards, Dave.

David Jaeger
Planning, Policy and Land Management | Hennepin County Public Works
701 Fourth Ave. South, Suite 700, MC L606| Minneapolis, MN | 55415-1842
direct: 612-348-5714 | cell: 763-478-7319
david.jaeger@hennepin.us

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Southwest LRT Supplemental Draft EIS - Review Form

Reviewed by:

John Evans, Chuck Darnell, Kim Zlimen, Kerri Pearce Ruch, Kristy Morter, Katie Walker, Dave Thill, Ali Durgunoglu, Jim Kujawa, Stacey Lijewski, Dave Jaeger

Date: 7/15/2015

Organization: Hennepin County Public Works

Contact Info: david.jaeger@hennepin.us

Ch./Sec. Number	Page	Comment	Recommendation
3.1.2.12	3-17	The forecast year for modeling should be updated to 2040 as it is expected to be for the FEIS. This should be made clear and reflected as needed throughout the SDEIS.	
		Due to scope and budget reduction, discussion on segments from Southwest Station to Mitchell Station is no longer applicable - will this document be updated or will that be addressed in the FEIS?	
3.2.1.5	3-55	Ensure that mitigation measures for substantial adverse impacts are fully identified and addressed in the FEIS, as stated that they will be in this section of the SDEIS.	
3.2.2.2	3-60	In the first paragraph under "Agency Coordination", "Hennepin County Conservation District" should be changed to "Hennepin County".	
3.2.2.2	3-59 thru 61	4.70 acres of various types of wetland impacts are proposed in 16 wetlands. WCA Rule 8420.0544 specifies that wetlands impacted by public transportation projects in the seven-county metropolitan area must be replaced in the seven-county metropolitan area or in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one-to-one must be replaced within the seven-county metropolitan area.	Hennepin County recommends that the one-to-one portion of the replacement should be done in Hennepin County.
3.2.2.2	3-61	Floodplain elevations at Purgatory Creek at Technology Drive have not been established. The floodplain is classified by FEMA as Special Flood Hazard Area (SFHA) Zone A.	Floodplain elevations at SFHA Zone A should be estimated through model studies to determine the exact volumetric impact (not by area) in floodplains.
3.2.2.2	3-63	As shown on Exhibit 3.2-5, approximately 13.4 acres of floodplain within the proposed Eden Prairie improvements would be filled by the proposed improvements. The floodplain impact should be estimated in volume.	Mitigation measures are also explained on page 68. Mitigation must be done according to the local government unit's floodplain ordinance. Mitigation usually requires one-to-one volume replacement and should be hydrologically connected to the impact area.
3.2.2.2	3-65	Public Waters and Stormwater Management	Per new state stormwater treatment gudelines, up to 1.1" of runoff originating from all new impervious surfaces must be abstracted.

3.2.5-B, 3.3.5-B & 3.4.5-B	3-93, 3-129, & 3-212	Outreach to Minority and Low-income Populations references the composition of Community Advisory Committee (CAC). It should be noted that CAC membership includes both Met Council and Southwest Community Works, but could then also include policymakers from cities and Hennepin .	
Table 3.2-18	3-96	Parking Impacts are noted at 250 displacements throughout this section. This suggests correlating parking impacts to better understand actual parking impact as is done in subsequent sections.	
3.2.5	3-98	In Parking section, 4th sentence, LPS should be LPA	
3.3.1.1	3-102	The county disagrees with the statement that the OMF would not "influence growth patterns and neighborhood characteristics on adjacent land". The OMF could be within sightlines of the station and future redevelopment along 17th Avenue in Hopkins and Minnetonka, which would have an indirect impact on these areas.	
3.3.1.1	3-104	Under "Mitigation Measures" - visual impacts of OMF and its operations should be addressed. Mitigation should include measures similar to those being used at other identified locations such as landscaping, visual treatments, and continuity with LRT structure designs.	
3.3.2	-	While technically part of the Shady Oak station and not the Hopkins OMF site, what, if any, additional environmental impacts might be realized by the addition of 300+ temporary parking stalls on the property to the east of the OMF?	
3.3.2.2	3-111	0.7 acres of type 3 wetland will be impacted.	Hennepin County recommends that the one-to-one portion of the replacement should be done in Hennepin County.
3.3.2.2	3-112	Approximately 0.61 acre of MnDNR-mapped floodplain would be filled as a result of the proposed Hopkins OMF. Type of floodplain designation needs to be specified, the impacts must be measured in terms of volume and replaced according to MDNR and local regulations.	Mitigation should be hydraulically connected to the impact area.
3.3.2.2	3-112	Public Waters and Stormwater Management	Per new state stormwater treatment gudelines, up to 1.1" of runoff originating from all new impervious surfaces must be abstracted.
Table 3.3-9	3-130	Table lists acquisitions and displacements. Will this number be updated to reflect additional acqusitions disclosed in Spring 2015? And if so, does that change the finding of no impact on EJ populations?	

3.3.2.3	3-117	1st paragraph, last sentence - add petroleum waste to list, since this is a separate category pursuant to federal statutes.	
3.3.2.3 B.	3-117	Given the contamination issues and the proximity of the methane source (landfill), vapor mitigation features may need to be incorporated into the OMF buildings.	
3.3.2.3 B.	3-119	Soil vapor samples, analyzed for volatile organic compounds, should be a part of Phase II investigations since the landfill and other high risk sites could be sources of these compounds as well.	
3.3.2.3 C.	3-120	Vapor barriers and venting systems may need to be part of the Mitigation Measures depending on soil vapor sampling results.	Given the proximity of the potentially significant methane source (landfill), it may be prudent to install a vapor mitigation system as part of the building, regardless of soil vapor sampling results, should vapor conditions change over time. It is cheaper to incorporate such as system during building construction than to retrofit an existing building.
3.3.4.1		In Existing Conditions section Excelsior Avenue should be changed to Excelsior Boulevard.	
3.4.1.5	3-168	Ensure that mitigation measures for substantial adverse impacts are fully identified and addressed in the FEIS, as stated that they will be in this section of the SDEIS.	
3.4.2	3-181	Figure 3.4-6, moderate and severe noise impacts north of the Kenilworth channel are overlapping on the map and difficult to read at this scale.	Perhaps an inset could be provided since this doesn't appear to be addressed in greater detail in Appendix H: Noise and Vibration Memoranda either?
3.4.2.2	3-173	0.5 acres of various types of wetlands will be impacted.	Hennepin County recommends that the one-to-one portion of the replacement should be done in Hennepin County.
3.4.2.2	3-176,177	Public Waters and Stormwater Management	Per new state stormwater treatment gudelines, up to 1.1" of runoff originating from all new impervious surfaces must be abstracted.
3.4.2.1 B.	3-170	Since the impact to lake levels has been raised as a concern with regard to the tunnel, it may be worthwhile to compare the 190,000 gallons/year pumping rate to the overall lake volumes, which should demonstrate that the pumping rate is miniscule compared with lake volumes. Another approach would be to compare the tunnel area to the recharge area for the lakes.	

From: sbull10152@aol.com
To: swlrt
Subject: I endorse the comments by LRT done right!
Date: Tuesday, July 21, 2015 8:20:48 PM

The project has been a waste of tax payer money. Its time to walk away and spend the federal and state taxes in a way that benefits the tax payer. The project should be scuttled.

Stephen Bullard
Minneapolis

From: Brian Gaiser
To: swlrt
Subject: Just don"t do it
Date: Tuesday, July 21, 2015 2:27:40 PM

I live in Bryn Mawr just north of 394 and use the Kenilworth Corridor almost every day commuting by bike to work in Bloomington. I recreate in the corridor as well on the numerous lakes and trails. The disgraceful decisions that have have been made to this point allowing a) co-location of freight and the b) irreversible environmental impacts of the Kenilworth corridor need to be reckoned with.

I moved to Minneapolis from Portland, Oregon because of this city's unsurpassed park system. This project **WILL DESTROY** the SINGLE BEST PART of the Minneapolis Park System.

Whatever you need to do to change the current chain of events - then do it. Including putting a **full-scale stop to the SWLRT until agreements can be made to move it out of the corridor.**

Brian Gaiser
621 Queen Avs S
Minneapolis

From:	Susu
To:	swlrt
Cc:	STUART CHAZIN; Mary (LRTDR) Pattock; George Puzak
Subject:	Letter supporting LRTDR comments on SDEIS
Date:	Tuesday, July 21, 2015 6:30:18 PM

FRIENDS OF COLDWATER

10,000-year-old Sacred Spring—GREEN MUSEUM—Birthplace of Minnesota

1063 Antoinette Avenue Minneapolis MN 55405-2102 612-396-6966
www.friendsofcoldwater.org info@friendsofcoldwater.org

July 21, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426
SWLRT@metrotransit.org

Dear Ms. Jacobson,

I am contacting you as a spokesperson for Friends of Coldwater, a Minnesota non-profit NGO dedicated to educating citizens to protect our water commons.

In addition to the Friends of Coldwater comments on the SWLRT SDEIS we endorse and support the comments submitted by Light Rail Transit Done Right (LRTDR).

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,
Susu Jeffrey

Before it was a historic site, Coldwater was a sacred site.
Friends of Coldwater is a Minnesota Non-Profit Organization

From: John Harvey
To: swlrt
Subject: Letter to be included in in SDEIS Comments for the SWLRT Project
Date: Tuesday, July 21, 2015 4:59:56 PM
Attachments: Response for the record on the SDEIS for SWLRT proposal 7-21-15.pdf
Importance: High

Dear Ms. Jacobson and other members of the SWLRT Project Office.,

I've attached a PDF of my endorsement which I request you include in the Public Comments concerning the proposed SWLRT project

Thank You,

John H Harvey

Please let me know that you've received this comment endorsement.

J.H.

This email has been checked for viruses by Avast antivirus software.
https://www.avast.com/antivirus

From: John H Harvey
2837 west 28th Street
Minneapolis, MN 55416

July 21st, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Via email: swlrt@metrotransit.org

Dear Ms. Jacobson,

I am writing to you as a Citizen and a Resident of the Cedar Isles Neighborhood to let you know that I've read the Supplemental DEIS for the proposed Southwest Light Rail plan and must agree with the comments submitted by **Light Rail Transit Done Right (LRTDR)**.

Please *add my letter* to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

John H Harvey

P.S. I'd also appreciate it if you would make available all the other Public Comments submitted to you over the years at and after "Listening" Meetings sponsored by the Met Council concerning all aspects of this project.

J.H.

P.P.S. Please let me know via Email that you've received this Comment indorsment.

J.H.

From: Jody Strakosch
To: swlrt
Subject: LRT Done Right - SDEIS Comments
Date: Tuesday, July 21, 2015 5:11:37 PM

To Whom It May Concern,

As a Minneapolis resident, I am writing to let you know that I fully endorse and support the comments submitted by LRT Done Right. Our neighbors have spent hours working on these comments and I hope you will take them into full consideration.

Sincerely,

Jody Strakosch
2200 Newton Ave South
Minneapolis, MN 55405

From: Heather Haakenson
To: swlrt
Subject: LRT done right
Date: Tuesday, July 21, 2015 7:48:04 PM

Met council,
As a proud Minneapolis citizen I endorse the LRT done right comments regarding the SDEIS. Protecting our green space and iconic chain of lakes is vital to the long term beauty and health of our city. Our forefathers had amazing foresight in planning and protecting these spaces. Let's not destroy what they worked so hard to create.

Sincerely
Heather Haakenson

Sent from my iPhone

From: Lisa Nankivil
To: swlrt
Subject: LRT Done Right
Date: Tuesday, July 21, 2015 4:30:02 PM

As a Kenwood resident and trail user for recreation and work commute I support the objections brought to the current status of co-location. This alignment is ill planned and potentially dangerous. No co-location! Move LRT to a different route that doesn't disturb the environment!

Thank you for your attention to this matter,

Lisa Nankivil

From: David M. Lilly, Jr.
To: swlrt
Subject: LRT Done Right Comments to SWLRT SDEIS
Date: Tuesday, July 21, 2015 3:29:41 PM

Dear Ms. Jacobson,

I wish to inform you that I fully support and endorse the comments about the SDEIS covering the SWLRT submitted by *LRT Done Right* under cover of letter from Mary Pattock dated today. Having participated in the drafting of this document I am fully informed about the details of these highly informed comments.

Sincerely,

David M. Lilly, Jr.
612 280-2755
dlilly@danburygroup.com

From: Barb Rasmus
To: swlrt
Subject: LRT Done Right comments
Date: Tuesday, July 21, 2015 8:28:43 PM

I would like to go on record for endorsing the Comments submitted by LRT Done Right regarding the SDEIS in reference to the SWLRT. It is unconscionable to continue to pursue this path in the face of all that is known (and not yet known). PLEASE be responsible, do the right thing, and suspend this commitment to endangering and likely destroying one of the most treasured areas of the Cities.
Barb Rasmus

Sent from my iPad

From: Marion Collins
To: swlrt
Subject: LRT done right statements
Date: Tuesday, July 21, 2015 9:59:09 PM

I endorse and agree with the statements made by LRT Done Right. I live with 4 small children about 5 yards from the tracks, and am in the Blast Zone. Our house is by a crossing where no mitigation for bells/horns has been made. I hope you will sincerely look at these statements and take a step back from the project to consider what is really best for the environment and Minneapolis citizens. This route does not go through dense areas where there are lower-income families, nor close to businesses that would benefit from mass transit. And this route is environmentally detrimental and dangerous with co-location of freight.
Our family sincerely hopes you will take into account the facts put before you by LRT Done Right and listen to the citizens you are suppose to represent.

Sincerely,
Marion Collins

From: Charles Gribble
To: swlrt
Subject: LRT done right
Date: Tuesday, July 21, 2015 10:02:37 PM

We support the comments sent to your attention.

Chuck Gribble
Edith Black
1988 Sheridan Av. S
Mpls 55405

Sent from my iPad

From: Shelley Fitzmaurice
To: swlrt
Subject: LRT Done Right"s Comments to the SDEIS
Date: Tuesday, July 21, 2015 11:01:58 PM

I have read and fully endorse the comments submitted today by the grassroots organization, LRT Done Right, especially the concerns about the safety issues that would result from co-location of freight rail and light rail in the Kenilworth corridor.

The SWLRT should not go forward with co-location! Remove the freight or reroute the SWLRT!,

Shelley Fitzmaurice

Sent from my iPad

From: Saario, Terry (MIN-CML)
To: swlrt
Subject: LRT-Done Right comments on the SDEIS
Date: Tuesday, July 21, 2015 3:11:50 PM

My husband, Lee Lynch, and I are writing to endorse the comments submitted by the LRT-Done Right citizen group. This group has seriously examined the SDEIS and respectfully submits its comments for your critical examination and consideration. Terry Saario, 34 Park Lane, Minneapolis, MN, 55416

From: Allwood, Paul (MDH)
To: swlrt
Cc: Kelly, James (MDH); Bell, David (MDH); Ehlinger, Ed (MDH)
Subject: MDH Comments
Date: Tuesday, July 21, 2015 5:10:02 PM
Attachments: MDH Comment Letter_South West LRT SDEIS.pdf

MDH comments are hereby submitted on the SW LRT SDEIS. Please contact David Bell if you have questions. Regards,

Paul Allwood
Assistant Commissioner
Minnesota Department of Health
Phone: 651-201-5711

Administrative Assistant
Toni Gillen
651-201-4817
Toni.Gillen@state.mn.us

MINNESOTA MDH DEPARTMENT OF HEALTH

Protecting, maintaining and improving the health of all Minnesotans

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson,

Thank you for providing the Minnesota Department of Health (MDH) with the opportunity to comment on the Supplemental Draft Environmental Impact Statement (SDEIS) for the Southwest Light Rail Transit project (SW LRT).

Health begins in the environments where we live, learn, work, and play. Transportation projects, such as highways, public transit and sidewalks, shape these environments. The Southwest Light Rail Transit project offers real potential to improve health for communities living near transit stations. People from all over the region who travel on the light rail line could also benefit. The new transitway could have health benefits for communities by improving physical activity levels, job access, housing and transportation costs, traffic safety, education access, and access to healthy food.

The following comments highlight these areas of potential health improvement and MDH also wants to stress that a project of this magnitude must be planned carefully so as to maximize these potential benefits.

Health Equity

- Research indicates that 60% of our health status is influenced by social and environmental conditions and only 10% is influenced by health care[1]. Access to transportation is one of the social and environmental conditions that influence health. Ensuring equal access to the SW LRT for all people will help maximize the potential health benefits resulting from this project.

- In Hennepin County, low-income communities and communities of color have higher rates of preventable health problems such as obesity and type II diabetes than do

[1] Schroeder, S. A. (2007). We can do better—improving the health of the American people. *New England Journal of Medicine, 357*(12), 1221-1228.

whites and higher income populations. These differences in health are the result of a wide set of forces: economics, social policies, politics, and our built environment. It is important that the health-promoting benefits of the transitway reach low income communities and communities of color. This is particularly important along the Eden Prairie segment of the SW LRT where these communities are more concentrated along the proposed route than in greater Eden Prairie and Hennepin County. The health impacts of the SW LRT on these populations will depend on efforts to ensure that these communities have a healthy environment in which to live, learn, play, and work and this includes ensuring their access to light rail.

- Transportation planning and land use regulations need to be designed carefully to ensure that everyone benefits, including low income people and people of color. However, if planned poorly, research has shown that transit investments can result in more expensive housing, more wealthy residents, and higher vehicles ownership, all of which can price out core transit users, such as renters and low-income households.

Economics and Jobs

- Land use changes toward higher density and mixed-use development promotes job growth and economic opportunity along the SW LRT route. When people have quality jobs that provide a living wage they tend to live longer and have better physical and mental health. Many factors affect whether a person is employed and what type of job they have. One of those factors is transportation.

- The SW LRT should help make transportation more affordable because neighborhoods with access to transit, walkable streets, and a variety of services have lower transportation costs. Households that have lower transportation costs have more left over in their budgets for resources that promote health like nutritious food and health care. Budgets that are less burdened by transportation costs can also help to reduce stress and prevent homelessness.

Housing

- New fixed rail transit investments tend to lead to greater housing demand and increased land values around revitalized transit stations. While this can lead to an increase in housing options and economic benefits, it also creates the potential for rents and housing costs to rise, potentially leading to the involuntary displacement of low-income residents. This may disproportionately affect persons of color along the transit route, who are statistically more likely to be low-income than whites. Displacement can have several negative health outcomes, including increases in infectious disease, chronic disease, stress, and impeded child development.

- Increases in rent and home costs along the SW LRT route could lead to a decrease in racial diversity. Due to the racial income gap in the Twin Cities, incoming households that will be able to afford higher home prices along the route will likely be white. Preserving existing affordable housing and supporting the development of new affordable and mixed-income housing near transit locations could help ensure transit-dependent, minority and low-income communities have access to the new SW LRT line and ultimately experience improved health. This appears to be particularly important along the Eden Prairie segment of the SW LRT as both minority communities and low-income communities are higher here than in greater Eden Prairie and Hennepin County.

Education Access

- The SW LRT will bring riders close to Dunwoody College of Technology and Minneapolis Community and Technical College as well as other educational and vocational training institutions in the project area. When people have more education they have better chances of securing jobs that pay well and do not expose them to dangerous or unhealthy conditions. They also gain knowledge and skill that help them access health information and resources. The Health Impact Assessment for the Bottineau Transitway[2] reported that some students living in Hennepin County find that limited car access and high transportation costs are barriers to attending college. The SW LRT could assist by eliminating this barrier for some prospective students living or attending schools along this proposed route.

Accessibility/Physical Activity

- Exercise is vital for good health; however, about half of adults and three-quarters of children living in Hennepin County do not get recommended levels of exercise[3]. Research shows that streets that are safe and comfortable for pedestrians and bicyclists encourage people to get exercise as part of their daily routine.

- Transit accessibility is especially critical for lower-income residents and other transit dependent populations who rely on transit to access their basic needs including work, groceries, and medical care. In Hennepin County it is estimated that people of color are twice as likely as whites to rely on public transportation for their work commute[4].

- The SW LRT could lead to increases in ridership, residents, and commercial destinations along this new route. This increase in density along the route could cause vehicular traffic to surge and, when combined with the increase in ridership, these factors could

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[2] 2013 Hennepin County Bottineau Transitway Health Impact Assessment: http://www.hennepin.us/~/media/hennepinus/residents/transportation/bottineau-transitway/HIA%20Full%20Report%20Final%2012192013.pdf

[3] From Hennepin County 2010 SHAPE survey: http://www.hennepin.us/SHAPE

[4] Combined from commuting statistics for race/ethnicity of individuals in the 2009-2013 American Community Survey 5-year Estimates for Hennepin County: http://factfinder.census.gov/faces/nav/jsf/pages/guided_search.xhtml

put pedestrians and cyclists at a greater risk for injuries related to collisions. Therefore, pedestrian infrastructure and bicycle connection improvements are an important consideration throughout the SW LRT route. Such improvements not only help ensure ease of use but also provide health benefits by encouraging people to be active and through improved safety.

- A new light rail line is only one piece of a neighborhood transportation system and it is also necessary to promote the use of, and access to, successful bus service and bicycle and pedestrian infrastructure for a truly sustainable transportation system.

General Comments

- Two Health Impact Assessments (HIAs) have been completed for other sections of the Twin Cities metro transit light rail lines. These HIAs provide valuable information about transportation projects of this scale and scope and describe how light rail transit contributes to the health and well-being of many different populations. The Bottineau Transitway HIA[5] and the Central Corridor HIA[6] can both be accessed on-line and MDH encourages the Metropolitan Council to consult these resources when making project decisions for the SW LRT.

- Transit oriented development, such as light rail transitways, can benefit communities by providing opportunities for people to live, work, and play without having to get into a car. This can reduces roadway congestion and air pollution, it can increase physical activity and provide access to jobs and other opportunities for transit dependent households.

- Investments in station areas and an increase in residents along the SW LRT route could encourage the placement of grocery stores nearby. When people have access to healthy food options they are better able to include healthy food in their diets. Good nutrition is vital to health, disease prevention, and childhood development.

Health starts where we live, learn, work, and play. To create and maintain healthy Minnesota communities, we have to think in terms of health in all policies. Thank you again for the opportunity to provide comments on this Supplemental Draft Environmental Impact Statement for the Southwest Light Rail Transit project. Feel free to contact David Bell at (651) 201-4907 or david.bell@state.mn.us if you have any questions regarding this letter.

[5] 2013 Hennepin County Bottineau Transitway Health Impact Assessment: http://www.hennepin.us/~/media/hennepinus/residents/transportation/bottineau-transitway/HIA%20Full%20Report%20Final%2012192013.pdf

[6] 2011 Healthy Corridor for All: http://www.policylink.org/sites/default/files/HEALTHYCORRIDOR_SUMMARY_FINAL_20120111.PDF

Sincerely,

Paul Allwood
Assistant Commissioner
Minnesota Department of Health
PO Box 64975
Saint Paul, MN 55164-0975

From: Jacobson, Nani
To: swlrt
Subject: FW: Minneapolis SDEIS comments
Date: Tuesday, July 21, 2015 5:05:38 PM
Attachments: DOC071715-07172015154842.pdf

-----Original Message-----
From: Pflaum, Donald C. [mailto:Donald.Pflaum@minneapolismn.gov]
Sent: Tuesday, July 21, 2015 3:13 PM
To: Lamothe, Craig; Jacobson, Nani
Cc: Miller, Paul D.; Hager, Jenifer A; Jack Byers
Subject: Minneapolis SDEIS comments

Craig/Nani,

Please see the attached SDEIS comments from the City of Minneapolis. You should also be receiving the attached letter via US mail.

Thanks

-Don
612-673-2129

Minneapolis
City of Lakes

Public Works
350 S. Fifth St. - Room 203
Minneapolis, MN 55415
TEL 612.673.2352
www.minneapolismn.gov

7/16/2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit Southwest LRT Project Office
6465 Wayzata Blvd.
Suite 500 St. Louis Park, MN 55426

Dear Ms. Jacobson,

The City of Minneapolis appreciates the ability to comment on the Supplemental Draft Environmental Impact Statement for the Southwest LRT Corridor (Green Line Extension) project. The attached comments were presented to the Transportation and Public Works Committee of the Minneapolis City Council on July 14, 2015 and will be approved by the full City Council on July 24, 2015. Please let our staff know if you have any questions regarding the comments.

Sincerely,

Steven A. Kotke
Director of Public Works

D. Craig Taylor
Director of Community Planning and Economic Development

Attachment #2 - SW LRT
Supplemental Draft Environmental
Impact Statement Comments
City of Minneapolis
June 2015

City of Minneapolis comments pertaining to the SW SDEIS are split into two categories; general comments that highlight the City of Minneapolis position on a particular topic and specific comments that include more technical detail. Specific comments pertain to a given chapter or page within the SDEIS document.

City of Minneapolis comments on the Supplemental DEIS are based on three principles:

1. Comments are based on unresolved topics and the need to clarify, correct, or mitigate an issue in preparation for the FEIS. Comments are also intended to inform the final design, project specifications, construction means/methods, and long-term operation of the line. The City will not be commenting **again** on past decisions such as LRT alignment, freight alignment, or scope/budget. **The City's perspective has been captured in previous council actions including the municipal consent resolution adopted on August 29, 2014.**
2. Comments are based on the SDEIS, but also reflect the city's understanding of recent changes to the scope and budget recommendations made by the July 1, 2015 Corridor Management Committee meeting and adopted by the Metropolitan Council on July 8, 2015.
3. The City of Minneapolis continues to support the **Southwest LRT** project **contingent on adherence to the Memoranda of Understanding reached between the City of Minneapolis and Met Council and between the City of Minneapolis and Hennepin County, both of which were adopted on August 29, 2014**. Comments are intended to lessen the negative impacts to residents and businesses near the corridor and to improve the quality of the project.

It should be noted that these comments are supplemental to the previously submitted December 2012 City of Minneapolis DIES comments and to the August 2013 City of Minneapolis SDEIS scoping letter to the Southwest Project Office.

The city appreciates the work of the Metropolitan Council to address the concerns that the city has raised to date. The City of Minneapolis will continue to work closely with the Southwest LRT Project Office and with other partnering agencies to help make this project a long-term success.

General Comments:

Below are several general comments pertaining to the SDEIS. These topics require further analysis, clarification, or detail and need to be addressed prior to the completion of the FEIS:

Ridership – It is difficult to understand station ridership data in this document. It is very time consuming to cross-reference data between the original DEIS and the SDEIS. Data is often

presented, compared, and contrasted in different baseline and forecast years. It would be helpful for the document to include a large table that shows accurate ridership values for each station. The data needs to be based on the latest regional model and the table needs to include opening day (2020) projected ridership, 2040 projected ridership, reverse commute ridership, new transit trips, and transit dependent user ridership.

Construction Impacts – Construction impacts pertaining to the shallow tunnel design such as noise and vibration are discussed in the SDEIS. The SDEIS states that "Construction noise impacts are expected to be localized, temporary, and transient." While in general this may be true, the document minimizes and understates impacts of the shallow tunnel to residents. While the City of Minneapolis recognizes that additional design work and construction methods will better inform the extent of these impacts, the known impacts should be better identified in the SDEIS. These impacts will increase with proximity to the physical improvements. It is understood that additional details regarding potential short-term noise impacts will be evaluated further and provided in the forthcoming FEIS, based on the equipment, duration, and type of work effort. These details and the respective short-term impact determinations need to be provided when additional design and construction information is available not when the FEIS is published.

Given the close proximity of homes and townhomes to the construction work, effort must be made to dampen or minimize the noise and vibration caused by sheet pile driving. There will also be tree loss along the corridor. The means and methods for removing trees are not defined in the DEIS. It should be noted that there is concern about potential noise created by chain saw activity in addition to wood chipping. Hours of construction operation must be limited to ensure that residents are not disrupted at night; the City of Minneapolis Noise Ordinance will be enforced restricting hours of operation on week nights, weekends, and Holidays.. In addition to noise and vibration, light pollution must be considered when securing the project at night. An effort must be made by the project and its contractors to control dust, to maintain safe truck routes, to comply with truck weight limits, and to follow jake breaking laws.

The project needs to identify proper mitigation for properties impacted by construction. The project needs to develop and implement a construction management plan that addresses hours of operation, access routes, BMPs for mitigating dust and debris on public streets and private property. The City of Minneapolis would like to be consulted in the development of this plan.

Shallow Tunnel; Environmental Issues – Mitigation will be required for adverse impacts to City of Minneapolis surface waters, storm drains, storm tunnels, sanitary sewers, and surface drainage, including but not limited to physical conflicts, pollutant loads, surface water levels, increased stormwater runoff, changes to surface drainage impacting public or private properties, or degradation of hydraulics, condition, capacity, or operational/maintenance access. There needs to be a section in the FEIS on the impact to the tunnel on existing utility infrastructure and what mitigation will be provided.

Freight Rail Safety - There must be coordination between the SPO and the railroad to minimize the risk of a derailment, especially if trains are carrying hazardous materials. Emergency vehicle access of the construction site must be coordinated prior to construction. The SPO shall include

both the Minneapolis Fire Department and the Police Department in future Emergency Response planning for both the construction period and long term operations. Members of the public have expressed great concern regarding the risks of a train derailment during construction. The SDEIS needs to address these risks.

LRT Operation - The document states that there will be emergency vehicle delays of approximately 50 seconds, 12 times per hour at 3 at-grade locations within Minneapolis and St. Louis Park once the LRT opens for service. Alternate routes for emergency vehicles may need to be suggested. The SPO shall include both the Minneapolis Fire Department and the Police Department in future Emergency Response planning for both the construction period and long term operations. The City of Minneapolis is pleased that improvements to the tunnel ventilation system will be made to ensure passenger safety. As previously stated in the DEIS comments, it is important that noise from LRT bells, whistles, and horns be evaluated and minimized. While some warning devices are required by federal law, policies and procedures regarding some rail operations are local (at the discretion of the Metropolitan Council).

Visual Impact - The City of Minneapolis agrees that the project will result in a substantial level of visual impact in the Kenilworth corridor. The impact must be mitigated and the corridor improved in the manner described in the memorandum of understanding between the Metropolitan Council and the City of Minneapolis. The City looks forward to continued conversations with the project office and the community regarding the restoration of the corridor, and expects these measures to be included in the FEIS and implemented by the project.

Regional Transit Connections – A significant amount of work has occurred within the region to advance other transit projects since the DEIS was published in 2012. This includes the Midtown Greenway Corridor, which was the subject of an Alternatives Analysis document. This project needs to be discussed more within the SDEIS since track accommodations at the West Lake Street station have been made for that project. The Lake Street ABRT project was also identified as part of that study and makes a direct connection to the Green Line at West Lake Street. The C-Line along Penn Avenue has also advanced to the design phase. As proposed, customers using the C-Line can transfer to the Green Line at the proposed Royalston Avenue Station. Proposed bus connections at the Van White station and improved sidewalks near the Penn Station will also help transit dependent riders get to destinations along the entire Green Line travelshed. Mention of these projects within the SDEIS would be helpful.

Specific Comments (By Chapter):

Executive Summary
Table ES-1 on page ES-15 states that there are 67 moderate and 3 severe noise impacts. More information is needed on how these properties will be mitigated.

Table ES-1 on page ES-16 states that 6 high-risk environmental sites could require remediation prior to construction, that there could be potential spills during construction, and that sites with existing contamination could be encountered during construction. More information is needed regarding the identified sites and what will be done (and how long it takes) to remediate a site or situation.

Chapter 1 –Purpose and Need

Page 1-1 – "The Southwest LRT Project will improve access and mobility to the jobs and activity centers in the Minneapolis central business district, as well as along the entire length of the corridor for reverse-commute trips to the expanding suburban employment centers." When looking at the FTA's 2014 response to the SW Corridor scope, suburban land use was one of the areas identified for improvement. By increasing corridor density, the project will become more competitive at the federal level. As mentioned in the general comments, calculating the number of reverse commute riders is an important equity measurement that needs to be shown in a table station by station.

Chapter 3 –Affected Environment, Impacts, and Mitigation

Section 3.4.1.5 (Visual Quality and Aesthetics) analyzes the anticipated changes to visual quality from six viewpoints between the West Lake Street and 21st Street stations. The SDEIS assigns a substantial level of impact for three of these:

- Viewpoint 2, looking north near Lake Street
- Viewpoint 3, looking north toward the tunnel portal south of the canal crossing
- Viewpoint 4, view from the bike trail at the south side of the channel crossing

The City of Minneapolis agrees that the project will result in a substantial level of visual impact in these areas. The impact must be mitigated and the Kenilworth corridor improved in the manner described in the memorandum of understanding between the Metropolitan Council and the City of Minneapolis. The City looks forward to continued conversations with the project office and the community regarding the restoration of the corridor, and expects these measures to be included in the FEIS and implemented by the project.

The City of Minneapolis has the following concerns about visual quality and aesthetics not covered in the SDEIS:

- The drawings and discussion of the tunnel portal near the channel do not acknowledge that among the substantial visual impacts are a six-foot concrete crash wall adjacent to the freight tracks and an eight-foot fence between the portal and the bike trail. The FEIS should state these facts explicitly and include a level of mitigation that is commensurate with the substantial level of impact.
- While the SDEIS includes an analysis of the area around the tunnel portal near the channel, it does not discuss the tunnel portal near Lake Street. The City of Minneapolis expects that equal attention will be given to the mitigation of visual impacts at both tunnel portals.
- The project will substantially impact visual quality and aesthetics between the 21st Street and Penn Avenue stations, but an analysis of that impact is not included in the main body of the SDEIS. Previous work by the Metropolitan Council quantifies the anticipated tree loss in the Kenilworth corridor under the since-discarded two-tunnel option. Tree loss and a change to aesthetics will remain an issue with the construction of LRT at grade in this segment, and the City of Minneapolis expects the same level of restoration and improvement in this segment as the West Lake to 21st segment.

Section 3.4.2.3 (Noise) and Section 2.4.2.4 (Vibration) identifies both severe and moderate noise and ground-borne noise impacts in the Kenilworth corridor. The City of Minneapolis expects both severe and moderate noise and ground-borne noise impacts to be mitigated. We look forward to working with the project office on the development of these mitigation measures.

Page 3.12- It is not clear whether all relevant noise issues will be covered in the FEIS document. It is important to be clear about what studies are remaining in addition to what has been done to date.

Page 3-17- The SDEIS uses 2030 model information when the CMC and staff have been using projected 2040 model numbers to make decisions. It is important that the SDEIS include the 2040 data to help justify the context of these decisions.

Page 3-18- The operating assumption has always been that 7.5 minutes headways will be used. It is clear now that 10 minute headways will be used to match Central Corridor frequency. The SDEIS needs to state whether or not 7.5 minute headways will work in the future.

Page 3-20 - "As noted in Section 2.5 of this Supplemental Draft EIS, the LPA would result in short-term and long-term shifting of the freight rail tracks prior to tunnel construction in the Kenilworth Corridor. Changing the physical operations of freight railroads can result in community impacts such as running freight trains at night. While TCW is allowed to operate at night; they currently choose to run during the day. They also choose to run at 10 mph instead of 25 mph. It is important that the agency partners continue to work with the railroad to try to minimize the number of night trains they run and the frequency and speed of those trains to maintain quality of life for residents.

Page 3-21 Freight Table 3.1-5 - It should be noted that noise and vibration analysis modeling was done using 10mph vs 25mph. We support that assumption since that is the current operating speed of trains in the corridor.

Pages 3-23 Table 3.1-6 – This table identifies many upcoming mitigation elements not included in the SDEIS. The City of Minneapolis is very interested in reviewing and commenting on all future plans and mitigation efforts identified in the DEIS and SDEIS prior to the issuance of the FEIS, these include but are not limited to:

- Construction Communication Plan
- "Forthcoming aesthetic guidelines"
- Groundwater Management Plan
- Noise Mitigation Plan
- Vibration Mitigation Plan
- Section 106 review

Page 3-26 Bicycle & Pedestrian - "Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified" Given that the Cedar Lake Trail Bridge has been eliminated from the project scope, it is important to mitigate any risks associated with crossing three rail tracks (two light rail tracks

and one freight rail track). It is recommended that gate arms be considered at the trail crossings give the high trail counts.

Page 3-27 Environmental Justice. The DEIS used 2000 Census data and the SDEIS uses the American Community Survey (ACS) from 2007-2011 to identify low income populations. More recent ACS data is available 2009-2013. The City of Minneapolis suggests that the most recently available data is used to determine environmental justice compliance.

Page 3.135 – Table 3.4-1, Summary of Findings: For the Public Waters and Stormwater Management Sub-category of the Water Resources Category, please add, Stormwater runoff would be treated to meet local requirements.

Page 3-136 Section 3.4.1.1 Land use . The list of planning documents consulted to inform the Land Use section does not include The Minneapolis Plan for Sustainable Growth (2009), the City's Comprehensive Plan. It also does not include the Midtown Greenway Land Use and Development Plan (2007). These plans provide general and site specific guidance for land use and development intensity in Minneapolis. The City of Minneapolis is concerned that the oversight in listing the plans equates to an oversight in reviewing the plans and understanding their relevant recommendations. This impacts the Land Use and Economic impacts analysis in the SDEIS. The City of Minneapolis requests that these documents and their relevant guidance be reviewed and considered where relevant in the FDEIS.

Page 3-138 – The City of Minneapolis does not support park and rides within the city limits. The City of Minneapolis appreciates the attention the SPO staff has given to bicycle and pedestrian infrastructure approaching each of the Minneapolis stations. Careful attention to this detail will increase transit ridership and will promote TOD.

Page 3-139 Section 3.4.1.1, Long Term indirect Land Use Impacts. The SDEIS makes the following statement regarding redevelopment potential and land use changes: "While some redevelopment within the West Lake 21st Street, and Penn Station areas would be possible, land uses surrounding the stations would be expected to generally remain unchanged because of the relatively high level of existing development in those areas." The West Lake Street station is adjacent to nearly 14 acres of single story shopping center development. The City has adopted policy direction (Midtown Greenway Land Use and Development Plan -2007) that calls for mixed use transit oriented development of five or more stories. Additionally, at the Penn Station along Madeira Avenue and Wayzata Boulevard there is approximately 3.5 acres of low scale commercial and industrial development. The Bryn Mawr Land Use Plan, adopted by the City in 2005, calls for mixed use development. For both the West Lake and Penn stations, these are significant areas of potential changes and intensification of the uses which the SDEIS does not recognize.

Page 3-168 – 3.4.2.1 It is stated, "Construction activities and potential light rail-related improvements both have the potential to affect groundwater by potentially changing the flow of or contaminating groundwater within the project vicinity." Please REPHRASE to add the potential of changing the flow of previously contaminated groundwater, such as, ". . . by

potentially changing the flow of groundwater (including previously contaminated groundwater if present), or contaminating groundwater, within . . ."

Page 3.169 – 3.4.2.1 - It is stated that groundwater removal would be required during construction of the light rail. Please identify if groundwater removal is expected to be required after completion of the tunnel in order to keep it functional. Other sections of the document appear to indicate this.

Page 3.169 – It is highly recommended that more accurate methods be utilized to determine the high groundwater elevation in the location of the tunnel. Typical soil borings may not be very reliable in this regard. If any post-construction groundwater discharges are proposed to the City of Minneapolis sewer systems, the City of Minneapolis will require the discharges be quantified based on the anticipated high groundwater elevation on the site.

Page 3.170 – Discharge of groundwater from the internal tunnel to the City of Minneapolis sanitary sewer will require additional review. Any proposed groundwater discharges will need to be quantified and testing of the groundwater for the presence of contaminants will be required. It should not be assumed that discharge to the City of Minneapolis sanitary sewer system will be granted.

Page 3.170 – It is the expectation that any waterproofing that is necessary in order to limit groundwater infiltration into and, in turn, groundwater discharges from the tunnel be maintained for the life of the improvements. It is recommended that the maintenance of any waterproofing proposals be thoroughly evaluated and selected with this in mind.

Page 3-170 – Footnote 34 addresses discharge as a result of a larger than 100-year storm event from tunnel portals. The proposed location(s) and rate(s) would need to be reviewed and approved by the City of Minneapolis.

Page 3.172 – The filtration tanks, infiltration basins or other means identified in The Risk of Groundwater Contamination during Construction section would also need to be reviewed and approved by the City of Minneapolis. The discharge as a result of a larger storm event would also need to be approved by the City of Minneapolis.

Page 3.172, C. Mitigation Measures – The groundwater management plan must also be reviewed and approved by the City of Minneapolis.

Page 3.177, list of potential BMPs, bullet 7 – straw bales are not allowed as BMPs in Minneapolis.

Page 3.179, C. Mitigation Measures – add that Stormwater runoff (long-term) will need to be in compliance with MPCA NPDES General Construction Permit Section III.D., PERMANENT STORMWATER MANAGEMENT SYSTEM, and will need to be reviewed and approved by the City of Minneapolis under Minneapolis Code of Ordinances Chapter 54, Stormwater Management.

Page 3-184 – The SDEIS makes the following statement regarding short term noise and vibration "Construction noise impacts are expected to be localized, temporary, and transient. These impacts would increase with proximity to the physical improvements. Additional details regarding potential short-term noise impacts will be evaluated further and provided in the forthcoming Final EIS, based on the equipment, duration, and type of work effort. These details and the respective short-term impact determinations will be provided when additional design and construction information is available." While it is recognized that substantially more design work is ahead, many areas of major infrastructure, such as a shallow tunnel, are known and should be listed in the SDEIS.

Page 3-186 – The SDEIS concludes that "the results of ground-borne noise impacts for residential land use are presented in Table 3.4-14. There would be no vibration or ground-borne noise sensitive institutional land uses in the St. Louis Park/Minneapolis segment." This statement needs to be substantiated or clarified.

Page 3-200 - Among the potential strategies for improving traffic operations at intersections is the modification of light rail at-grade crossings from preemption to a priority strategy. It is the understanding of the City of Minneapolis that priority signalization (not preemption) will be the standard for all Minneapolis intersections.

Chapter 4 –Public and Agency Coordination

Page 4.21 – Table 4.5-2, Preliminary list of Required Permits/Approvals and Reviews (by Agency Jurisdiction)
Under City of Minneapolis, add Stormwater Management – Approval. (Per Minneapolis Code of Ordinances Title 3 Chapter 54 Stormwater Management)

Comment #172

RECEIVED
JUL 21 2015
BY:

Lakes and Parks Alliance of Minneapolis, Inc.
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, MN 55416

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Via email: swlrt@metrotransit.org

Dear Ms. Jacobson,

I am contacting you as a board member of the Lakes and Parks Alliance of Minneapolis, Inc. Our organization endorses and supports the comments submitted by Light Rail Transit Done Right (LRTDR).

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

George Puzak
Lakes and Parks Alliance of Minneapolis, Inc., board member

Kenilworth Preservation Group (KPG)
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, Minnesota 55416-5392

RECEIVED
JUL 21 2015
BY:

Via email: swlrt@metrotransit.org

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

RE: Supplemental DEIS

Dear Ms. Jacobson,

I am contacting you as chair of the Kenilworth Preservation Group (KPG). KPG endorses and supports the comments submitted by LRT Done Right.

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

Stuart A Chazin
Chair - Kenilworth Preservation Group

RECEIVED
JUL 21 2015
BY:

LRT-Done Right

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit — Southwest LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail.*

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable.... Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would...change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see:
http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

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[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001

[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station...."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

See also
http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:

Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:

Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

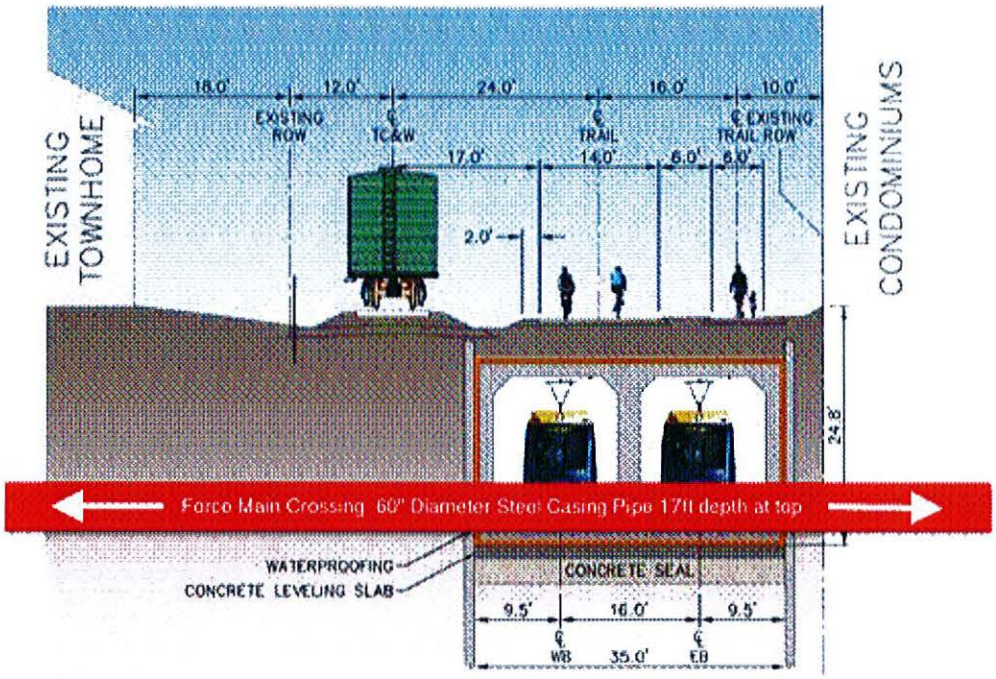


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

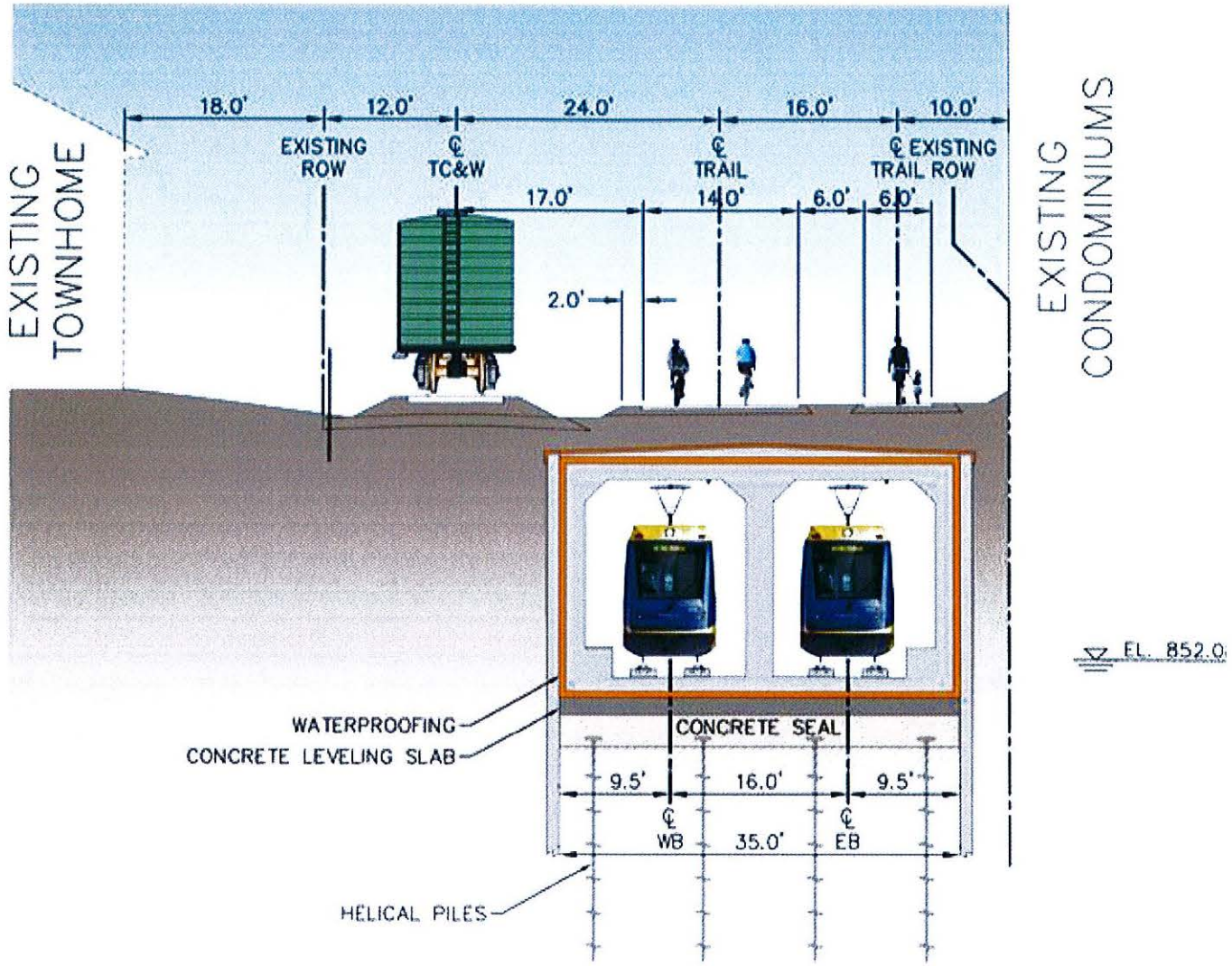
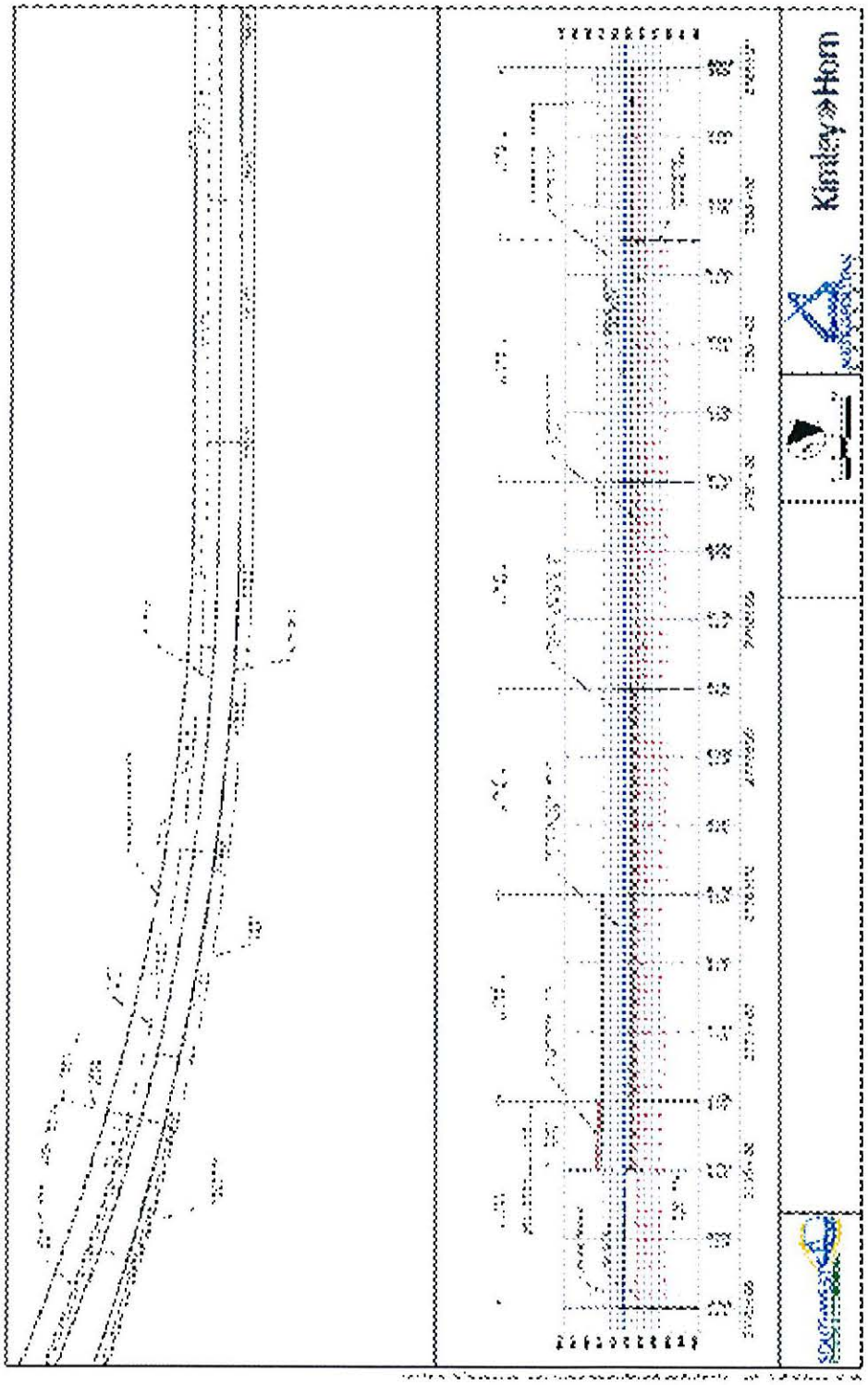


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**. [4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

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[3] http://metrocouncil.org/swlrt/sdeis

[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations –– once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train every 5 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA , plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise.*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals 12 to 16 trains per evening between 9 PM and 11 PM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals 2 trains per night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25-plus seconds of bells ((5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals 2 to 4 trains per day, between 12 AM and 2 AM

- This means 1 SWLRT train every 30 to 60 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 to 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total equals 211-220 SWLRT three-car trains per weekday

WEEKENDS

Early morning 4:30 AM to 9 AM

- 6-8 trains per hour equals 26 to 36 trains per day between 4:30 AM and 9 AM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour equals 120 trains per day between 9 AM and 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor would consist of bell noise at 88dBA and 106 dBA
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA

Evening 7 PM to 9 PM

- 8 trains per hour equals 16 trains per day between 7 PM and 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour equals 12 to 16 trains per day, 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds 106 dBA, unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour equals 4 trains per day between 11 PM and 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to 12 AM weekend train frequency is double the weekday frequency of 11 AM to 12 AM
- Would entail 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to 2 AM

- 2 to 4 trains per hour equals 4-8 trains per day between 12 AM and 2 AM
- This means 1 SWLRT train every 15 to 30 minutes
- 12 AM to 2 AM weekend train frequency is double the weekday frequency of 12 AM to 2 AM
- 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 to 30 minutes

Very early morning 2 AM – 4 AM

- No trains — equals current existing conditions

Total equals 180 -195 SWLRT three-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality....during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental*

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[5] *Sleep Science*, Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non-existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

[7] http://metrocouncil.org/swlrt/sdeis

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material..."

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment*, the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

> ...the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

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[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION

The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or

groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

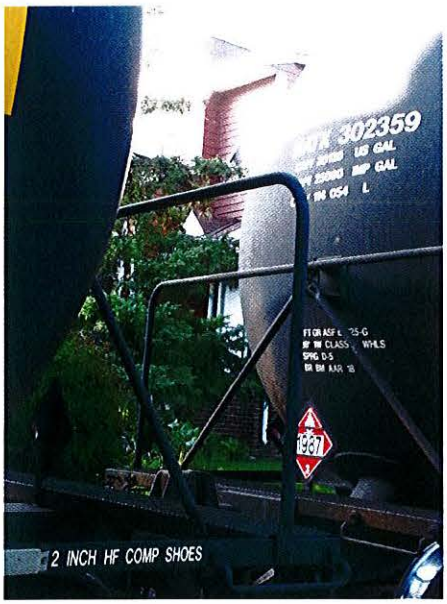
Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."



Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

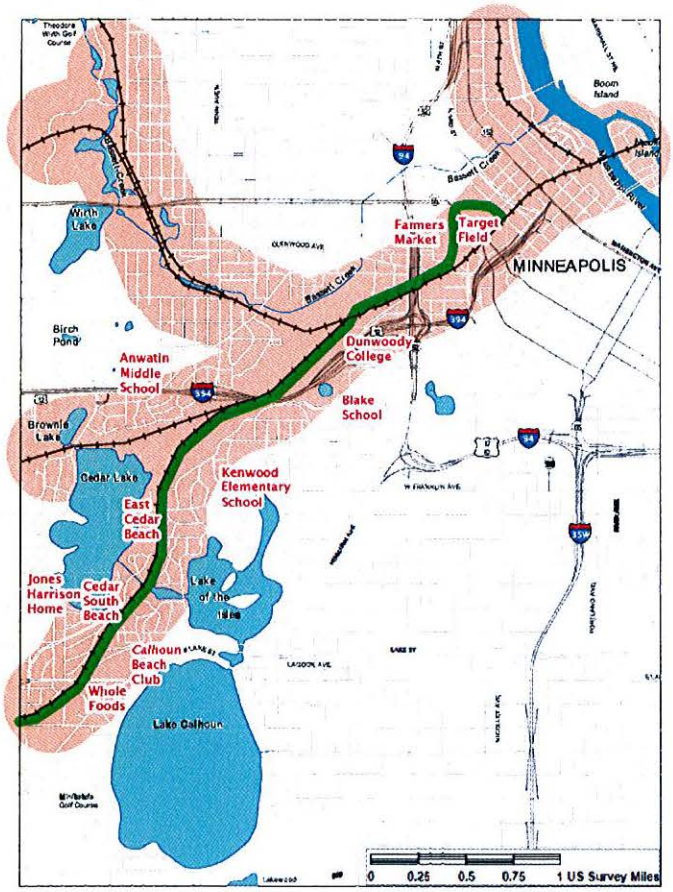
The Kenilworth corridor is a high-risk evacuation blast zone.



Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.

- THIS IS THE BLAST ZONE -

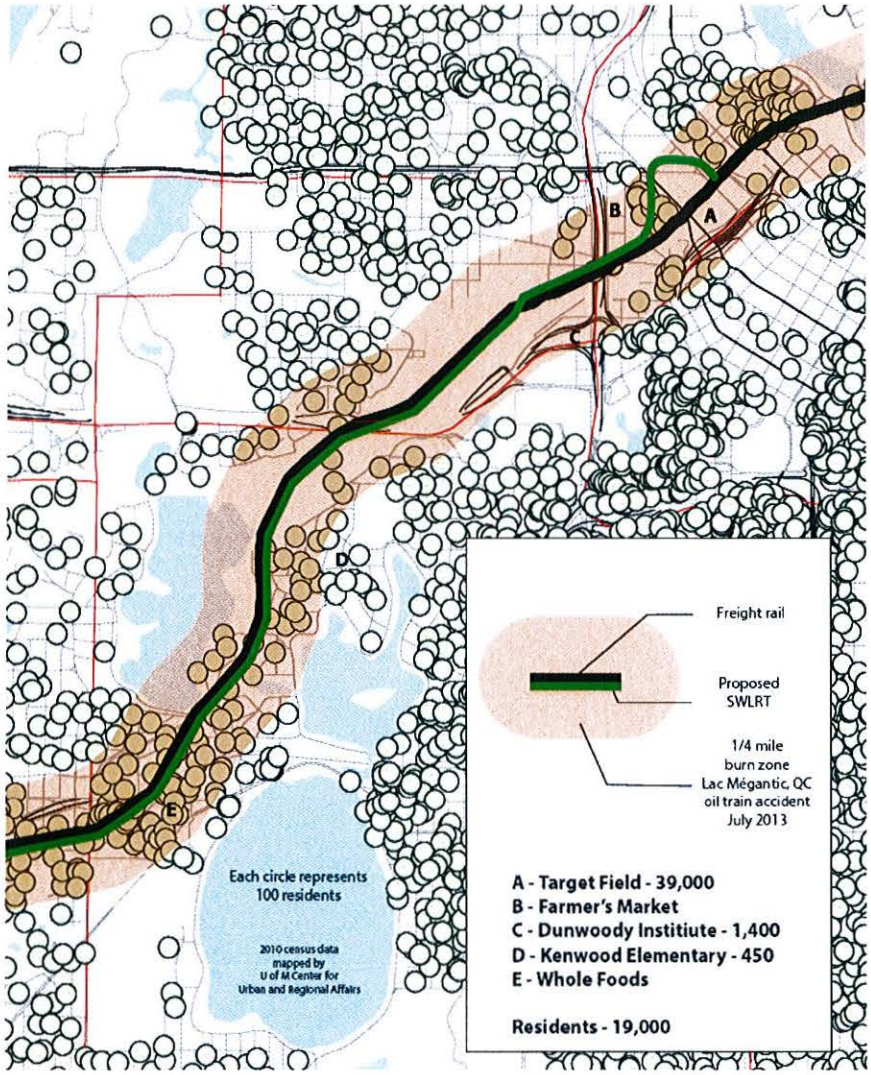
SWLRT co-location with high hazard freight trains in the Kenilworth corridor



Ethanol and Oil Train Disasters:



Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

However, TC&W, which is a Class III rail carrier (a short line with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in DOT-111s and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from two-person crews to one- or two-person crews. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not even apply to TC&W due to their Class III status.* Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with approximately 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol,* a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rail* in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-

hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor, *this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there had only been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

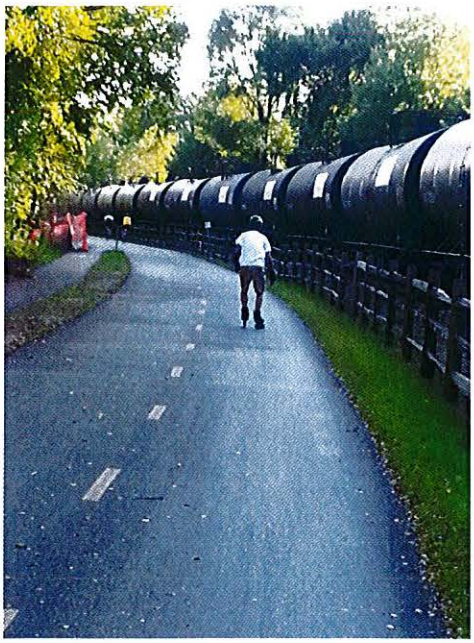
Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.



3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis.*

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis.*

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modify the definition of a high-hazard flammable train provided in Section 171.8 to read as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. The PHMSA and FRA rules must apply to all trains conveying Class 3 flammable liquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. The PHMSA and FRA safety rules should apply equally to HHFTs that are conveying oil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. Ban the use of DOT-111 tank cars now for transporting any amount of hazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111 cars should not be used for the transport of any crude oil or fossil fuels, regardless of classification.

6. Retrofitted cars that fail to meet every standard of the most protective new tank car design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., ClassI -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

SOURCES

Brodsky B. Industrial Chemicals as Weapons: Chlorine. NTI: Building a Safer World. http://www .nti.org/analysis/articles/industrial-chemicals-weapons-chlorine/.

Caughron B, Saat MR, Barkan C. Identifying and Prioritizing Shared Rail Corridor Technical Challenges. AREMA Conference 2012. http://railtec.illinoise.edu/CEE/pdf.Conference%20Proceedings/2012/Caughron%20et%20al %202012.pdf

Federal Register, Part VII, 49 CFR Parts 209 and 211.

Lin CY, Saat M, Barken C. Causal Analysis of Passenger Train Accident on Shared-Use Rail Corridors. Transportation Research Board 93rd Annual Meeting. Nov 2013. http://assets.conferencespot.org/fileserver/file/64876/filename/14-2181.pdf.

Lin CY, Saat, M. Semi-quantitative Risk Assessment of Adjacent Track Accidents on Shared-Use Rail Corridors. April 2014. Proceedings of the 2014 Joint Rail Conference JRC2014. http://railtec.illinois.edu/articles/Files/Conference%20Proceedings/2014/JRC2014-3773.pdf.

ODN. Online Distillery Network. Ethanol Materials Data Safety Sheet. http://www .distill.com/materialsafety/msds-eu.html.

NTSB. NTSB calls for tougher standards on trains carrying crude oil. Press Release. Jan 23, 2014. http://www.ntsb.gov/news/2014/140123.html.

Pumphrey D, Hyland L, Melton M. Safety of Crude Oil by Rail. March 2014. Center for Strategic and International Studies. http://csis.org/files/publication/140306_Pumphrey_SafetyCrudeOilRail_Web.pdf.

Resor R. Catalogue of Common Use Corridors. USDOT/FRA/ORD03/16. April 2003

Sela E, Resor R, Hickley T . Shared Use Corridors Survey of Practice and Recommendations for the Future. Crossing and Shared Corridors. www.onlinepubs.trb.org/onlinepubs/circulars/ec058/08/_04_sela.pdf.

Straw R. White House Agency Under Pressure From Big Oil & Rail – Accused of "Coddling" the Industries. The Benecia Independent. June 2014. http://beniciaindependent.com/white-house- agency-under-pressure-from-big-oil-rail-accused-of-coddling-the-industries/.

TSA. Part 1580. Appendix A. http://www.gpo.gov/fdsys/pkg/CFR-2011-title49- vol9/pdf/CFR-2011-title49-vol9-part1580-appA.pdf.

LRT Done Right
2781 Dean Parkway
Minneapolis, MN 55416

Nani Jacobson
Assistant Director, Environmental + Agreements
Metro Transit - SW LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

RECEIVED
JUL 21 2015
BY: SPO

From:	amy sheldon
To:	swlrt
Cc:	Amy Sheldon
Subject:	Objections to SWLRT plan. Support of the SDEIS response document from LRT-Done Right.
Date:	Tuesday, July 21, 2015 3:02:57 PM

To:
Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit - Southwest LRT Project office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

I write to add my whole-hearted support of the SDEIS response document to the current SWLRT plan that was submitted by Mary Pattock on behalf of the LRT-Done Right organization on July 21, 2015.

A comprehensive and sobering set of environmental and other objections to the co-location route through the Kenilworth corridor have been carefully documented in that letter and are beyond question.

Therefore, please give this well-research document your careful consideration. The environmental impact of the current SWLRT has not been sufficiently thought through. We have not reached convincing, sustainable and effective solutions to real potential environmental damage and runaway financial costs due to poor (inappropriate) location of the SWLRT in the Kenilworth corridor. The hidden costs and environmental dangers of co-location on this particular route will be far greater than acknowledged, into the forseeable future. The ridership will be lower than projected because of the existence of Southwest transit buses that already meet the need for faster, wi-fi enabled, commuter service into Minneapolis. The expected jobs have not materialized, so we do not know what parts of the local population will benefit or if jobs will materialize in proportion to the expense of LRT. There are numerous other objections to the current SWLRT plan that make a convincing case that it is premature, environmentally hazardous, too costly, and in the end, an ineffective pipe dream.

It is, frankly, an embarrassment to the reputation of the Twin Cities that the *possibility* (not even guarantee) of federal money is driving the decision to go with a plan with such clear dangers and unsolved problems. This is poor, short-sighted public policy.

Instead, let's take time to thoroughly and convincingly compare the benefits of safer, more equitable locations for a SWLRT route. Let's make a better decision for the future of people and neighborhoods that will really benefit from a light rail extension, without the current heavy, unnecessary, and rueful environmental cost.

We want light rail, but not at these costs. Please do not support the Kenilworth route for SWLRT; consider better alternatives, such as the Brunswick route.

Sincerely,
Amy Sheldon
Bryn Mawr resident, citizen, tax payer, voter, grandparent, educator.

From: bryceham
To: swlrt
Subject: Proposed SWLRT
Date: Tuesday, July 21, 2015 4:23:18 PM

Friends---

We strongly endorse the comments and extensive research on the proposed Southwest Light Rail system done by LRT-Done Right. Please take all elements of their report into serious consideration.

Thank you,

Bryce and Donna Hamilton
4033 Linden Hills Blvd
Mpls MN 554120

From: Patricia Benn
To: swlrt
Subject: questions about route
Date: Tuesday, July 21, 2015 4:37:31 PM

Dear Nani Jacobson, SWLRTProject Office,

As you are taking public comments on the project, I would like to know why the route does not follow Highway 100 from a Beltline Station to downtown, thereby serving a lot of new high density housing at 36th St. & 100 and a vibrant business and housing area at 100 & 394. From there the route might follow the rail line into Minneapolis, although there may be the same environmental difficulty between Cedar and Brownie Lakes.

I protest strongly the co-location of freight and light rail by Cedar Lake on the Kenilworth Trail. I understood the use of the rail bed there if the freight line had been relocated as promised. It would have been an improvement for the neighborhood, in my opinion. However for serving more population it did not make sense. To run somewhere between Lake St and Lyndale to serve more high density population seemed to be ruled out because of the cost. The present plan has a higher cost of serious environmental impact and should be ruled out for that reason.

Sincerely,

Patricia Benn
pebenn@comcast.net

612-377-5695 Minneapolis

From:	Sally Rousse
To:	swlrt
Subject:	SDEIS comments
Date:	Tuesday, July 21, 2015 2:11:27 PM
Attachments:	LRT Done Right SDEIS Response .docx

Attached please find my comments to the SDEIS.

Sally Rousse
620 Oliver Avenue South
Minneapolis, MN 55405

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit — Southwest LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson:

I am a Bryn Mawr resident, living within the "Blast Zone" of freight along the Cedar Lake Trail and Junction and the proposed SWLRT route. I have been following the SLWRT project for over 13 years, having first lived on Burhham Road, also near freight. I have attended almost all of the public and community forums for this project. I have also lived the other half of my 51 year life in NYC, Chicago and Europe where mass transit is of course present. I support mass transit for Minneapolis but not this plan. I expect the Met Council to be respectful and accountable for my comments and others that they receive.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail*.

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Sally Rousse
sallyrousse@gmail.com

LRT-Done Right

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit — Southwest LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

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When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see:
http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and
http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001
[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

See also
http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:
Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:
Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:
Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

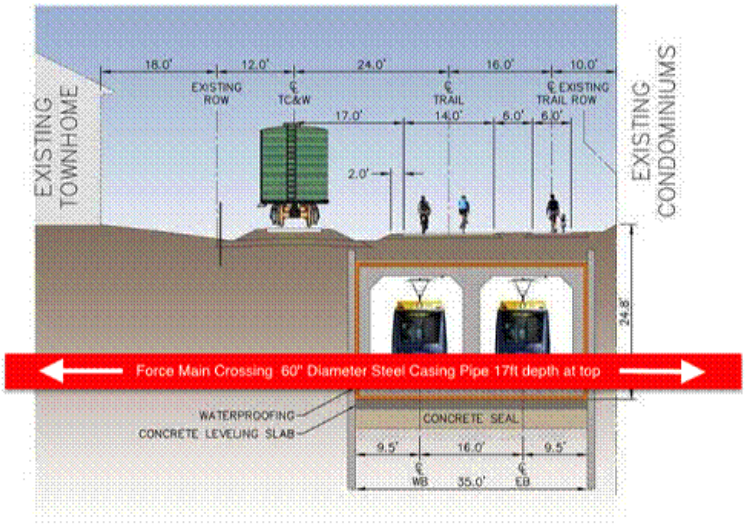


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

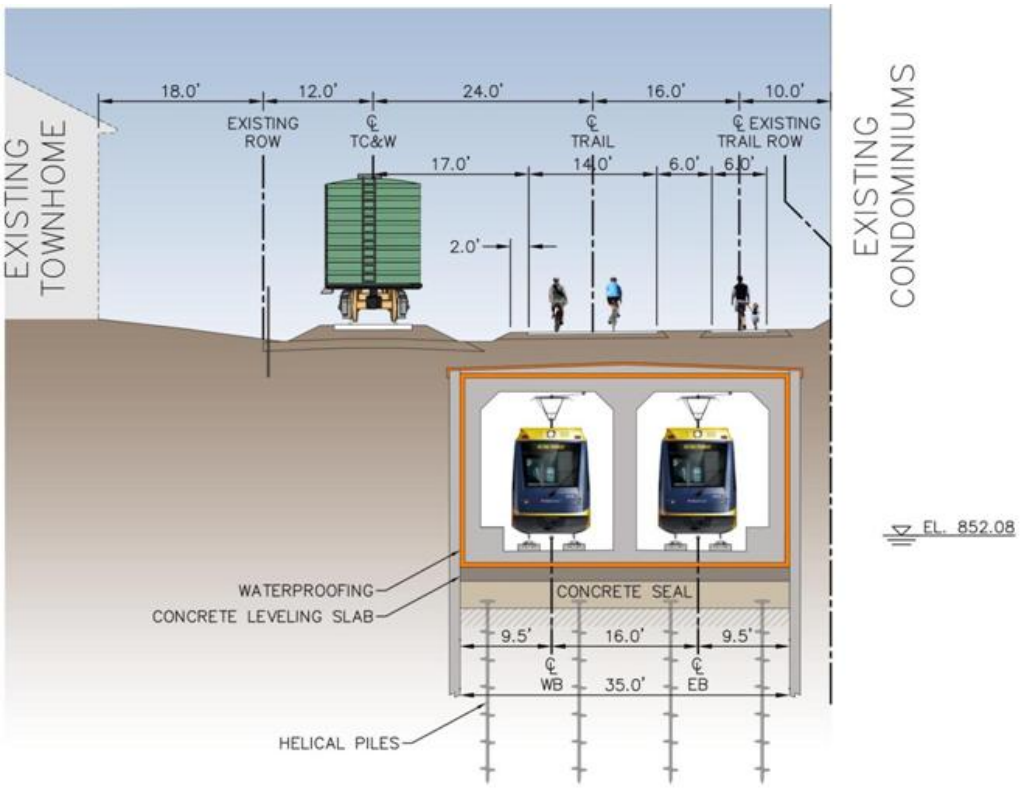
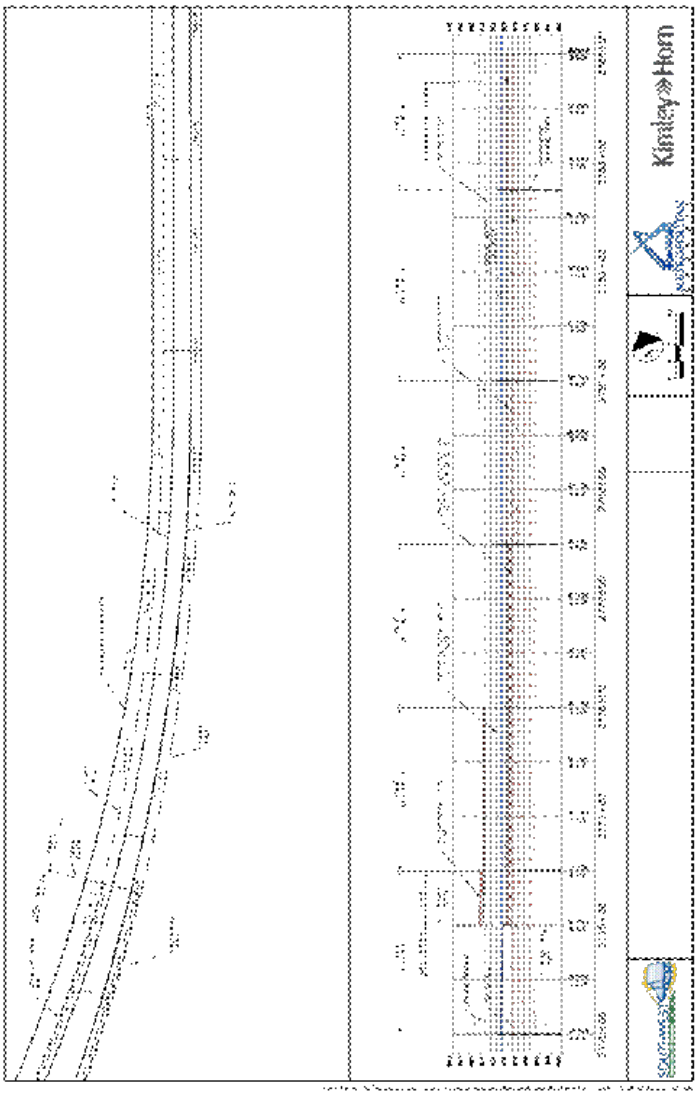


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**. [4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

[3] http://metrocouncil.org/swlrt/sdeis

[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations — once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
-
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25 plus + seconds of bell noise (5 seconds at 88 dBA, plus + 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals = 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train at every 5 minutes
- Would produce 25 plus + seconds of bell noise (5 seconds at 88 dBA, plus + 20 seconds at 106A dBA , plus + unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals = 12 to 16 trains per dayevening between 9 PM and 11 PM
- This means 1 SWLRT train at every 7.5 to 10 minutes
- Would entail 25 plus + seconds of bell noise (5 seconds at 88 dBA, plus + 20 seconds at 106 dBA, plus + unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals = 2 trains per day night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25 plus + seconds of bells ((5 seconds 88 dBA, plus + 20 seconds at 106 dBA, plus + unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

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Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals 2 to 4 trains per day between 12 AM and 2 AM
- This means 1 SWLRT train every 30 to 60 minutes
- Would entail 25 plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 to 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total = equals 211-220 SWLRT three 3 car trains per weekday

WEEKENDS

Early morning 4:30 AM to 9 AM

- 6-8 trains per hour equals 26 to 36 trains per day between 4:30 AM and 9 AM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25 plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour =equals 120 trains per day between 9 AM and 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail At at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will would consist of bell noise at 88dBA and 106 dBA bell noise
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA bell noise

Evening 7 PM to 9 PM

- 8 trains per hour =equals 16 trains per day between 7 PM and 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25 plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour =equals 12 to 16 trains per day 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25 plus seconds of bell noise (5 seconds 88 dBA plus 20 seconds 106 dBA unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour =equals 4 trains per day between 11 PM and 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to 12 AM weekend train frequency is double the weekday frequency of 11 AM to 12 AM

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- Would entail 25-plus + seconds of bell noise (5 seconds 88 dBA, plus + 20 seconds at 106 dBA, + plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to – 2 AM

- 2 to 4 trains per hour =equals 4-8 trains per day between – 12 AM and – 2 AM
- This means 1 SWLRT train every 15 to – 30 minutes
- 12 AM to – 2 AM the weekend train frequency is double the weekday frequency of 12 AM to – 2 AM
- 25-plus + seconds of bell noise (5 seconds at 88 dBA, plus + 20 seconds at 106 dBA, plus + unspecified seconds of bell noise as train enters and exits the station) every 15 to – 30 minutes

Very early morning 2 AM – 4 AM

- No trains —, =equals current existing conditions

Total =equals 180 -195 SWLRT three3-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, atherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such

[5] *Sleep Science,* Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

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opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.*

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non–existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of

[7] http://metrocouncil.org/swlrt/sdeis

noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest

throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a

ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment,* the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

…the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION

The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel

storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative

impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."

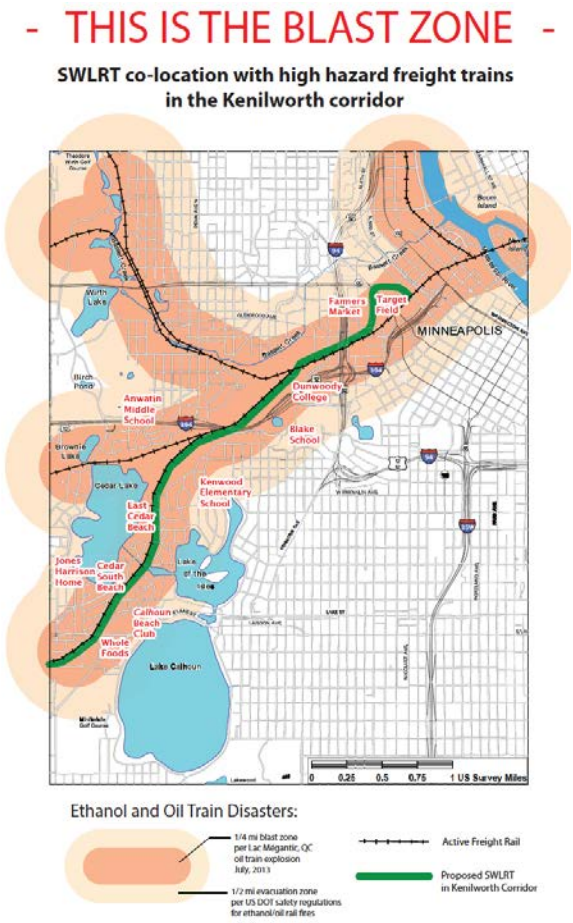


Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

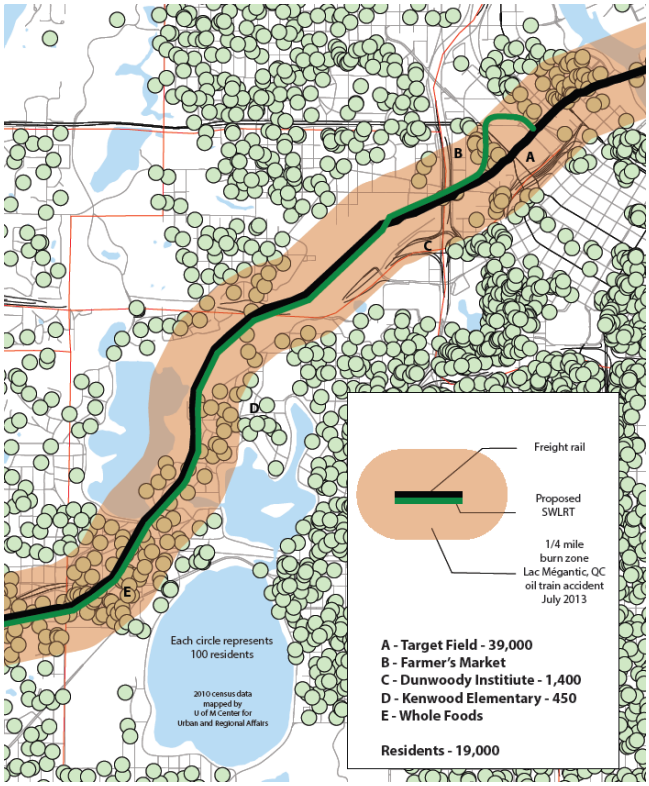
The Kenilworth corridor is a high-risk evacuation blast zone.



Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.



Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

However, TC&W, which is a Class III rail carrier (a short line with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in DOT-111s and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from two-person crews to one- or two-person crews. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not even apply to TC&W due to their Class III status.* Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with approximately 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol,* a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rail* in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-

hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor, *this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there had only been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.



3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis*.

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis*.

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequ requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modify the definition of a high-hazard flammable train provided in Section 171.8 to read as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. The PHMSA and FRA rules must apply to all trains conveying Class 3 flammable liquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. The PHMSA and FRA safety rules should apply equally to HHFTs that are conveying oil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. Ban the use of DOT-111 tank cars now for transporting any amount of hazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111 cars should not be used for the transport of any crude oil or fossil fuels, regardless of classification.

6. Retrofitted cars that fail to meet every standard of the most protective new tank car design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., Classl -lll) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

SOURCES

Brodsky B. Industrial Chemicals as Weapons: Chlorine. NTI: Building a Safer World. http://www .nti.org/analysis/articles/industrial-chemicals-weapons-chlorine/.

Caughron B, Saat MR, Barkan C. Identifying and Prioritizing Shared Rail Corridor Technical Challenges. AREMA Conference 2012. http://railtec.illinoise.edu/CEE/pdf.Conference%20Proceedings/2012/Caughron%20et%20al %202012.pdf

Federal Register, Part VII, 49 CFR Parts 209 and 211.

Lin CY, Saat M, Barken C. Causal Analysis of Passenger Train Accident on Shared-Use Rail Corridors. Transportation Research Board 93rd Annual Meeting. Nov 2013. http://assets.conferencespot.org/fileserver/file/64876/filename/14-2181.pdf.

Lin CY, Saat, M. Semi-quantitative Risk Assessment of Adjacent Track Accidents on Shared-Use Rail Corridors. April 2014. Proceedings of the 2014 Joint Rail Conference JRC2014. http://railtec.illinois.edu/articles/Files/Conference%20Proceedings/2014/JRC2014-3773.pdf.

ODN. Online Distillery Network. Ethanol Materials Data Safety Sheet. http://www .distill.com/materialsafety/msds-eu.html.

NTSB. NTSB calls for tougher standards on trains carrying crude oil. Press Release. Jan 23, 2014. http://www.ntsb.gov/news/2014/140123.html.

Pumphrey D, Hyland L, Melton M. Safety of Crude Oil by Rail. March 2014. Center for Strategic and International Studies. http://csis.org/files/publication/140306_Pumphrey_SafetyCrudeOilRail_Web.pdf.

Resor R. Catalogue of Common Use Corridors. USDOT/FRA/ORD03/16. April 2003

Sela E, Resor R, Hickley T . Shared Use Corridors Survey of Practice and Recommendations for the Future. Crossing and Shared Corridors. www.onlinepubs.trb.org/onlinepubs/circulars/ec058/08/_04_sela.pdf.

Straw R. White House Agency Under Pressure From Big Oil & Rail – Accused of "Coddling" the Industries. The Benecia Independent. June 2014. http://beniciaindependent.com/white-house- agency-under-pressure-from-big-oil-rail-accused-of-coddling-the-industries/.

TSA. Part 1580. Appendix A. http://www.gpo.gov/fdsys/pkg/CFR-2011-title49- vol9/pdf/CFR-2011-title49-vol9-part1580-appA.pdf.

Comment #177

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July 21, 2015

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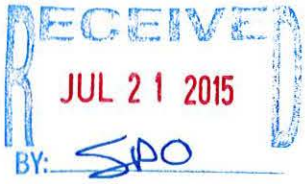

Re: Public Comments – Southwest Light Rail Transit Supplemental Draft Environmental Impact Statement

Dear Ms. Jacobson:

I am writing on behalf of our client, AGNL Health, L.L.C. ("AGNL Health"), regarding the Southwest Light Rail Transit Project ("SWLRT") Supplemental Draft Environmental Impact Statement ("SDEIS"). AGNL Health is the owner of the office campus located at 13625 and 13675 Technology Drive in Eden Prairie, Minnesota (the "Campus"), which is located immediately adjacent to the Eden Prairie Segment of the SWLRT (as modified and evaluated in the SDEIS) between Mitchell Road and the Southwest Station.[1] As an owner of property immediately adjacent to and in part included in the the preferred route for the Eden Prairie Segment, AGNL Health is concerned with the potential for significant impacts to the carefully-designed atmosphere of the Campus. AGNL Health's concerns with the SWLRT Project and the analysis presented in the SDEIS can be summarized as follows, and are discussed in further detail in these comments.

- The Campus is a unique receptor along the Eden Prairie Segment, and requires specific attention to its many unique features for consideration of potential impacts.
- The SWLRT Project development and environmental review processes have been disjointed and procedurally-flawed, and there continues to be significant uncertainty regarding the SWLRT Project scope and design, creating gaps in the environmental analysis.
- The SWLRT Project Scope included in the SDEIS and Final Environmental Impact Statement ("FEIS") should be modified to align with the recent decisions of the Metropolitan Council to reduce the project scope to match budget constraints.
- The SDEIS identifies multiple significant environmental issues that have yet to be analyzed, and notes that the impacts will be detailed for the first time in the FEIS. Some of these unresolved issues relate directly to the potential impacts to the Campus, and are of significant concern to AGNL Health.

[1] The Campus is referred to in the SDEIS in its entirety as the "Optum Health Services headquarters" and in reference to potential impacts to specific auditorium facilities within the Campus as the "Optum Auditorium."

- As a result, the evaluation of potential impacts of the SWLRT Project and the necessary measures to mitigate those impacts is incomplete, particularly with respect to the Campus.

- A more thorough identification and analysis of unresolved environmental impacts and potential mitigation for those impacts is necessary.

- The Metropolitan Council should not wait to address these significant issues until publication of the FEIS, and should provide AGNL Health, other members of the public, and agencies with clarity on these issues as soon as possible to facilitate an informed public participation process.

I. The AGNL Health Campus was Designed to Create a Specific Atmosphere, Which Will be Jeopardized by the Location of the SWLRT Eden Prairie Segment.

The Campus, owned by AGNL Health, consists of multiple coordinated and connected buildings with office spaces, a 300 seat auditorium that is used for broadcasting important company meetings across the country, a structured parking facility with capacity for more than 1200 vehicles, and preserved wetlands areas. The Campus is currently leased to a major Minnesota health care company, with over 1300 of its employees, including executive management, currently working at the Campus. The Campus was designed to create an atmosphere that supports connectivity and collaboration by emphasizing naturally lit open spaces and by diffusing the boundary between the buildings and the natural beauty of the Campus site. This design and atmosphere is fundamental to the Campus. The potential location of the SWLRT Project along Technology Drive threatens this fundamental character of the Campus, and would significantly diminish the quality of the experience at the Campus for employees and visitors, as further described below. Indeed, the Campus atmosphere stands to be impacted by air-borne and ground-borne noise, vibration, encroachment on buffer areas, and visual infiltration of sight-lines. Any one of these impacts would be disruptive to the Campus, and the combination of all of these factors poses a serious threat to the Campus atmosphere.

II. The SWLRT Project Design Continues to Be a Moving Target, and the Environmental Review Process Continues to Track Separately from Project Development Efforts, Thereby Creating Uncertainty and Significant Impediments to Public Participation.

The SDEIS was prepared to evaluate within the environmental review process various significant changes to the SWLRT Project design, including changes to the alignment of the Eden Prairie Segment. AGNL Health first became concerned with the potential impacts of the SWLRT when a modified alignment for the West Segment 1A was developed, relocating the SWLRT to Technology Drive. The alignment analyzed in the Draft Environmental Impact Statement ("Draft EIS"), however, identified that portion of the SWLRT as being aligned along Highway 212, not Technology Drive. As these design changes occurred following preparation of the Draft EIS, the changes "needed to be evaluated for environmental impacts that were not documented in the Project's Draft EIS and had the potential to result in new adverse impacts."[2]

[2] SDEIS at ES-3.

Despite not having evaluated at that time any of the potential impacts of the realignment along Technology Drive as part of the Draft EIS, the Metropolitan Council proceeded with the municipal consent process required pursuant to Minnesota Statutes §473.9994 for the modified alignment along Technology Drive. This created significant confusion with the public, as the municipal consent process was the first public forum in which the modified Eden Prairie Segment was presented, and ran afoul of the fundamental principal of environmental review that governmental actions be informed by the environmental review process.[3]

This confusion still continues with publication of the SDEIS. On April 27, 2015, the Metropolitan Council released a revised cost estimate for the SWLRT project of approximately $1.994 billion, a $341 million increase from the cost estimates analyzed in the SDEIS.[4] This significant increase in cost estimate triggered discussions regarding potential modifications to the SWLRT Project scope to address the budget shortfall. Yet, despite these ongoing discussions, the Metropolitan Council published and made available for public comment the SDEIS in May of 2015. Since publication of the SDEIS, and while the public comment period was still ongoing, the Metropolitan Council on July 8, 2015 approved a revised SWLRT Project plan eliminating certain features from the SWLRT Project scope to achieve necessary cost reductions.

AGNL Health supports the modifications to the SWLRT Project approved by the Metropolitan Council on July 8, 2015, as the modifications to the Eden Prairie Segment eliminate the potential for impacts to the AGNL Health Campus. It remains unclear, however, whether the scope of the SWLRT Project for the purposes of environmental review will be similarly revised, as it should be, or if environmental review will be conducted for the broader project scope identified in the SDEIS despite the clear decision by the Metropolitan Council.[5] Such uncertainty significantly jeopardizes the effectiveness of the public participation process. Furthermore, the SWLRT Project design presented in the SDEIS is characterized as "more advanced development" but still "conceptual" and impacts are "subject to change as design proceeds."[6]

The FEIS should clarify the project scope being evaluated in the environmental review process (including any design features that are considered potential future developments[7]) so that the project

[3] MEPA expressly prohibits a final governmental decision approving a project such as the SWLRT until *after* a FEIS is published and determined to be adequate. *See* Minn. Stat. § 116D.04, subd. 2a; Minn. R. 4410.3100, subp. 1. AGNL Health notes that the Metropolitan Council plans to initiate a second municipal consent process in light of the changes in the project scope, and that it will vote to initiate this process one day after the SDEIS comment period closes, July 22, 2015. *See* http://metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/municipal.aspx (last visited July 21, 2015). As is discussed further in these comments, the municipal consent process should include consideration of a number of potential impacts of the SWLRT that have yet to be fully evaluated for the Eden Prairie Segment.

[4] SDEIS at 5-4, Table 5.4-1, n. a.

[5] At the June 17, 2015 SDEIS public hearing held in Eden Prairie, a representative of the SWLRT Project indicated that any changes in the SWLRT Project design would not impact the environmental review process.

[6] SDEIS at 3-35.

[7] The SDEIS further states that the Metropolitan Council also "developed a design adjustment that would *initially* implement a western terminus of the proposed light rail line at the Southwest Station," and that "design plans for this western terminus would not preclude a later extension of LRT further to the west." SDEIS at 2-47, n. 25. This language in

scope evaluated in the environmental review process aligns with the project scope approved by the Metropolitan Council on July 8, 2015. The Metropolitan Council should further inform relevant agencies and the public as soon as possible that a corresponding scale-back of the project scope will be made in the FEIS to avoid confusion in other processes, such as the municipal consent process.

III. The SDEIS Analysis of the Potential Impacts of the SWLRT Eden Prairie Segment is Incomplete and Additional Analysis of the Potential Impacts of the Eden Prairie Segment and Identification of Required Mitigation Measures is Necessary.

The SDEIS identifies many significant unresolved environmental issues and notes that the impacts and mitigation will be analyzed and detailed for the first time in the FEIS. Because of the uncertainty regarding the scope of the SWLRT Project moving forward, and in particular the scope of the Eden Prairie Segment that will be included in the FEIS, it is unclear to what extent additional assessment and consideration of these unresolved issues will be completed. As is described in this section, however, many of these unresolved environmental issues relate directly to the AGNL Health Campus, and cause AGNL Health great concern about the potential impacts to its property. Accordingly, AGNL Health provides the comments below on these unresolved environmental issues for consideration if the portion of the Eden Prairie Segment between Mitchell Station and the Southwest Station is to be included in the FEIS. Given that the purpose of the SDEIS is to identify new potential significant adverse impacts associated with the SWLRT Project design adjustment, and to allow for public and agency comment on the design adjustments and associated impacts, the Metropolitan Council should address these unresolved issues and provide opportunities for public participation in advance of publication of the FEIS.

A. The SDEIS Does Not Evaluate the Noise and Vibration Impacts at the AGNL Health Campus, and Such Impacts are Likely to be Significant.

AGNL Health is concerned about the potential for noise and vibration from the SWLRT to invade the ambience of health, peace, and quietude that is a central focus of the carefully-planned atmosphere of the Campus. Generally, the noise analysis in the SDEIS is incomplete, and has yet to provide site-specific data and analysis of the AGNL Health Campus. Thus, the noise analysis for the Eden Prairie Segment will need to be corrected and supplemented, and the AGNL Health Campus evaluated, for inclusion in the FEIS. To enhance public participation in the environmental review process, AGNL Health recommends that the Metropolitan Council make these adjustments to the noise and vibration impacts analysis available to the public prior to publication in the FEIS.

The Noise and Vibration Analyses for the Eden Prairie Segment are Incomplete

The noise and vibration analyses in the SDEIS are incomplete for the Eden Prairie Segment as a whole. Table 3.1-1 indicates that, for the Eden Prairie Segment, Noise and Vibration impacts were addressed in the SDEIS,[8] but this is contrary to the detailed discussion of these impacts in Section 3.2.

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the SDEIS is contrary to the recent Metropolitan Council decision, which did not include a western extension to Mitchell Station at a future date.

[8] SDEIS at 3-3.

Indeed, the SDEIS specifically acknowledges that the noise impacts analysis is not complete, and further development of the analysis is required in the FEIS. For instance, the SDEIS recognizes that "noise mitigation measures to be incorporated into the project will be made in a noise mitigation plan and documented in the project's Final EIS."[9] Additionally, the SDEIS notes that an approach for addressing Minnesota noise pollution rules and statutes is yet to be developed with the Minnesota Pollution Control Agency ("MPCA"), and that this approach will be developed for presentation in the FEIS.[10] The SDEIS also indicates that the FEIS "will contain a comprehensive technical appendix with detailed information regarding all inputs, measurements, an impact assessment, and mitigation."[11]

The analysis of potential vibration impacts along the Eden Prairie Segment is also incomplete. The SDEIS presents analysis of long- and short-term vibration impacts at various receptors along the Eden Prairie Segment.[12] Notably absent from this analysis, however, is any discussion of short- or long-term ground-borne noise in conjunction with the vibration analysis, other than identifying that the AGNL Health Campus as a "ground-borne noise sensitive receptor."[13] The SDEIS also makes the conclusory assertion that "[t]here are no projected long-term vibration impacts in the Eden Prairie Segment, therefore no mitigation is identified"[14] but then acknowledges in a footnote that assessment of vibration and ground-borne noise at the AGNL Health Campus has yet to be completed, and "the potential for impacts and the corresponding need for any mitigation" will be presented in the Final EIS.[15] How can this conclusion regarding vibration impacts be reached when the analysis is not complete?

Finally, the SDEIS includes only a cursory mention of short-term vibration impacts, without any analysis of the potential for impacts at particular receptors, or any description of the level of such impacts. The SDEIS simply concludes that such impacts "are expected to be localized, temporary, and transient."[16] The SDEIS goes on to state that "final determinations of short-term vibration mitigation measures to be incorporated into the project for this segment will be made in a vibration mitigation plan and documented in the project's Final EIS."[17] Because of the sensitivity of Campus facilities, the close proximity of the SWLRT to the Campus, and the nature of the soils in the vicinity of the Campus, these short-term vibration and ground-borne noise impacts have the potential to be at the Campus for extended periods of time, and could also lead to major structural impacts to Campus buildings. Without any site-specific testing or analysis of the potential for these impacts, it should not be assumed that practical mitigation measures will effectively mitigate the impacts, and a detailed analysis of this issue should be completed and made available prior to the FEIS.

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[9] SDEIS at 3-14.

[10] SDEIS. at 3-15.

[11] SDEIS at 3-73.

[12] SDEIS at 3-74.

[13] *Id.*

[14] *Id.*

[15] SDEIS at 3-74, n. 17.

[16] SDEIS at 3-74.

[17] SDEIS at 3-75.

These additional assessments of noise and vibration mitigation measures, compliance with Minnesota noise standards, analysis of long-term ground-borne noise impacts, analysis of short-term vibration and ground-borne noise impacts, and comprehensive technical information underlying the analyses are essential to a complete understanding of the potential for noise and vibration impacts on the Eden Prairie Segment, including the AGNL Health Campus, and should be made available to the public and agencies in advance of the FEIS to allow for robust public and agency involvement on these issues.

The Analyses of the AGNL Health Campus Are Deferred

The SDEIS also defers until the FEIS evaluation of potential noise and vibration impacts specific to the AGNL Health Campus. As noted above, the Campus contains several areas that are highly-sensitive acoustical environments, including an auditorium and a broadcasting facility. The SDEIS recognizes this fact, noting that the auditorium at the AGNL Health Campus is a noise- and vibration-sensitive receptor.[18] The SDEIS indicates that analysis of noise and vibration impacts to the AGNL Health auditorium will be completed for the first time in the FEIS.[19] The SDEIS also indicates, however, that vibration measurements taken at the Southwest Station Condos "can be applied to the entire Eden Prairie Segment," and that there are "no vibration impacts" in the Eden Prairie Segment.[20] The Southwest Station Condos do not, however, serve as an adequate proxy for the unique conditions at the Campus, including the soil conditions and the sensitive auditorium facilities. Thus, site-specific measurements and analysis of both noise and vibration impacts at the Campus are required.

Based on the results of the noise analysis presented in the SDEIS, AGNL Health is concerned that the noise and vibration impacts to the Campus will be Moderate or Severe. The noise analysis data presented in the SDEIS are summarized in the following table.

Location	Distance from near LRT Track Centerline (feet)	Existing Noise Level (dBA)	Project Noise Levels (dBA)	Impact?
Lincoln Park Apartments	138	62	57	No
Water Tower Apartments	113	62	58	No
Southwest Station Condos	95	71	64	No
Purgatory Creek Park	269	54	53	No
Residence Inn	44	61	65	Severe
Baymont Inn	69	61	62	Moderate

[18] SDEIS at 3-72, 3-74.

[19] *Id.*

[20] SDEIS at 3-24; SDEIS, Appendix H at H-3, H-6.

As this data from the SDEIS shows, the two measurement locations where Moderate (Baymont Inn) and Severe (Residence Inn) noise impacts are predicted are also the measurement locations within the shortest distance of the SWLRT.[21] These receptors are identified as being located 69 feet and 44 feet from the SWLRT alignment, respectively.[22] Using preliminary information available from the Metropolitan Council, AGNL Health estimates that ***the proposed alignment will be located within a mere 38 feet of AGNL Health Campus offices and only 48 feet to the noise-sensitive auditorium facility at the Campus***. These distances make the AGNL Health Campus the closest of the sensitive receptors on the Eden Prairie Segment, which alone is cause for concern. Furthermore, these distances suggest that Project Noise Levels at the Campus are likely to be similar to those modeled for the Residence Inn and Baymont Inn.

The existing noise levels measured at the Residence Inn and Baymont Inn, however, likely are *not* representative of the existing noise level at the Campus, as both the Residence Inn and Baymont Inn are located in closer proximity to existing noise sources such as major roadways than the AGNL Health Campus. Of the measurement locations included in the SDEIS, the measurement location that is closest in location and surrounding environment to that of the AGNL Health Campus (and thus most likely to be representative of the existing noise level at the Campus) is the Purgatory Creek Park location, which had the lowest existing noise levels of measured locations. Applying Federal Transit Authority guidance to an existing noise level equivalent to that at Purgatory Creek Park, the Project Noise Level for the AGNL Health Campus will result in Moderate or Severe impacts depending on the receptor category assigned to the Campus.[23]

Furthermore, AGNL Health conducted its own preliminary analysis of the potential noise and vibration impacts to the Campus. This analysis found that airborne noise, ground-borne noise, and vibration criteria are exceeded under certain circumstances at the Campus auditorium, and that a more comprehensive investigation of these potential impacts is warranted.

Given the close proximity of the AGNL Health Campus to the SWLRT Project alignment, the data provided in the SDEIS for similar receptors, and the findings of AGNL Health's preliminary evaluation of noise and vibration impacts, it is evident that there will likely be noise and vibration impacts to the AGNL Health Campus. Thus, it is imperative that a detailed analysis of these long-term and short-term (construction) noise and vibration (including ground-borne noise) impacts be completed at the AGNL Health Campus as contemplated by the SDEIS. It is equally imperative to evaluate the potential of available mitigation measures to eliminate these noise and vibration impacts, as well as the viability of re-locating the alignment to avoid the impacts altogether. As noted in the SDEIS, FTA mitigation policy requires that "before mitigation measures are considered, the project sponsor should first evaluate alternative locations/alignments to determine whether it is feasible to avoid Severe impacts altogether."[24] This modeling and evaluation should be completed prior to publication in the

[21] SDEIS at 3-72.

[22] SDEIS at 3-71 to 3-72.

[23] FTA, "Transit Noise and Vibration Impact Assessment (May 2006) at 3-3. Moderate impacts would be experienced starting at 55 dBA and 60 dBA for Category 1 and Category 3 receptors, respectively, while Severe impacts would be experienced at 61 dBA and 66 dBA for Category 1 and Category 3 receptors, respectively. *Id.*

[24] SDEIS, Appendix H at H-13.

FEIS to allow for adequate participation by AGNL Health and the public on these important issues that have yet to be addressed.

B. The Visual Impacts Analysis Failed to Adequately Characterize the Impacts to the AGNL Health Campus.

Visual connectivity is an essential component of the AGNL Health Campus. As noted above, the Campus was designed to create an atmosphere of peace, quietude, and health throughout. Key to this atmosphere is a connectivity between indoor and outdoor spaces accomplished through sightlines within buildings, from one building to the next, and to the natural environment. Campus buildings have large, open spaces filled with natural light, and also offer outdoor spaces for meetings and relaxation. This sense of connectivity between the indoor and outdoor environments and overall atmosphere of the AGNL Health Campus will be significantly altered by the presence of the SWLRT Project along Technology Drive.

The SDEIS contains in Section 3.2.1.5 an assessment of visual impacts to the Eden Prairie Segment, and includes the view looking southwest along Technology Drive from the front of the AGNL Health Campus as one of the ten identified viewpoints on the segment analyzed.[25] This analysis, however, is inadequate in many respects, and fails to capture the true scope of the impacts to the visual aesthetics at the AGNL Health Campus.

The Current Visual Character of the Campus is Narrowly Characterized

As an initial matter, the viewpoint identified and analyzed in the SDEIS – the view looking southwest along Technology Drive in front of the AGNL Health Campus – is too narrowly-defined to adequately characterize the visual character of the Campus that serves as the baseline for evaluating the extent of potential visual impacts. The view from the front of the Campus and looking southwest is only one of the many viewpoints within the Campus that stand to be influenced by the addition of the SWLRT Project. Views from various vantage points and height levels from within buildings on the Campus, views from outdoor spaces, and the connectivity between these various vantage points are all essential to the Campus, and are susceptible to disturbance from the SWLRT Project. The lack of appreciation for this connectivity is evident in the SDEIS, which characterizes the AGNL Health Campus as having "moderately low visual intactness" and "moderately low overall visual unity" and having "no unifying features."[26] This characterization is far from accurate, and shows the need to reevaluate the visual character of the Campus as a whole (not from a single vantage point), and the visual impacts to that character that the SWLRT Project threatens.

The Visual Impacts Analysis Was Not Specific to the Campus

Furthermore, the SDEIS process for assessing the potential for visual impacts to the AGNL Health Campus did not specifically evaluate the AGNL Health Campus or its associated viewpoint. The SDEIS indicates that the visual impacts were assessed by comparing a current photograph of the

[25] SDEIS at 3-46.

[26] SDEIS at 3-47.

viewpoint to preliminary renderings depicting the view as it would appear with the project elements in place.[27] These renderings, however, were not prepared for all ten viewpoints. For viewpoints that did not have a rendering, "the assessments of the visual changes were made based on review of project plans and drawings, and of the visualizations that had been prepared for *other views* in which similar changes were proposed."[28] Appendix J to the SDEIS contains the photos and renderings for the various viewpoints, and no rendering was completed for the viewpoint from the AGNL Health Campus. Thus, the assessment of the visual impacts to the AGNL Health Campus was based on the comparison of the rendering for some other location, compared to the photograph of the overly-limited viewpoint associated with the Campus. Such an assessment is not adequate to evaluate visual impacts, particularly when considering the unique features of the AGNL Health Campus.

The SWLRT Project Will Not Enhance or Maintain the Visual Character of the Campus

Finally, the conclusions reached in the SDEIS regarding the visual impacts of the SWLRT Project are similarly flawed. The SDEIS concludes that the overall visual quality at the AGNL Health Campus will remain unchanged by the SWLRT Project, asserting that the SWLRT "would be integrated into the landscaping" and even going so far as to suggest that visual unity "may be enhanced through integrating the LRT to unify the infrastructure with the landscaping."[29] No information is provided to clarify what landscaping features will be used, or how those landscaping features will effectively alleviate all visual impacts to the AGNL Health Campus and even integrate the SWLRT Project into the Campus. Put quite simply, an unobtrusive trail and landscaped area owned and managed as part of the Campus would be converted into two sets of railroad tracks and associated infrastructure. How can this be found to have no overall impact to the visual quality of this site?

As state above, the visual impacts analysis needs to be reevaluated to take into consideration the various viewpoints within the Campus environment, and, if mitigation measures are to be used to alleviate these impacts, such measures need to be presented in detail to support the conclusions reached in the impacts analysis.

C. The SDEIS Fails to Identify and Evaluate the Potential Impacts Associated with the Unique Geologic Conditions at the Campus Site.

The SDEIS evaluation of the geologic conditions along the Eden Prairie Segment identifies that in certain locations soil conditions will not support installation of the SWLRT Project. Further evaluation, however, is necessary to fully understand and evaluate the locations in which such soil conditions exist along the proposed alignment, the potential implications of such soil conditions that are specific to each location, and the feasibility of mitigation and remediation measures. The AGNL Health Campus is one such location that requires additional, site-specific evaluation.

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[27] SDEIS at 3-49.

[28] *Id.*

[29] SDIES at 3-50.

Geotechnical evaluations completed at the site before the construction of the Campus indicate that the particular combination of soils is unique to the Twin Cities area, and the nature of these soils could present significant engineering challenges (and associated cost increases) for the SWLRT Project. Soil conditions across the Campus site are highly variable, and include the highly-plastic, fine-grained clay soils known as "fat clays." The amount of fat clay soils present at the site is particularly unusual. In addition to presenting challenges to the SWLRT Project design, these flat clays could also cause issues with settlement for nearby structures during construction of the SWLRT Project. Indeed, the Campus has previously experienced issues with settlement directly as a result of these fat clays, and the Campus could be susceptible to additional, more significant settlement, caused by vibration and changing groundwater conditions from SWLRT Project development and operations.

Finally, the SDEIS indicates that to address these soil conditions, the soils will be removed and/or deep foundations such as pilings will be used to support the SWLRT Project. Of note in this regard is that the SDEIS indicates that bedrock is expected to be at depths of around 50 feet or more.[30] AGNL Health has information, however, that indicates the bedrock at the Campus site is much deeper – approximately 130 feet deep. A discrepancy of that magnitude can create significant challenges to, and substantial additional cost for, the use of deep foundations such as pilings.

Because of the potential challenges posed by these soil conditions, it is imperative to the safe and economic construction and operation of the SWLRT Project that (1) additional technical evaluation of the suitability of this soil environment along Technology Drive (as contemplated in the SDEIS) be completed, (2) a site-specific evaluation of the AGNL Health Campus soil conditions be completed, (3) consideration of alignment modifications be explored to assess opportunities for avoidance, and (4) a monitoring plan, including contingency actions, be developed with specificity for all locations identified as having these low-bearing soils.

D. The Proposed Property Acquisition Will Intrude on the Campus Atmosphere, and Analysis of Scenarios Involving No Acquisition of Campus Property Should be Completed.

AGNL Health opposes the proposed acquisition of a portion of the Campus property for completion of the SWLRT alignment. The SDEIS indicates that the Eden Prairie Segment alone will require acquisition of 2 full parcels and 33 partial parcels of land, including 0.7 acres of the AGNL Health Campus, and additional acquisitions may be necessary to accommodate final design plans.[31] As the SDEIS notes, property acquisitions along this portion of the Eden Prairie Segment will change the nature and appeal of the commercial properties on Technology Drive.[32] The AGNL Health Campus is no exception. In fact, in many ways the AGNL Health Campus will be subject to a more profound impact from encroachment of the SWLRT than other properties along Technology Drive.

As described above, the AGNL Health Campus is a carefully-planned site designed to create a specific atmosphere of health, peace, and quietude to cater to current and future tenants of the AGNL

[30] SDEIS at 3-56.

[31] SDEIS at 3-35, 3-37.

[32] SDEIS at 3-30.

Health Campus. The proposed acquisition of property will greatly impact and detract from the atmosphere of the Campus by intruding on buffer zones and view sheds incorporated into the Campus design, evidenced by the fact that the alignment will be located within as close as 38 feet from Campus offices. As described above, the AGNL Health Campus includes facilities that are sensitive noise and vibration receptors, and the AGNL Health property is a known location of low-bearing soils. As the noise and vibration impacts on AGNL Health's sensitive facilities have yet to be evaluated, and given the potential presence of low-bearing soils in the area targeted for acquisition, the FEIS should consider relocation of the SWLRT along Technology Drive such that acquisition of AGNL Health property is not required.

E. Traffic Impacts Are Projected to Impede Access to the Campus, and Further Analysis of Alternative Alignments, Intersection Designs, and Mitigation Measures is Necessary.

Also of concern to AGNL Health's continued and uninterrupted enjoyment of the Campus is the significant disruption that the SWLRT will cause to traffic flow between Technology Drive and the Campus for the more than 1000 employees that work at the Campus and their guests. The SDEIS and supporting documentation (AECOM, 2013) [33] indicate that the two AGNL Health Campus access driveways will, in the 2018 and 2030 Build scenarios, have Level of Service (LOS) ratings of either B or C for both A.M and P.M. peak conditions in 2018, and C for all conditions in 2030. [34] The SDEIS concludes that these LOS ratings are "acceptable," despite representing a double or even tripling of the access time to the Campus during peak hours.

AGNL Health is concerned that this decline in the LOS to the Campus will interfere with AGNL Health's fundamental rights to enjoyment of, ingress to, and egress from its property, and its reasonable expectations created by years of existing use. [35] Accordingly, additional information regarding these impacts is necessary to fully evaluate the impact potential. This addition information should include (1) design plans for the modified Campus access points under the Build scenario,[36] (2) potential modifications to the design plans, including alternative layouts, alternative signaling methods, and mitigation measures, and (3) available adaptation measures under the various layouts to provide flexibility in the event the modeling proves to be inaccurate in the future.[37] Without this level of detail in the analysis, the traffic analysis presented in the SDEIS does not provide the certainty necessary to adequately evaluate these traffic impacts.

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[33] AGNL Health notes that the supporting document referenced is Section 3.1.2.12.B of the SDEIS – the "Supplemental Draft EIS Traffic Modeling Technical Memorandum (March, 2014)" – is not referenced in Appendix C to the SDEIS, and is not available in the project documentation on the Metropolitan Council's website.

[34] SDEIS at 3-83 to 3-84.

[35] As noted above, the Campus contains a structured parking facility for more than 1200 cars that is utilized by the more than 1000 employees who work at the Campus and their guests.

[36] AGNL Health notes that the traffic analysis "anticipates" signaling will be used at the access points to the Campus, but does not commit to the installation of signals or otherwise define the anticipated layout for these access points.

[37] The Metropolitan Council should also be in the position to provide lessons-learned on modeling, design, and mitigation measures from the other LRT lines in the metro area, which would further inform the analysis and support its accuracy.

IV. Conclusion

AGNL Health appreciates the opportunity to provide these comments on the SWLRT Project SDEIS. As described in these comments, AGNL Health continues to have significant concerns regarding the lack of clarity in the environmental review process and the substantial potential for adverse impacts to the AGNL Health Campus. The environmental review process would be greatly simplified and clarified if the scope of review was changed to eliminate the portion of the Eden Prairie Segment between Mitchell Station and Southwest Station, consistent with the recent Metropolitan Council decision. This would eliminate any need to consider the detailed comments provided in this letter.

AGNL Health strongly recommends that the Metropolitan Council address these concerns regarding process clarity and evaluation of impacts prior to publication of the FEIS to provide for additional public and agency involvement. AGNL Health looks forward to working with the Metropolitan Council to develop a robust analysis of the Technology Drive Alignment and to developing a mutually-agreeable path forward for the SWLRT Project.

Respectfully Submitted,

Stinson Leonard Street LLP

Todd M. Phelps

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150 South Fifth Street, Suite 2300
Minneapolis, MN 55402

RECEIVED
JUL 21 2015
BY:

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit - Southwest LRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Comment #178

GRANITE FALLS ENERGY, LLC

15045 HIGHWAY 23 SE • P.O. BOX 216 • GRANITE FALLS, MN • 56241-0216
PHONE: 320-564-3100 • FAX: 320-564-3190

RECEIVED
JUL 22 2015

July 20, 2015

Ms. Nani Jacobson
Assistant Director, Environmental and Agreements Metro Transit –
Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

RE: Possible Rerouting of TCW Trains to Accommodate Twin Cities Light Rail Project

Dear Ms. Jacobson:

This is to make you aware that Granite Falls Energy, LLC almost exclusively relies on TCW to transport its ethanol.

If the light rail project causes any rerouting of the TXCW operations, it will cause significant problems for Granite Falls Energy. Specifically, Granite Falls Energy would not be able to move its ethanol on a timely fashion and would need to either slow down operations or actually shut down its plant.

Any rerouting of the TCW operations would cause significant delays not only for the TCW customers, but for the customers of the other rail lines on which TCW would be directed. Rerouting of the TCW would cause Significant capacity problems on the other lines and would cause a ripple effect throughout southern and southwest Minnesota – with all sorts of facilities stymied in their attempt to ship products.

Accordingly, Granite Falls Energy objects to any attempt to reroute TCW operations. If Granite Falls Energy can be of any help in explaining the problem such rerouting would cause, please contact me.

Thank you.

Sincerely,

GRANITE FALLS ENERGY, LLC

Steve Christensen, General Manager

Granite Falls Energy, LLC
15045 Highway 23 SE
P.O. Box 216
Granite Falls, MN 56241-0216

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St. Louis Park MN 55426

RECEIVED
JUL 22 2015
BY:

554261724

M-2-678

From:	Mary Pattock
To:	swlrt
Subject:	SDEIS comments from LRT-Done Right
Date:	Tuesday, July 21, 2015 1:28:14 PM
Attachments:	LRT Done Right SDEIS Response .pdf KPG endorsement-LRTDR SDEIS comments.pdf LPA endorsement-LRTDR SDEIS comments.pdf

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Dear Ms Jacobson:

Attached are LRT-Done Right's comments on the Southwest LRT SDEIS.

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being.

Our comments are the product of thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

Also attached are letters from the Lakes and Parks Alliance of Minneapolis and the Kenilworth Preservation Group in support of the LRT-Done Right comments.

We request that you acknowledge receipt of this document by return email.

Thank you.

Mary Pattock
2782 Dean Parkway
Minneapolis, MN 55416

612-922-7609

LRT-Done Right

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit — Southwest LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail.*

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see: http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

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[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001

[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

See also
http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:

Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:

Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

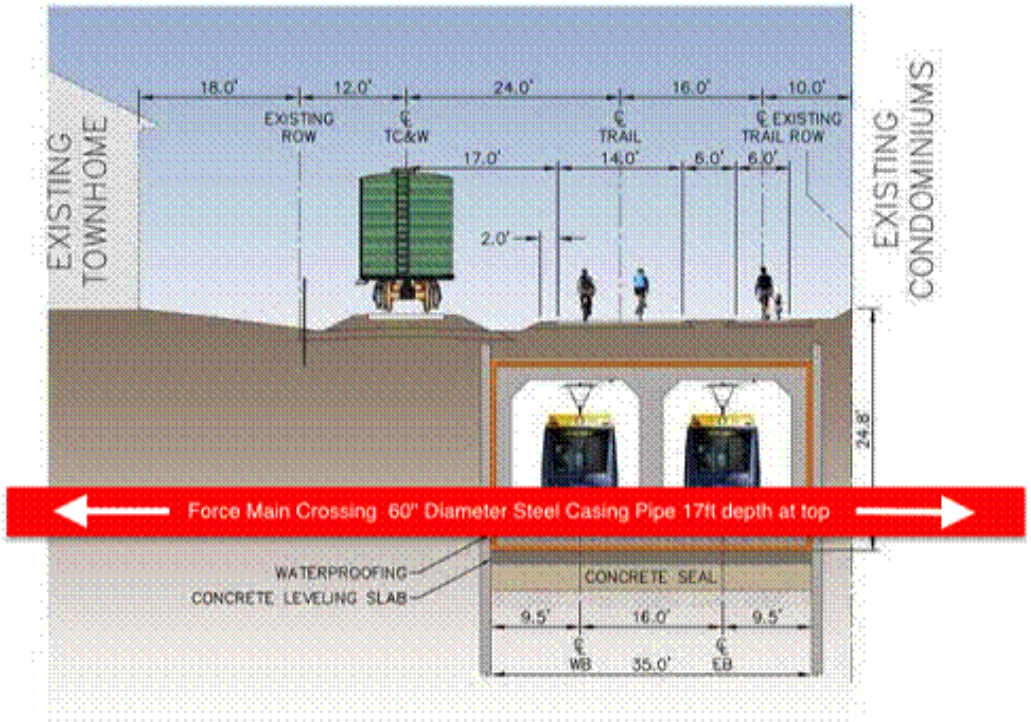


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

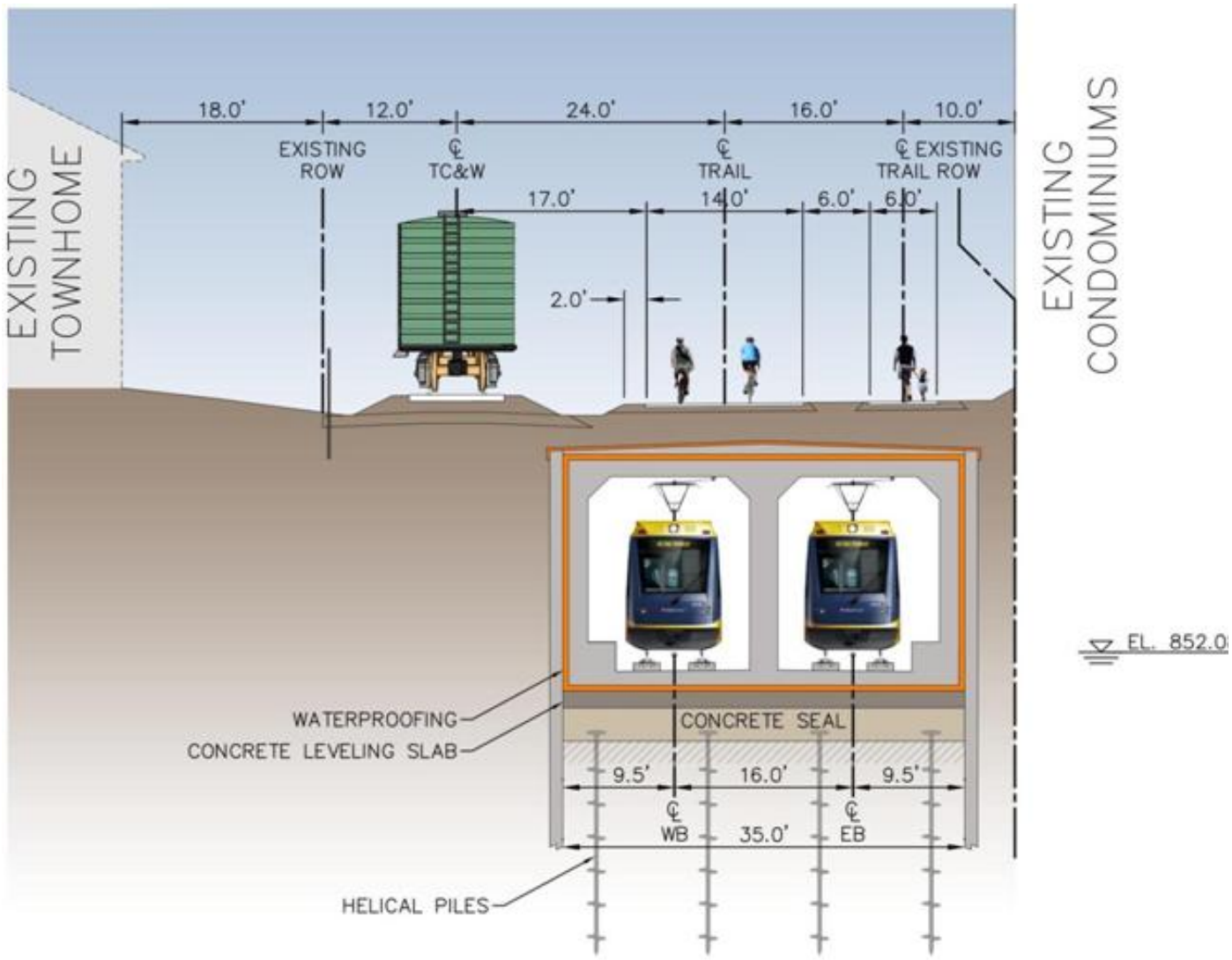
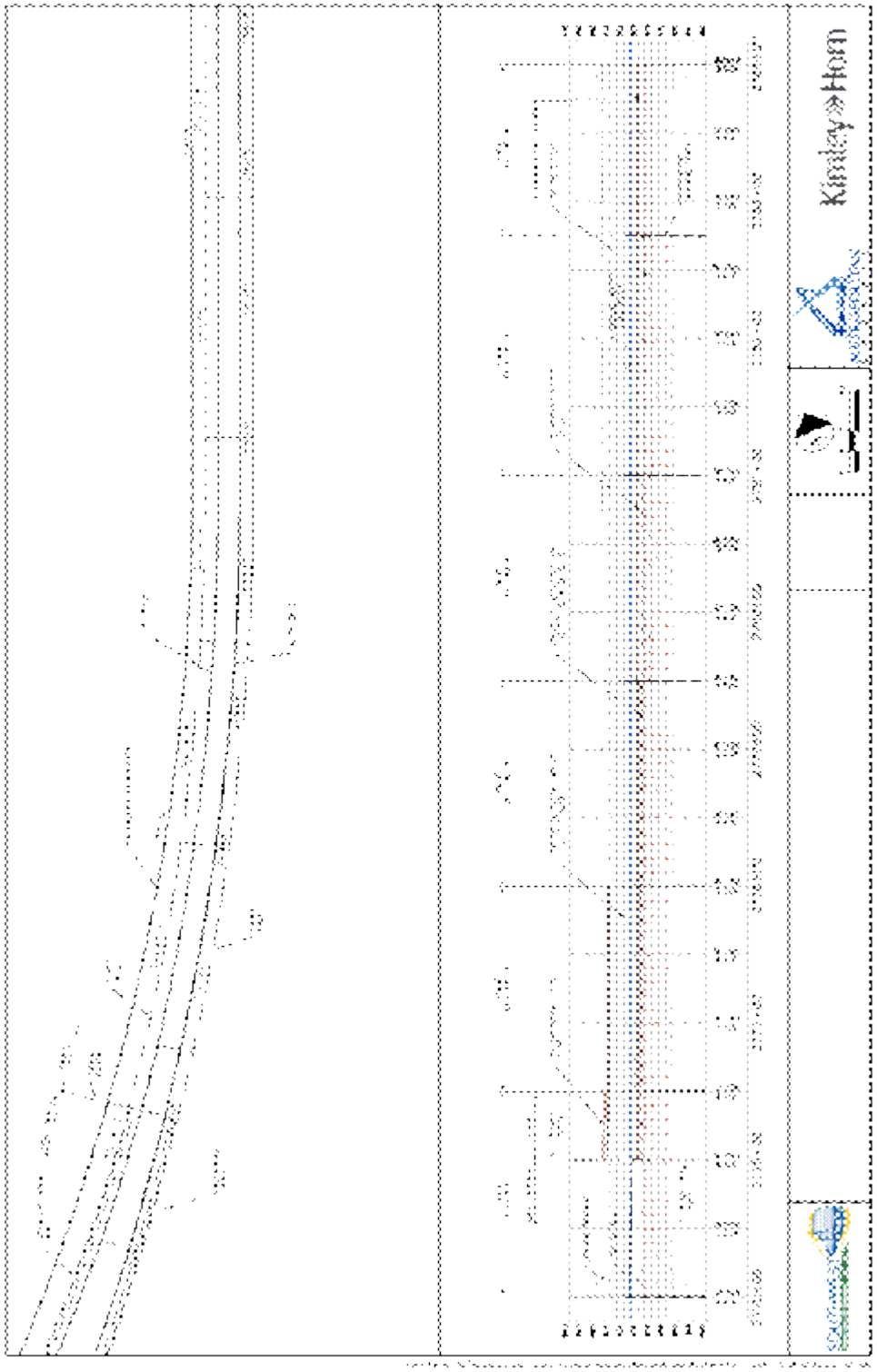


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**. [4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

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[3] http://metrocouncil.org/swlrt/sdeis

[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations — once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train every 5 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA , plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise.*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals 12 to 16 trains per evening between 9 PM and 11 PM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals 2 trains per night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25-plus seconds of bells ((5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals 2 to 4 trains per day, between 12 AM and 2 AM

- This means 1 SWLRT train every 30 to 60 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 to 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total equals 211-220 SWLRT three-car trains per weekday

WEEKENDS

Early morning 4:30 AM to 9 AM

- 6-8 trains per hour equals 26 to 36 trains per day between 4:30 AM and 9 AM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour equals 120 trains per day between 9 AM and 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor would consist of bell noise at 88dBA and 106 dBA
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA

Evening 7 PM to 9 PM

- 8 trains per hour equals 16 trains per day between 7 PM and 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour equals 12 to 16 trains per day, 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds 106 dBA, unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour equals 4 trains per day between 11 PM and 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to 12 AM weekend train frequency is double the weekday frequency of 11 AM to 12 AM
- Would entail 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to 2 AM

- 2 to 4 trains per hour equals 4-8 trains per day between 12 AM and 2 AM
- This means 1 SWLRT train every 15 to 30 minutes
- 12 AM to 2 AM weekend train frequency is double the weekday frequency of 12 AM to 2 AM
- 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 to 30 minutes

Very early morning 2 AM – 4 AM

- No trains — equals current existing conditions

Total equals 180 -195 SWLRT three-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental*

[5] *Sleep Science,* Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non–existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

[7] http://metrocouncil.org/swlrt/sdeis

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment,* the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

> …the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION
The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or

groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."



Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

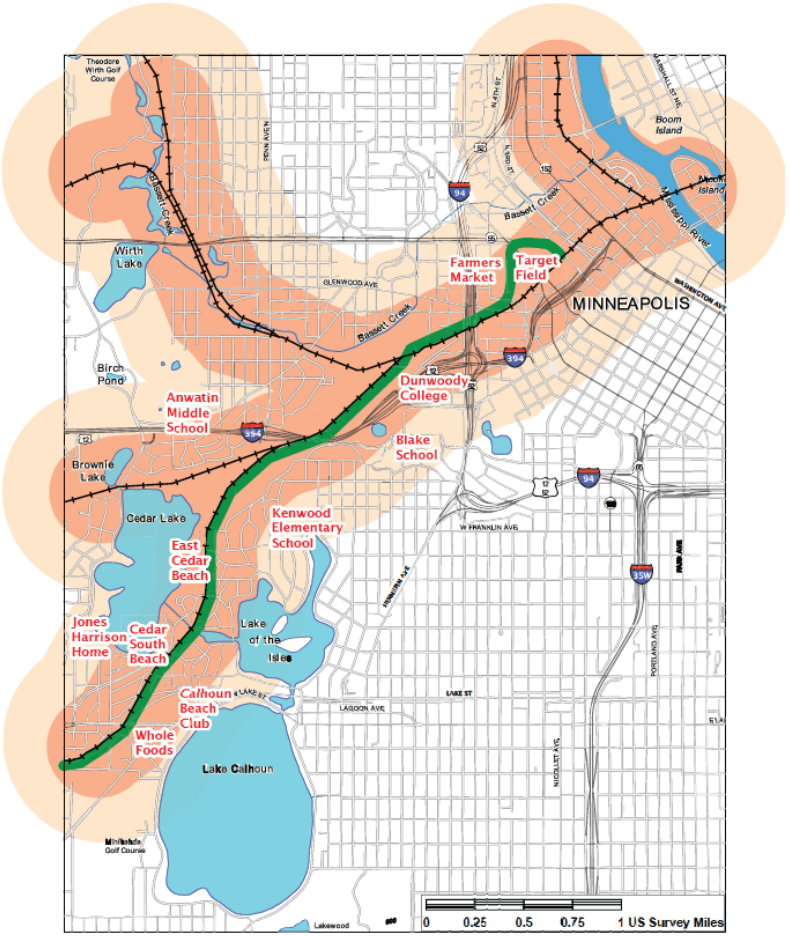
The Kenilworth corridor is a high-risk evacuation blast zone.



Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.

- THIS IS THE BLAST ZONE -

SWLRT co-location with high hazard freight trains in the Kenilworth corridor



Ethanol and Oil Train Disasters:

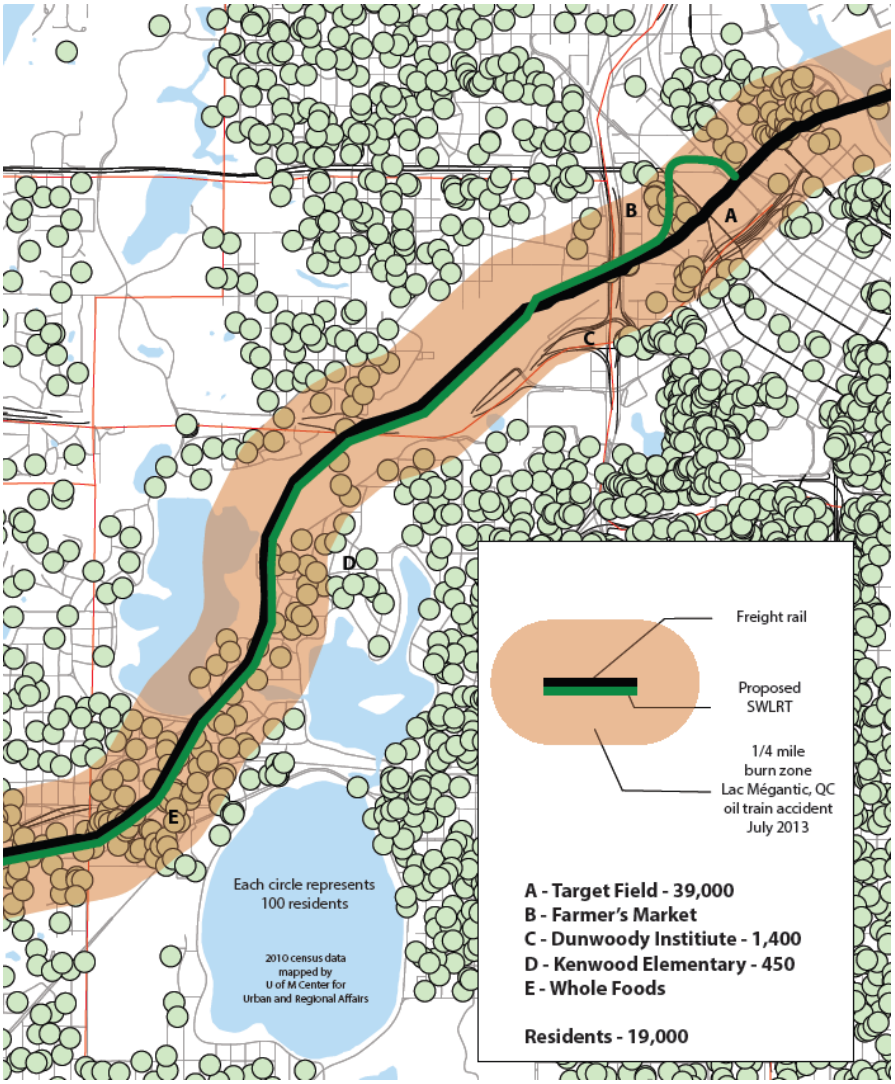
1/4 mi blast zone per Lac Mégantic, QC oil train explosion July, 2013

1/2 mi evacuation zone per US DOT safety regulations for ethanol/oil rail fires

Active Freight Rail

Proposed SWLRT in Kenilworth Corridor

Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

However, TC&W, which is a Class III rail carrier (a short line with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in DOT-111s and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from two-person crews to one- or two-person crews. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not even apply to TC&W due to their Class III status.* Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with approximately 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol,* a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rail* in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-

hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor*, this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there had only been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.



3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis.*

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis*.

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modifythedefinitionofahigh-hazardflammabletrainprovidedinSection171.8toread as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. ThePHMSAandFRArulesmustapplytoalltrainsconveyingClass3flammableliquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. ThePHMSAandFRAsafetyrulesshouldapplyequallytohhftsthatareconveyingoil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. BantheuseofDOT-111tankcarsnowfortransportinganyamountofhazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111carsshouldnotbeusedforthetransportofanycrudeoilsorfossilfuels, regardless of classification.

6. Retrofittedcarsthatfailtomeeteverystandardofthemostprotectivenewtankcar design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., ClassI -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

SOURCES

Brodsky B. Industrial Chemicals as Weapons: Chlorine. NTI: Building a Safer World. http://www .nti.org/analysis/articles/industrial-chemicals-weapons-chlorine/.

Caughron B, Saat MR, Barkan C. Identifying and Prioritizing Shared Rail Corridor Technical Challenges. AREMA Conference 2012. http://railtec.illinoise.edu/CEE/pdf.Conference%20Proceedings/2012/Caughron%20et%20al %202012.pdf

Federal Register, Part VII, 49 CFR Parts 209 and 211.

Lin CY, Saat M, Barken C. Causal Analysis of Passenger Train Accident on Shared-Use Rail Corridors. Transportation Research Board 93rd Annual Meeting. Nov 2013. http://assets.conferencespot.org/fileserver/file/64876/filename/14-2181.pdf.

Lin CY, Saat, M. Semi-quantitative Risk Assessment of Adjacent Track Accidents on Shared-Use Rail Corridors. April 2014. Proceedings of the 2014 Joint Rail Conference JRC2014. http://railtec.illinois.edu/articles/Files/Conference%20Proceedings/2014/JRC2014-3773.pdf.

ODN. Online Distillery Network. Ethanol Materials Data Safety Sheet. http://www .distill.com/materialsafety/msds-eu.html.

NTSB. NTSB calls for tougher standards on trains carrying crude oil. Press Release. Jan 23, 2014. http://www.ntsb.gov/news/2014/140123.html.

Pumphrey D, Hyland L, Melton M. Safety of Crude Oil by Rail. March 2014. Center for Strategic and International Studies. http://csis.org/files/publication/140306_Pumphrey_SafetyCrudeOilRail_Web.pdf.

Resor R. Catalogue of Common Use Corridors. USDOT/FRA/ORD03/16. April 2003

Sela E, Resor R, Hickley T . Shared Use Corridors Survey of Practice and Recommendations for the Future. Crossing and Shared Corridors. www.onlinepubs.trb.org/onlinepubs/circulars/ec058/08/_04_sela.pdf.

Straw R. White House Agency Under Pressure From Big Oil & Rail – Accused of "Coddling" the Industries. The Benecia Independent. June 2014. http://beniciaindependent.com/white-house- agency-under-pressure-from-big-oil-rail-accused-of-coddling-the-industries/.

TSA. Part 1580. Appendix A. http://www.gpo.gov/fdsys/pkg/CFR-2011-title49- vol9/pdf/CFR-2011-title49-vol9-part1580-appA.pdf.

Lakes and Parks Alliance of Minneapolis, Inc.
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, MN 55416

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Via email: swlrt@metrotransit.org

Dear Ms. Jacobson,

I am contacting you as a board member of the Lakes and Parks Alliance of Minneapolis, Inc. Our organization endorses and supports the comments submitted by Light Rail Transit Done Right (LRTDR).

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

George Puzak
Lakes and Parks Alliance of Minneapolis, Inc., board member

Kenilworth Preservation Group (KPG)
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, Minnesota 55416-5392

Via email: swlrt@metrotransit.org

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

RE: Supplemental DEIS

Dear Ms. Jacobson,

I am contacting you as chair of the Kenilworth Preservation Group (KPG). KPG endorses and supports the comments submitted by LRT Done Right.

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

Stuart A Chazin
Chair - Kenilworth Preservation Group

Comment #180

Minneapolis
City of Lakes

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7/16/2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit Southwest LRT Project Office
6465 Wayzata Blvd.
Suite 500 St. Louis Park, MN 55426



Dear Ms. Jacobson,

The City of Minneapolis appreciates the ability to comment on the Supplemental Draft Environmental Impact Statement for the Southwest LRT Corridor (Green Line Extension) project. The attached comments were presented to the Transportation and Public Works Committee of the Minneapolis City Council on July 14, 2015 and will be approved by the full City Council on July 24, 2015. Please let our staff know if you have any questions regarding the comments.

Sincerely,

Steven A. Kotke
Director of Public Works

D. Craig Taylor
Director of Community Planning and Economic Development

Attachment #2 - SW LRT
Supplemental Draft Environmental
Impact Statement Comments
City of Minneapolis
June 2015

City of Minneapolis comments pertaining to the SW SDEIS are split into two categories; general comments that highlight the City of Minneapolis position on a particular topic and specific comments that include more technical detail. Specific comments pertain to a given chapter or page within the SDEIS document.

City of Minneapolis comments on the Supplemental DEIS are based on three principles:

1. Comments are based on unresolved topics and the need to clarify, correct, or mitigate an issue in preparation for the FEIS. Comments are also intended to inform the final design, project specifications, construction means/methods, and long-term operation of the line. The City will not be commenting **again** on past decisions such as LRT alignment, freight alignment, or scope/budget. **The City's perspective has been captured in previous council actions including the municipal consent resolution adopted on August 29, 2014.**
2. Comments are based on the SDEIS, but also reflect the city's understanding of recent changes to the scope and budget recommendations made by the July 1, 2015 Corridor Management Committee meeting and adopted by the Metropolitan Council on July 8, 2015.
3. The City of Minneapolis continues to support the **Southwest LRT** project **contingent on adherence to the Memoranda of Understanding reached between the City of Minneapolis and Met Council and between the City of Minneapolis and Hennepin County, both of which were adopted on August 29, 2014**. Comments are intended to lessen the negative impacts to residents and businesses near the corridor and to improve the quality of the project.

It should be noted that these comments are supplemental to the previously submitted December 2012 City of Minneapolis DIES comments and to the August 2013 City of Minneapolis SDEIS scoping letter to the Southwest Project Office.

The city appreciates the work of the Metropolitan Council to address the concerns that the city has raised to date. The City of Minneapolis will continue to work closely with the Southwest LRT Project Office and with other partnering agencies to help make this project a long-term success.

General Comments:

Below are several general comments pertaining to the SDEIS. These topics require further analysis, clarification, or detail and need to be addressed prior to the completion of the FEIS:

Ridership – It is difficult to understand station ridership data in this document. It is very time consuming to cross-reference data between the original DEIS and the SDEIS. Data is often

presented, compared, and contrasted in different baseline and forecast years. It would be helpful for the document to include a large table that shows accurate ridership values for each station. The data needs to be based on the latest regional model and the table needs to include opening day (2020) projected ridership, 2040 projected ridership, reverse commute ridership, new transit trips, and transit dependent user ridership.

Construction Impacts – Construction impacts pertaining to the shallow tunnel design such as noise and vibration are discussed in the SDEIS. The SDEIS states that "Construction noise impacts are expected to be localized, temporary, and transient." While in general this may be true, the document minimizes and understates impacts of the shallow tunnel to residents. While the City of Minneapolis recognizes that additional design work and construction methods will better inform the extent of these impacts, the known impacts should be better identified in the SDEIS. These impacts will increase with proximity to the physical improvements. It is understood that additional details regarding potential short-term noise impacts will be evaluated further and provided in the forthcoming FEIS, based on the equipment, duration, and type of work effort. These details and the respective short-term impact determinations need to be provided when additional design and construction information is available not when the FEIS is published.

Given the close proximity of homes and townhomes to the construction work, effort must be made to dampen or minimize the noise and vibration caused by sheet pile driving. There will also be tree loss along the corridor. The means and methods for removing trees are not defined in the DEIS. It should be noted that there is concern about potential noise created by chain saw activity in addition to wood chipping. Hours of construction operation must be limited to ensure that residents are not disrupted at night; the City of Minneapolis Noise Ordinance will be enforced restricting hours of operation on week nights, weekends, and Holidays.. In addition to noise and vibration, light pollution must be considered when securing the project at night. An effort must be made by the project and its contractors to control dust, to maintain safe truck routes, to comply with truck weight limits, and to follow jake breaking laws.

The project needs to identify proper mitigation for properties impacted by construction. The project needs to develop and implement a construction management plan that addresses hours of operation, access routes, BMPs for mitigating dust and debris on public streets and private property. The City of Minneapolis would like to be consulted in the development of this plan.

Shallow Tunnel; Environmental Issues – Mitigation will be required for adverse impacts to City of Minneapolis surface waters, storm drains, storm tunnels, sanitary sewers, and surface drainage, including but not limited to physical conflicts, pollutant loads, surface water levels, increased stormwater runoff, changes to surface drainage impacting public or private properties, or degradation of hydraulics, condition, capacity, or operational/maintenance access. There needs to be a section in the FEIS on the impact to the tunnel on existing utility infrastructure and what mitigation will be provided.

Freight Rail Safety - There must be coordination between the SPO and the railroad to minimize the risk of a derailment, especially if trains are carrying hazardous materials. Emergency vehicle access of the construction site must be coordinated prior to construction. The SPO shall include

both the Minneapolis Fire Department and the Police Department in future Emergency Response planning for both the construction period and long term operations. Members of the public have expressed great concern regarding the risks of a train derailment during construction. The SDEIS needs to address these risks.

LRT Operation - The document states that there will be emergency vehicle delays of approximately 50 seconds, 12 times per hour at 3 at-grade locations within Minneapolis and St. Louis Park once the LRT opens for service. Alternate routes for emergency vehicles may need to be suggested. The SPO shall include both the Minneapolis Fire Department and the Police Department in future Emergency Response planning for both the construction period and long term operations. The City of Minneapolis is pleased that improvements to the tunnel ventilation system will be made to ensure passenger safety. As previously stated in the DEIS comments, it is important that noise from LRT bells, whistles, and horns be evaluated and minimized. While some warning devices are required by federal law, policies and procedures regarding some rail operations are local (at the discretion of the Metropolitan Council).

Visual Impact - The City of Minneapolis agrees that the project will result in a substantial level of visual impact in the Kenilworth corridor. The impact must be mitigated and the corridor improved in the manner described in the memorandum of understanding between the Metropolitan Council and the City of Minneapolis. The City looks forward to continued conversations with the project office and the community regarding the restoration of the corridor, and expects these measures to be included in the FEIS and implemented by the project.

Regional Transit Connections – A significant amount of work has occurred within the region to advance other transit projects since the DEIS was published in 2012. This includes the Midtown Greenway Corridor, which was the subject of an Alternatives Analysis document. This project needs to be discussed more within the SDEIS since track accommodations at the West Lake Street station have been made for that project. The Lake Street ABRT project was also identified as part of that study and makes a direct connection to the Green Line at West Lake Street. The C-Line along Penn Avenue has also advanced to the design phase. As proposed, customers using the C-Line can transfer to the Green Line at the proposed Royalston Avenue Station. Proposed bus connections at the Van White station and improved sidewalks near the Penn Station will also help transit dependent riders get to destinations along the entire Green Line travelshed. Mention of these projects within the SDEIS would be helpful.

Specific Comments (By Chapter):

Executive Summary
Table ES-1 on page ES-15 states that there are 67 moderate and 3 severe noise impacts. More information is needed on how these properties will be mitigated.

Table ES-1 on page ES-16 states that 6 high-risk environmental sites could require remediation prior to construction, that there could be potential spills during construction, and that sites with existing contamination could be encountered during construction. More information is needed regarding the identified sites and what will be done (and how long it takes) to remediate a site or situation.

Chapter 1 –Purpose and Need

Page 1-1 – "The Southwest LRT Project will improve access and mobility to the jobs and activity centers in the Minneapolis central business district, as well as along the entire length of the corridor for reverse-commute trips to the expanding suburban employment centers." When looking at the FTA's 2014 response to the SW Corridor scope, suburban land use was one of the areas identified for improvement. By increasing corridor density, the project will become more competitive at the federal level. As mentioned in the general comments, calculating the number of reverse commute riders is an important equity measurement that needs to be shown in a table station by station.

Chapter 3 –Affected Environment, Impacts, and Mitigation

Section 3.4.1.5 (Visual Quality and Aesthetics) analyzes the anticipated changes to visual quality from six viewpoints between the West Lake Street and 21st Street stations. The SDEIS assigns a substantial level of impact for three of these:

- Viewpoint 2, looking north near Lake Street
- Viewpoint 3, looking north toward the tunnel portal south of the canal crossing
- Viewpoint 4, view from the bike trail at the south side of the channel crossing

The City of Minneapolis agrees that the project will result in a substantial level of visual impact in these areas. The impact must be mitigated and the Kenilworth corridor improved in the manner described in the memorandum of understanding between the Metropolitan Council and the City of Minneapolis. The City looks forward to continued conversations with the project office and the community regarding the restoration of the corridor, and expects these measures to be included in the FEIS and implemented by the project.

The City of Minneapolis has the following concerns about visual quality and aesthetics not covered in the SDEIS:

- The drawings and discussion of the tunnel portal near the channel do not acknowledge that among the substantial visual impacts are a six-foot concrete crash wall adjacent to the freight tracks and an eight-foot fence between the portal and the bike trail. The FEIS should state these facts explicitly and include a level of mitigation that is commensurate with the substantial level of impact.
- While the SDEIS includes an analysis of the area around the tunnel portal near the channel, it does not discuss the tunnel portal near Lake Street. The City of Minneapolis expects that equal attention will be given to the mitigation of visual impacts at both tunnel portals.
- The project will substantially impact visual quality and aesthetics between the 21st Street and Penn Avenue stations, but an analysis of that impact is not included in the main body of the SDEIS. Previous work by the Metropolitan Council quantifies the anticipated tree loss in the Kenilworth corridor under the since-discarded two-tunnel option. Tree loss and a change to aesthetics will remain an issue with the construction of LRT at grade in this segment, and the City of Minneapolis expects the same level of restoration and improvement in this segment as the West Lake to 21st segment.

Section 3.4.2.3 (Noise) and Section 2.4.2.4 (Vibration) identifies both severe and moderate noise and ground-borne noise impacts in the Kenilworth corridor. The City of Minneapolis expects both severe and moderate noise and ground-borne noise impacts to be mitigated. We look forward to working with the project office on the development of these mitigation measures.

Page 3.12- It is not clear whether all relevant noise issues will be covered in the FEIS document. It is important to be clear about what studies are remaining in addition to what has been done to date.

Page 3-17- The SDEIS uses 2030 model information when the CMC and staff have been using projected 2040 model numbers to make decisions. It is important that the SDEIS include the 2040 data to help justify the context of these decisions.

Page 3-18- The operating assumption has always been that 7.5 minutes headways will be used. It is clear now that 10 minute headways will be used to match Central Corridor frequency. The SDEIS needs to state whether or not 7.5 minute headways will work in the future.

Page 3-20 - "As noted in Section 2.5 of this Supplemental Draft EIS, the LPA would result in short-term and long-term shifting of the freight rail tracks prior to tunnel construction in the Kenilworth Corridor. Changing the physical operations of freight railroads can result in community impacts such as running freight trains at night. While TCW is allowed to operate at night; they currently choose to run during the day. They also choose to run at 10 mph instead of 25 mph. It is important that the agency partners continue to work with the railroad to try to minimize the number of night trains they run and the frequency and speed of those trains to maintain quality of life for residents.

Page 3-21 Freight Table 3.1-5 - It should be noted that noise and vibration analysis modeling was done using 10mph vs 25mph. We support that assumption since that is the current operating speed of trains in the corridor.

Pages 3-23 Table 3.1-6 – This table identifies many upcoming mitigation elements not included in the SDEIS. The City of Minneapolis is very interested in reviewing and commenting on all future plans and mitigation efforts identified in the DEIS and SDEIS prior to the issuance of the FEIS, these include but are not limited to:

- Construction Communication Plan
- "Forthcoming aesthetic guidelines"
- Groundwater Management Plan
- Noise Mitigation Plan
- Vibration Mitigation Plan
- Section 106 review

Page 3-26 Bicycle & Pedestrian - "Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified" Given that the Cedar Lake Trail Bridge has been eliminated from the project scope, it is important to mitigate any risks associated with crossing three rail tracks (two light rail tracks

and one freight rail track). It is recommended that gate arms be considered at the trail crossings give the high trail counts.

Page 3-27 Environmental Justice. The DEIS used 2000 Census data and the SDEIS uses the American Community Survey (ACS) from 2007-2011 to identify low income populations. More recent ACS data is available 2009-2013. The City of Minneapolis suggests that the most recently available data is used to determine environmental justice compliance.

Page 3.135 – Table 3.4-1, Summary of Findings: For the Public Waters and Stormwater Management Sub-category of the Water Resources Category, please add, Stormwater runoff would be treated to meet local requirements.

Page 3-136 Section 3.4.1.1 Land use . The list of planning documents consulted to inform the Land Use section does not include The Minneapolis Plan for Sustainable Growth (2009), the City's Comprehensive Plan. It also does not include the Midtown Greenway Land Use and Development Plan (2007). These plans provide general and site specific guidance for land use and development intensity in Minneapolis. The City of Minneapolis is concerned that the oversight in listing the plans equates to an oversight in reviewing the plans and understanding their relevant recommendations. This impacts the Land Use and Economic impacts analysis in the SDEIS. The City of Minneapolis requests that these documents and their relevant guidance be reviewed and considered where relevant in the FDEIS.

Page 3-138 – The City of Minneapolis does not support park and rides within the city limits. The City of Minneapolis appreciates the attention the SPO staff has given to bicycle and pedestrian infrastructure approaching each of the Minneapolis stations. Careful attention to this detail will increase transit ridership and will promote TOD.

Page 3-139 Section 3.4.1.1, Long Term indirect Land Use Impacts. The SDEIS makes the following statement regarding redevelopment potential and land use changes: "While some redevelopment within the West Lake 21st Street, and Penn Station areas would be possible, land uses surrounding the stations would be expected to generally remain unchanged because of the relatively high level of existing development in those areas." The West Lake Street station is adjacent to nearly 14 acres of single story shopping center development. The City has adopted policy direction (Midtown Greenway Land Use and Development Plan -2007) that calls for mixed use transit oriented development of five or more stories. Additionally, at the Penn Station along Madeira Avenue and Wayzata Boulevard there is approximately 3.5 acres of low scale commercial and industrial development. The Bryn Mawr Land Use Plan, adopted by the City in 2005, calls for mixed use development. For both the West Lake and Penn stations, these are significant areas of potential changes and intensification of the uses which the SDEIS does not recognize.

Page 3-168 – 3.4.2.1 It is stated, "Construction activities and potential light rail-related improvements both have the potential to affect groundwater by potentially changing the flow of or contaminating groundwater within the project vicinity." Please REPHRASE to add the potential of changing the flow of previously contaminated groundwater, such as, ". . . by

potentially changing the flow of groundwater (including previously contaminated groundwater if present), or contaminating groundwater, within . . ."

Page 3.169 – 3.4.2.1 - It is stated that groundwater removal would be required during construction of the light rail. Please identify if groundwater removal is expected to be required after completion of the tunnel in order to keep it functional. Other sections of the document appear to indicate this.

Page 3.169 – It is highly recommended that more accurate methods be utilized to determine the high groundwater elevation in the location of the tunnel. Typical soil borings may not be very reliable in this regard. If any post-construction groundwater discharges are proposed to the City of Minneapolis sewer systems, the City of Minneapolis will require the discharges be quantified based on the anticipated high groundwater elevation on the site.

Page 3.170 – Discharge of groundwater from the internal tunnel to the City of Minneapolis sanitary sewer will require additional review. Any proposed groundwater discharges will need to be quantified and testing of the groundwater for the presence of contaminants will be required. It should not be assumed that discharge to the City of Minneapolis sanitary sewer system will be granted.

Page 3.170 – It is the expectation that any waterproofing that is necessary in order to limit groundwater infiltration into and, in turn, groundwater discharges from the tunnel be maintained for the life of the improvements. It is recommended that the maintenance of any waterproofing proposals be thoroughly evaluated and selected with this in mind.

Page 3-170 – Footnote 34 addresses discharge as a result of a larger than 100-year storm event from tunnel portals. The proposed location(s) and rate(s) would need to be reviewed and approved by the City of Minneapolis.

Page 3.172 – The filtration tanks, infiltration basins or other means identified in The Risk of Groundwater Contamination during Construction section would also need to be reviewed and approved by the City of Minneapolis. The discharge as a result of a larger storm event would also need to be approved by the City of Minneapolis.

Page 3.172, C. Mitigation Measures – The groundwater management plan must also be reviewed and approved by the City of Minneapolis.

Page 3.177, list of potential BMPs, bullet 7 – straw bales are not allowed as BMPs in Minneapolis.

Page 3.179, C. Mitigation Measures – add that Stormwater runoff (long-term) will need to be in compliance with MPCA NPDES General Construction Permit Section III.D., PERMANENT STORMWATER MANAGEMENT SYSTEM, and will need to be reviewed and approved by the City of Minneapolis under Minneapolis Code of Ordinances Chapter 54, Stormwater Management.

Page 3-184 – The SDEIS makes the following statement regarding short term noise and vibration "Construction noise impacts are expected to be localized, temporary, and transient. These impacts would increase with proximity to the physical improvements. Additional details regarding potential short-term noise impacts will be evaluated further and provided in the forthcoming Final EIS, based on the equipment, duration, and type of work effort. These details and the respective short-term impact determinations will be provided when additional design and construction information is available." While it is recognized that substantially more design work is ahead, many areas of major infrastructure, such as a shallow tunnel, are known and should be listed in the SDEIS.

Page 3-186 – The SDEIS concludes that "the results of ground-borne noise impacts for residential land use are presented in Table 3.4-14. There would be no vibration or ground-borne noise sensitive institutional land uses in the St. Louis Park/Minneapolis segment." This statement needs to be substantiated or clarified.

Page 3-200 - Among the potential strategies for improving traffic operations at intersections is the modification of light rail at-grade crossings from preemption to a priority strategy. It is the understanding of the City of Minneapolis that priority signalization (not preemption) will be the standard for all Minneapolis intersections.

Chapter 4 –Public and Agency Coordination

Page 4.21 – Table 4.5-2, Preliminary list of Required Permits/Approvals and Reviews (by Agency Jurisdiction)
Under City of Minneapolis, add Stormwater Management – Approval. (Per Minneapolis Code of Ordinances Title 3 Chapter 54 Stormwater Management)

First Class Mail

Community Planning & Economic Development
Crown Roller Mill
105 Fifth Ave. S., Suite 200
Minneapolis, MN 55401-2534

RECEIVED
JUL 22 2015
BY: CPO

Nani Jacobson
Assistant Director, Enviro + Agreements
Metro Transit SW LRT Project Office
6465 Wayzata Blvd. Ste 500
St Louis Park, MN 55426

From:	Meg McMonigal
To:	swlrt
Cc:	Jacobson, Nani
Subject:	SDEIS Comments from St. Louis Park
Date:	Tuesday, July 21, 2015 1:46:19 PM
Attachments:	SDEIS Letter and Comments City of St. Louis Park 7-21-15.pdf

Attached are City of St. Louis Park's SDEIS comments. A hard copy will be delivered as well.

Meg J. McMonigal

Principal Planner | City of St. Louis Park
5005 Minnetonka Blvd, St. Louis Park, MN 55416
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St. Louis Park
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Experience LIFE in the Park

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd. Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson,

The City of St. Louis Park appreciates the opportunity to comment on the Supplementary Draft Environmental Impact Statement (SDEIS) for Southwest LRT. Enclosed are the City's comments.

Please contact me if you have any questions or need clarifications.

Regards,

Meg J. McMonigal, AICP
Principal Planner

Enc.

St. Louis Park
MINNESOTA

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City of St. Louis Park

Supplementary Draft Environmental Impact Statement Comments (SDEIS)

July 21, 2015

These comments on the SDEIS are in addition to the comments on the Southwest Transitway DEIS submitted by the City of St. Louis Park December 31, 2012. They are not intended to replace or diminish the previous City of St. Louis Park comments. These comments focus exclusively on the SDEIS.

1. Noise impacts:

The SDEIS notes noise impacts near the Wooddale Station, at the Camarata Apartments and 6 unspecified locations near 37th Street and the rail corridor. These 6 locations need to be specifically identified for the City and the property owners. There is not an indication of what types of mitigation could be utilized for severe and moderate impacts. There is also not any indication if/when/how the property owners will be notified of the impacts and the proposed mitigation for their properties.

The SDEIS does not note any noise impacts to the Cityscape Apartments at 5707 State Highway 7 or the Townhomes located at 4400 Park Glen Road. Both are within 90-150 feet of the rail line.

2. Contaminated Sites

The map on page 3-190 shows "High-Risk Hazardous and Contaminated Materials" however 17 are noted in the text to be ranked "high" in the Modified Phase I Environmental Site Assessment. Why certain locations were elevated to "high" versus other locations must be explained, along with what the risks are to people in these locations.

3. Maps

a. Several maps show open space around the Wooddale Station in St. Louis Park inaccurately. The land to the north and south of the station area may be publicly

owned, however it is not park land. Please see attached map and revise accordingly for the following properties:

- Map 3.4-1 on P 3-141
- Map 3.4-5 on p 3-175
- Map 3.4-6 on p 3.181
- Map 3.4-7 on p 3-190

b. Maps 3.4-9 and 3.4-10 (pages 3-210 and 3-211) do not show the entire buffer area. The concern is that this cuts off Meadowbrook Manor apartments; they should be included in the analysis.

4. Traffic

Roadway improvements noted on page 2-55 do not discuss the additional traffic analysis that has occurred since the DEIS in 2012. Notably, there has been an access modification on Wooddale Avenue that restricts traffic to right-in/right-out at the east frontage road and this should be called out in the document. This restriction impacts the access for the existing and future development in the area, and this impact is significant for area circulation and must be addressed and mitigated. Traffic on Wooddale Avenue in the SWLRT station area is problematic now and with the addition of LRT, this situation will be worsened. The existing residents and future development is seriously impacted by this change to the roadways system.

5. Park & Ride Traffic

The traffic generated by the park & ride facilities at Beltline and Louisiana Stations and the kiss & ride facilities at all three St. Louis Park stations will create congestion, consume local street traffic capacity and create potential safety issues. These impacts need to be clearly identified and effectively mitigated.

6. Bicycle Traffic, Parking and Safety

The Cedar Lake Regional Trail is already heavily used through St. Louis Park. SWLRT will increase the vehicle and bicycle traffic in the station areas in general and increase bicycle – vehicle conflicts where Beltline Blvd and Wooddale Ave cross the regional trail. The SDEIS does not address bicycle parking and safety adequately. No long term direct or indirect bicycle and pedestrian impacts in the St. Louis Park/Minneapolis Segment are identified. St. Louis Park disagrees. We believe there will be negative impacts on the quality of the trail experience in St. Louis Park and safety impacts where the regional trail is crossed by Beltline Blvd and Wooddale Ave. These impacts need to be addressed and mitigated.

The FEIS and final SWLRT design should address these issues in a manner that is consistent with the recommendations in the Southwest Light Rail Transit Bicycle Facility Assessment Technical Memorandum #2, prepared by the Toole Design Group and submitted to stakeholders on May 15, 2015. Safe station area bicycle circulation and bicycle parking is addressed in the Toole Design Group Technical Memorandum.

7. Freight Rail Route Conclusions

While the City of St. Louis Park agrees with the conclusion that incorporating the "Shallow LRT Tunnels – Over Kenilworth Lagoon" into the LPA is the best solution for SWLRT, the rationale for this conclusion is difficult to find in the SDEIS and buried in *Appendix F – Development and Evaluation of Design Adjustments Since Publication of the Draft EIS*. In addition Appendix F states in a footnote (P. F-71) that, "The *Conclusion* at the end of this section…summarizes the Council's evaluation of the MN&S North design adjustment." However there is no subsection titled conclusion and it is difficult to find the explanation for why the last freight rail relocation option under consideration - the modified version of the Brunswick Central design created by TranSystems - was dismissed in favor of the Shallow Tunnel alternative. The freight rail route selection was a difficult and crucial decision in the SWLRT design process. It is important that the conclusion is clear and the document structured in such a way that the conclusion can be found. At a minimum a heading identifying the conclusion in Appendix F should be added to the report. Likewise, for clarity and historical accuracy, the critical fact that the railroads did not support any of the freight rail re-route options, while included in the SDEIS, should be consistently and clearly stated in the document.

St. Louis Park
MINNESOTA

Experience LIFE in the Park

Comment #182

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd. Suite 500
St. Louis Park, MN 55426

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Please contact me if you have any questions or need clarifications.

Regards,

Meg J. McMonigal, AICP
Principal Planner

Enc.

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BY:

St. Louis Park
MINNESOTA

Experience LIFE in the Park

City of St. Louis Park

Supplementary Draft Environmental Impact Statement Comments (SDEIS)

July 21, 2015

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St. Louis Park
MINNESOTA

HOUSING AUTHORITY
5005 MINNETONKA BLVD.
ST. LOUIS PARK, MN 55416-2216

SPO

RECEIVED
JUL 21 2015
BY: SPO

M.2-747

From: Ken Rafowitz
To: swlrt
Subject: Fwd: SDEIS Comments to the Met Council
Date: Tuesday, July 21, 2015 4:40:43 PM
Attachments: Executed - SDEIS Response .pdf
KPG endorsement-LRTDR SDEIS comments.pdf
LPA endorsement-LRTDR SDEIS comments.pdf

Dear Met Council,
I am writing you to express my
support and endorse the comments of LRT-Done Right.
I hope you will endorse them also.
Ken Rafowitz
3515 Basswood Rd v
Minneapolis, Mn. 55416

Lakes & Parks Alliance of Minneapolis, Inc.
C/O The Chazin Group, Inc.
Lake Pointe Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, Minnesota 55416-5392

email: lakesparksalliance@gmail.com

Website: www.lakesandparks.com

GO GREEN.

Lakes and Parks Alliance of Minneapolis, Inc.
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, MN 55416

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Via email: swlrt@metrotransit.org

Dear Ms. Jacobson,

I am contacting you as a board member of the Lakes and Parks Alliance of Minneapolis, Inc. Our organization endorses and supports the comments submitted by Light Rail Transit Done Right (LRTDR).

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

George Puzak
Lakes and Parks Alliance of Minneapolis, Inc., board member

Kenilworth Preservation Group (KPG)
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, Minnesota 55416-5392

Via email: swlrt@metrotransit.org

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

RE: Supplemental DEIS

Dear Ms. Jacobson,

I am contacting you as chair of the Kenilworth Preservation Group (KPG). KPG endorses and supports the comments submitted by LRT Done Right.

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

Stuart A Chazin
Chair - Kenilworth Preservation Group

LRT-Done Right

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit — Southwest LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail.*

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see: http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

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[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001

[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

See also
http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:

Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:

Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

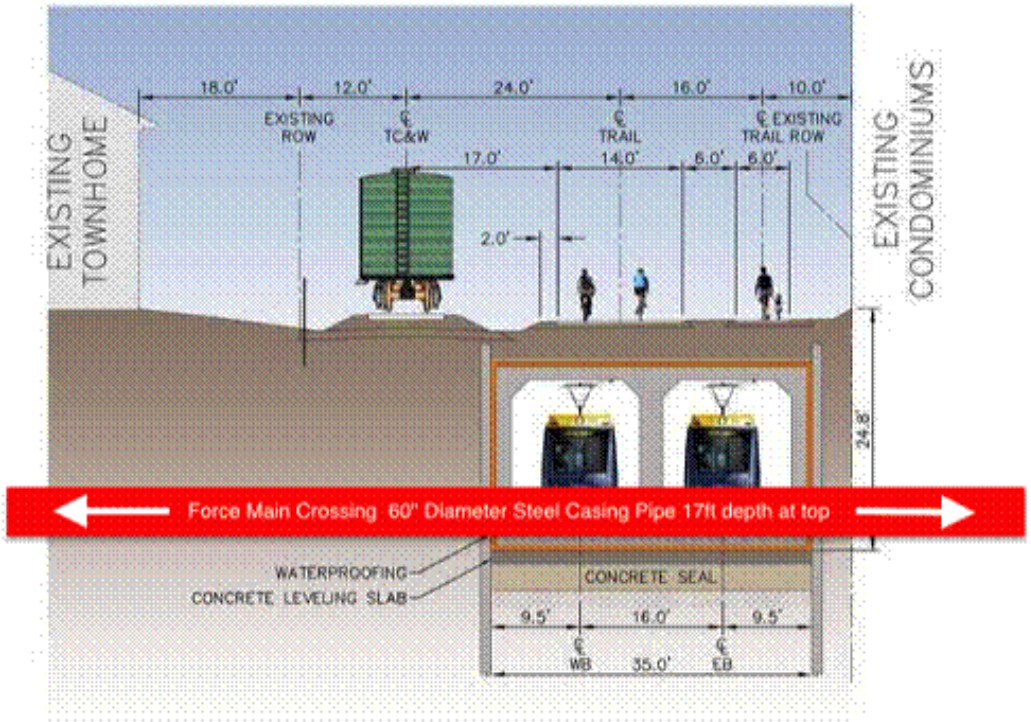


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

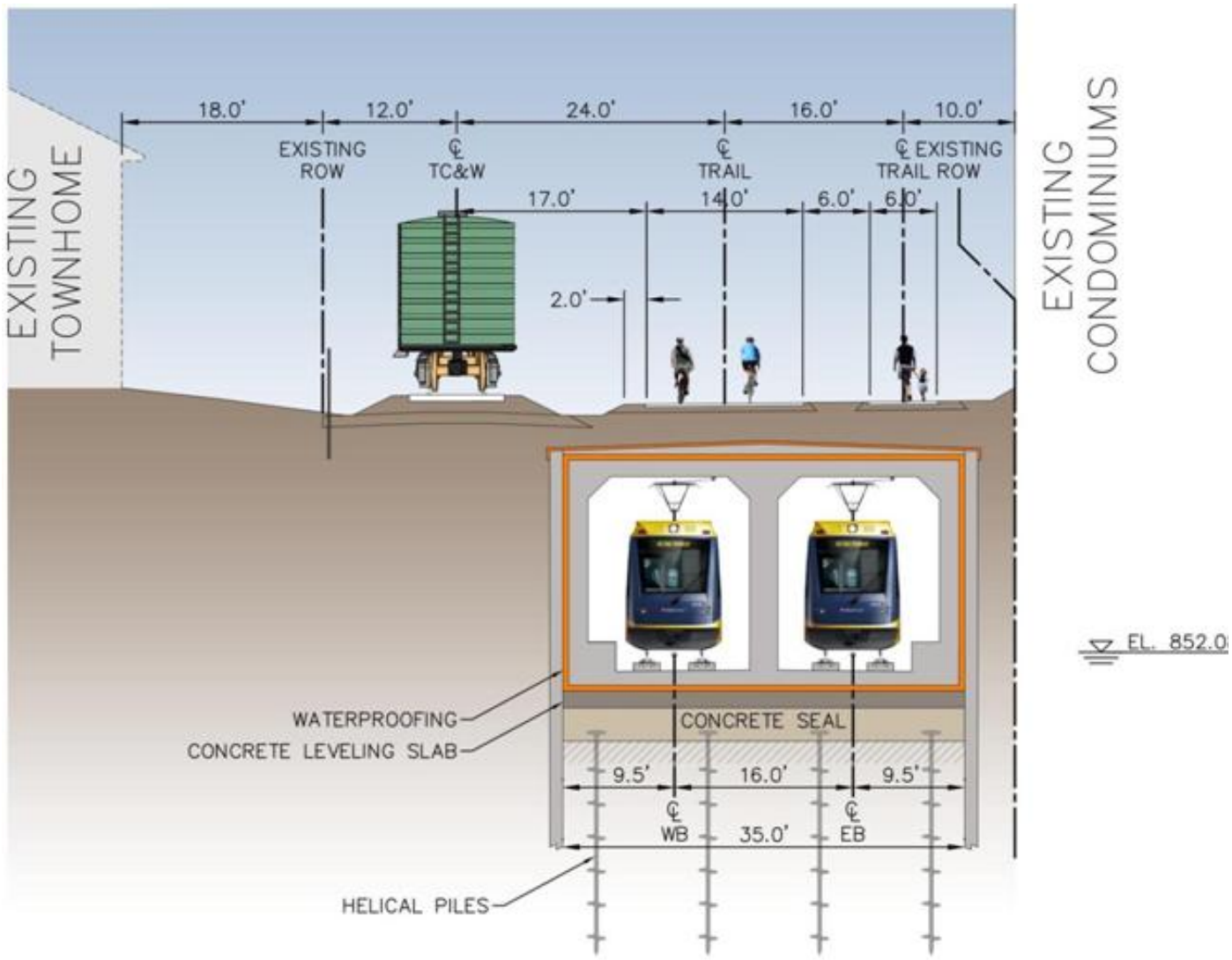
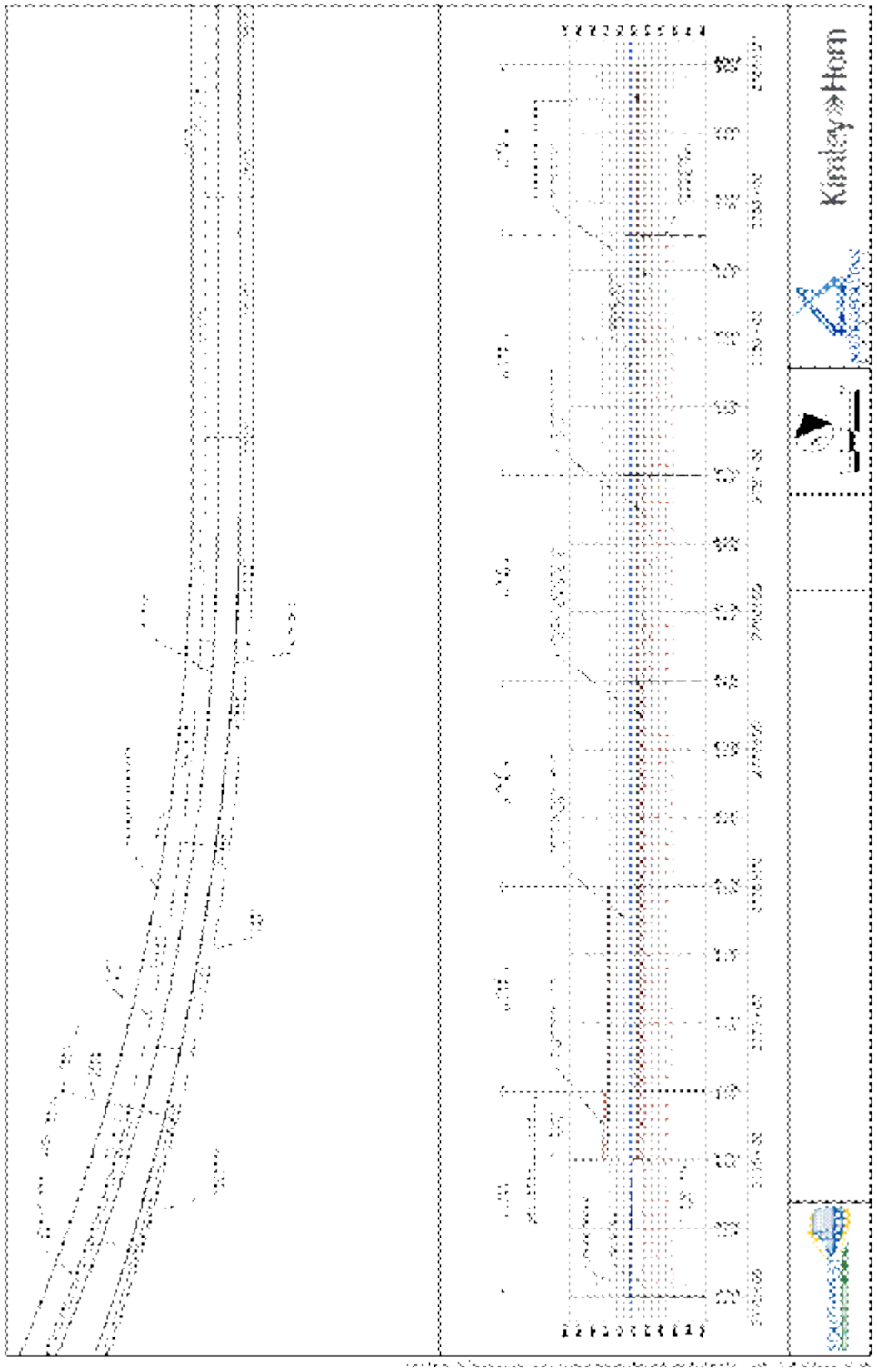


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**. [4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

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[3] http://metrocouncil.org/swlrt/sdeis

[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations — once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train every 5 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA , plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise.*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals 12 to 16 trains per evening between 9 PM and 11 PM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals 2 trains per night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25-plus seconds of bells ((5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals 2 to 4 trains per day, between 12 AM and 2 AM

- This means 1 SWLRT train every 30 to 60 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 to 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total equals 211-220 SWLRT three-car trains per weekday

WEEKENDS

Early morning 4:30 AM to 9 AM

- 6-8 trains per hour equals 26 to 36 trains per day between 4:30 AM and 9 AM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour equals 120 trains per day between 9 AM and 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor would consist of bell noise at 88dBA and 106 dBA
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA

Evening 7 PM to 9 PM

- 8 trains per hour equals 16 trains per day between 7 PM and 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour equals 12 to 16 trains per day, 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds 106 dBA, unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour equals 4 trains per day between 11 PM and 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to 12 AM weekend train frequency is double the weekday frequency of 11 AM to 12 AM
- Would entail 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to 2 AM

- 2 to 4 trains per hour equals 4-8 trains per day between 12 AM and 2 AM
- This means 1 SWLRT train every 15 to 30 minutes
- 12 AM to 2 AM weekend train frequency is double the weekday frequency of 12 AM to 2 AM
- 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 to 30 minutes

Very early morning 2 AM – 4 AM

- No trains — equals current existing conditions

Total equals 180 -195 SWLRT three-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental*

[5] *Sleep Science,* Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non–existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

[7] http://metrocouncil.org/swlrt/sdeis

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment,* the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

> …the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION
The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials
Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or

groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."



Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

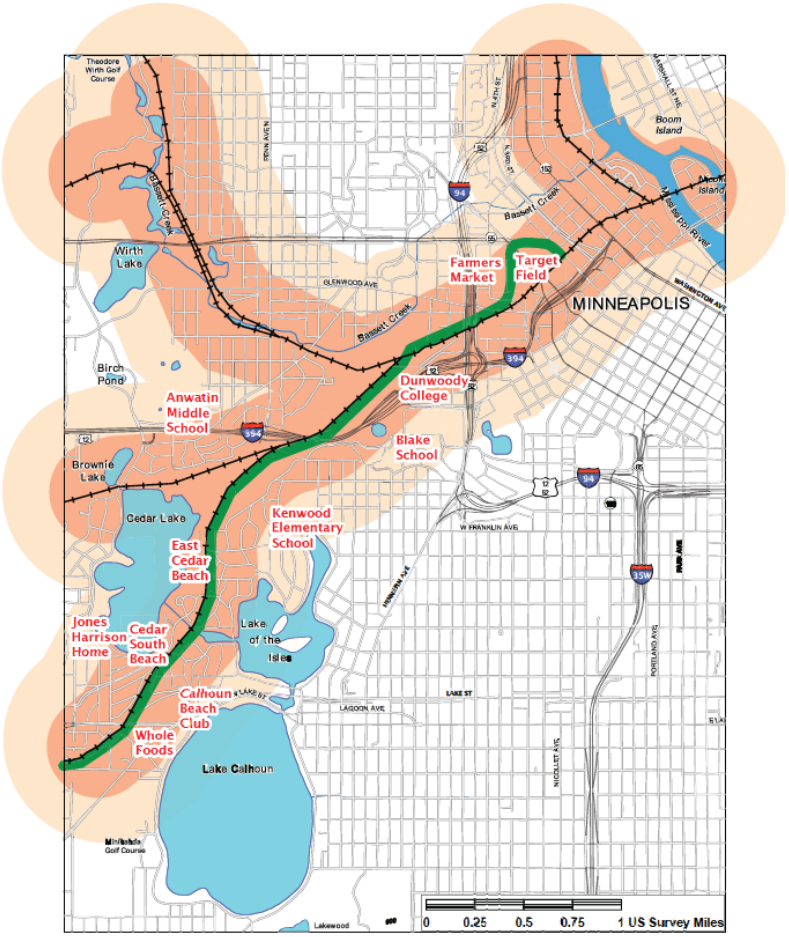
The Kenilworth corridor is a high-risk evacuation blast zone.



Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.

- THIS IS THE BLAST ZONE -

SWLRT co-location with high hazard freight trains in the Kenilworth corridor



Ethanol and Oil Train Disasters:

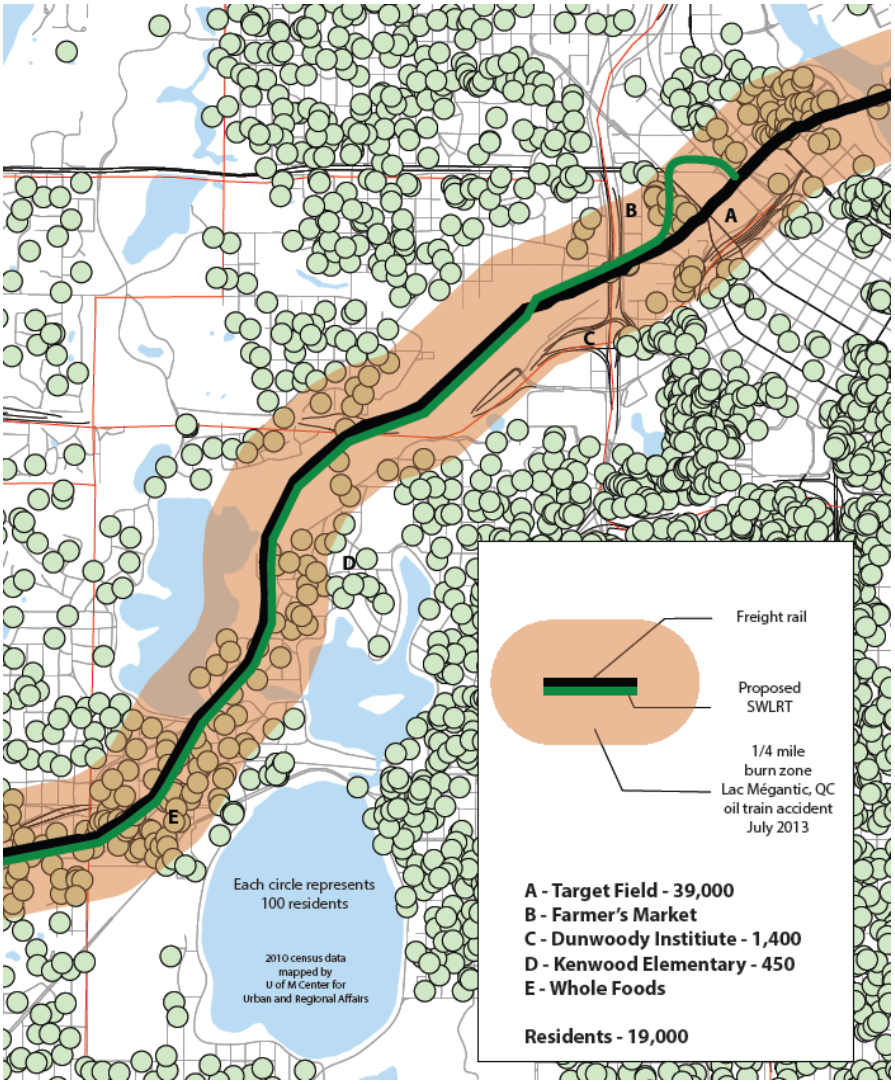
1/4 mi blast zone per Lac Mégantic, QC oil train explosion July, 2013

1/2 mi evacuation zone per US DOT safety regulations for ethanol/oil rail fires

Active Freight Rail

Proposed SWLRT in Kenilworth Corridor

Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

However, TC&W, which is a Class III rail carrier (a short line with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in DOT-111s and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from two-person crews to one- or two-person crews. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not even apply to TC&W due to their Class III status.* Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with approximately 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol,* a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rail* in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-

hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor*, this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there had only been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.



3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis.*

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis*.

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modifythedefinitionofahigh-hazardflammabletrainprovidedinSection171.8toread as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. ThePHMSAandFRArulesmustapplytoalltrainsconveyingClass3flammableliquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. ThePHMSAandFRAsafetyrulesshouldapplyequallytohhftsthatareconveyingoil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. BantheuseofDOT-111tankcarsnowfortransportinganyamountofhazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111carsshouldnotbeusedforthetransportofanycrudeoilsorfossilfuels, regardless of classification.

6. Retrofittedcarsthatfailtomeeteverystandardofthemostprotectivenewtankcar design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., ClassI -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

SOURCES

Brodsky B. Industrial Chemicals as Weapons: Chlorine. NTI: Building a Safer World. http://www .nti.org/analysis/articles/industrial-chemicals-weapons-chlorine/.

Caughron B, Saat MR, Barkan C. Identifying and Prioritizing Shared Rail Corridor Technical Challenges. AREMA Conference 2012. http://railtec.illinoise.edu/CEE/pdf.Conference%20Proceedings/2012/Caughron%20et%20al %202012.pdf

Federal Register, Part VII, 49 CFR Parts 209 and 211.

Lin CY, Saat M, Barken C. Causal Analysis of Passenger Train Accident on Shared-Use Rail Corridors. Transportation Research Board 93rd Annual Meeting. Nov 2013. http://assets.conferencespot.org/fileserver/file/64876/filename/14-2181.pdf.

Lin CY, Saat, M. Semi-quantitative Risk Assessment of Adjacent Track Accidents on Shared-Use Rail Corridors. April 2014. Proceedings of the 2014 Joint Rail Conference JRC2014. http://railtec.illinois.edu/articles/Files/Conference%20Proceedings/2014/JRC2014-3773.pdf.

ODN. Online Distillery Network. Ethanol Materials Data Safety Sheet. http://www .distill.com/materialsafety/msds-eu.html.

NTSB. NTSB calls for tougher standards on trains carrying crude oil. Press Release. Jan 23, 2014. http://www.ntsb.gov/news/2014/140123.html.

Pumphrey D, Hyland L, Melton M. Safety of Crude Oil by Rail. March 2014. Center for Strategic and International Studies. http://csis.org/files/publication/140306_Pumphrey_SafetyCrudeOilRail_Web.pdf.

Resor R. Catalogue of Common Use Corridors. USDOT/FRA/ORD03/16. April 2003

Sela E, Resor R, Hickley T . Shared Use Corridors Survey of Practice and Recommendations for the Future. Crossing and Shared Corridors. www.onlinepubs.trb.org/onlinepubs/circulars/ec058/08/_04_sela.pdf.

Straw R. White House Agency Under Pressure From Big Oil & Rail – Accused of "Coddling" the Industries. The Benecia Independent. June 2014. http://beniciaindependent.com/white-house- agency-under-pressure-from-big-oil-rail-accused-of-coddling-the-industries/.

TSA. Part 1580. Appendix A. http://www.gpo.gov/fdsys/pkg/CFR-2011-title49- vol9/pdf/CFR-2011-title49-vol9-part1580-appA.pdf.

From: Sally Dargis
To: swlrt
Subject: SDEIS Comments to the Met Council
Date: Tuesday, July 21, 2015 9:36:51 PM
Attachments: Executed - SDEIS Response .pdf
KPG endorsement-LRTDR SDEIS comments.pdf
LPA endorsement-LRTDR SDEIS comments.pdf

I have very limited time tonight to write my own personal message. However, I want briefly tell you that I agree with LRT-Done Right's comments on the SDEIS.

This train through Kenilworth is an environmental disaster waiting to happen. Please use some common sense and re-route somewhere less disruptive, less costly, and where is actually some ridership that will USE it.

> -------- Original Message --------
> Subject: SDEIS Comments to the Met Council
> From: Stuart Chazin <lakesparksalliance@gmail.com>
> Date: Tue, July 21, 2015 2:43 pm
> To: undisclosed-recipients:;
>
> Attached are LRT-Done Right's comments on the SDEIS, which have just been submitted by email to the Met Council.
>
> They are the product of thousands of hours of work by neighborhood volunteers!
>
> Please help us capitalize on the power of these amazingly well-researched comments with your support: email your endorsement of them to the Met Council.
>
> You must do so today in order to ensure that your comments will be part of the public record.
>
> The correct email address to use is:SWLRT@metrotransit.org
>
> Please pass the document and this request on to other supporters!
>
> Thank you
> SAC

Lakes & Parks Alliance of Minneapolis, Inc.
C/O The Chazin Group, Inc.
Lake Pointe Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, Minnesota 55416-5392

email: lakesparksalliance@gmail.com

Website: www.lakesandparks.com

GO GREEN.

Lakes and Parks Alliance of Minneapolis, Inc.
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, MN 55416

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Via email: swlrt@metrotransit.org

Dear Ms. Jacobson,

I am contacting you as a board member of the Lakes and Parks Alliance of Minneapolis, Inc. Our organization endorses and supports the comments submitted by Light Rail Transit Done Right (LRTDR).

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

George Puzak
Lakes and Parks Alliance of Minneapolis, Inc., board member

Kenilworth Preservation Group (KPG)
c/o The Chazin Group
Lake Point Corporate Centre
3100 West Lake Street, Suite 230
Minneapolis, Minnesota 55416-5392

Via email: swlrt@metrotransit.org

July 20, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

RE: Supplemental DEIS

Dear Ms. Jacobson,

I am contacting you as chair of the Kenilworth Preservation Group (KPG). KPG endorses and supports the comments submitted by LRT Done Right.

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

Stuart A Chazin
Chair - Kenilworth Preservation Group

LRT-Done Right

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit — Southwest LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail.*

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see: http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

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[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001

[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

See also
http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:

Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:

Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

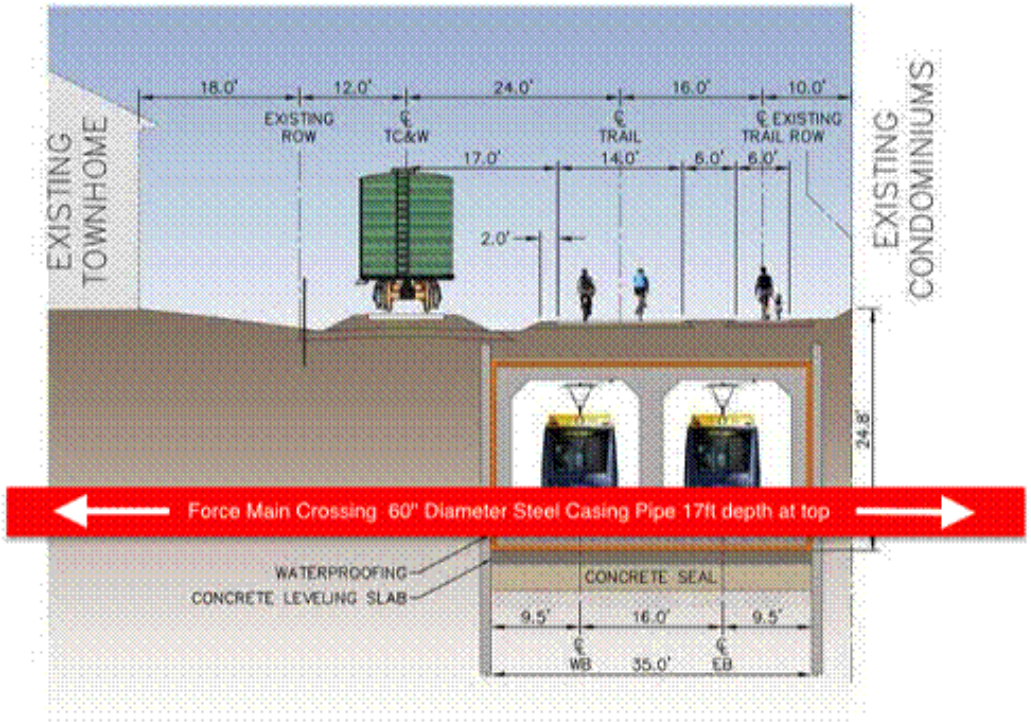


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

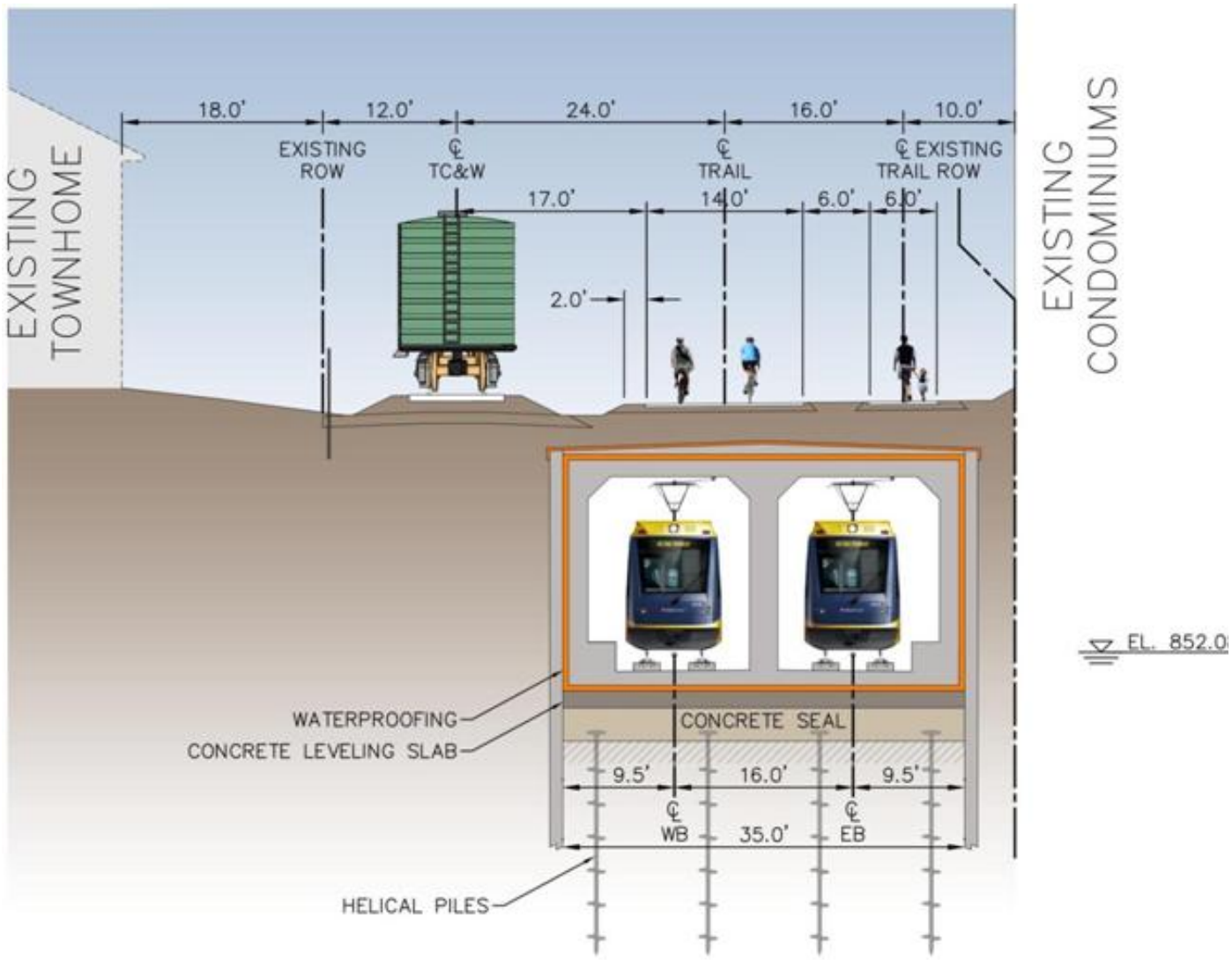
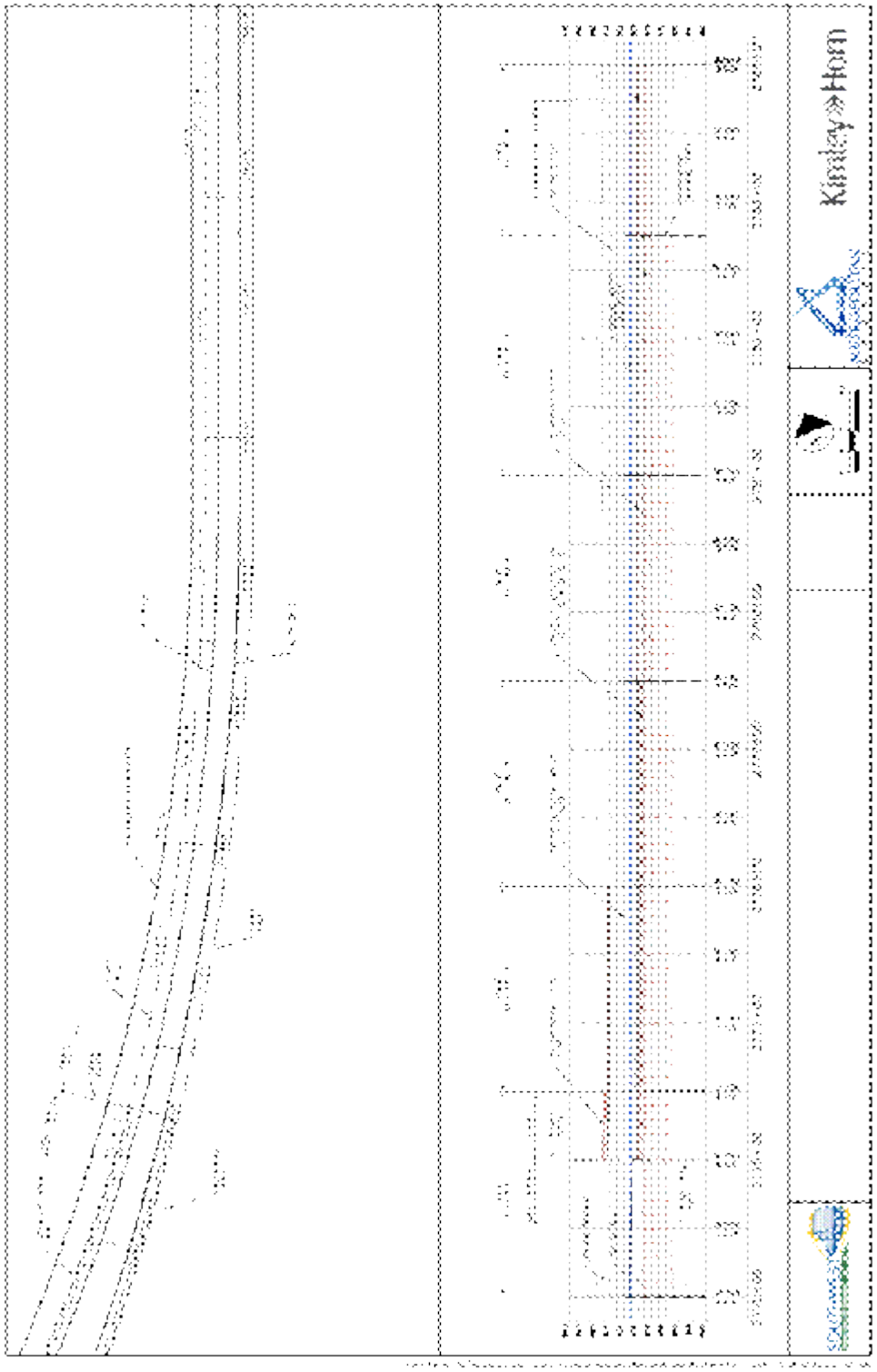


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**. [4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

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[3] http://metrocouncil.org/swlrt/sdeis

[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations — once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train every 5 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA , plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise.*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals 12 to 16 trains per evening between 9 PM and 11 PM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals 2 trains per night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25-plus seconds of bells ((5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals 2 to 4 trains per day, between 12 AM and 2 AM

- This means 1 SWLRT train every 30 to 60 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 to 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total equals 211-220 SWLRT three-car trains per weekday

WEEKENDS

Early morning 4:30 AM to 9 AM

- 6-8 trains per hour equals 26 to 36 trains per day between 4:30 AM and 9 AM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour equals 120 trains per day between 9 AM and 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor would consist of bell noise at 88dBA and 106 dBA
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA

Evening 7 PM to 9 PM

- 8 trains per hour equals 16 trains per day between 7 PM and 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour equals 12 to 16 trains per day, 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds 106 dBA, unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour equals 4 trains per day between 11 PM and 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to 12 AM weekend train frequency is double the weekday frequency of 11 AM to 12 AM
- Would entail 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to 2 AM

- 2 to 4 trains per hour equals 4-8 trains per day between 12 AM and 2 AM
- This means 1 SWLRT train every 15 to 30 minutes
- 12 AM to 2 AM weekend train frequency is double the weekday frequency of 12 AM to 2 AM
- 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 to 30 minutes

Very early morning 2 AM – 4 AM

- No trains — equals current existing conditions

Total equals 180 -195 SWLRT three-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental*

[5] *Sleep Science,* Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non–existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

[7] http://metrocouncil.org/swlrt/sdeis

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment,* the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

> …the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION
The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or

groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."



Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

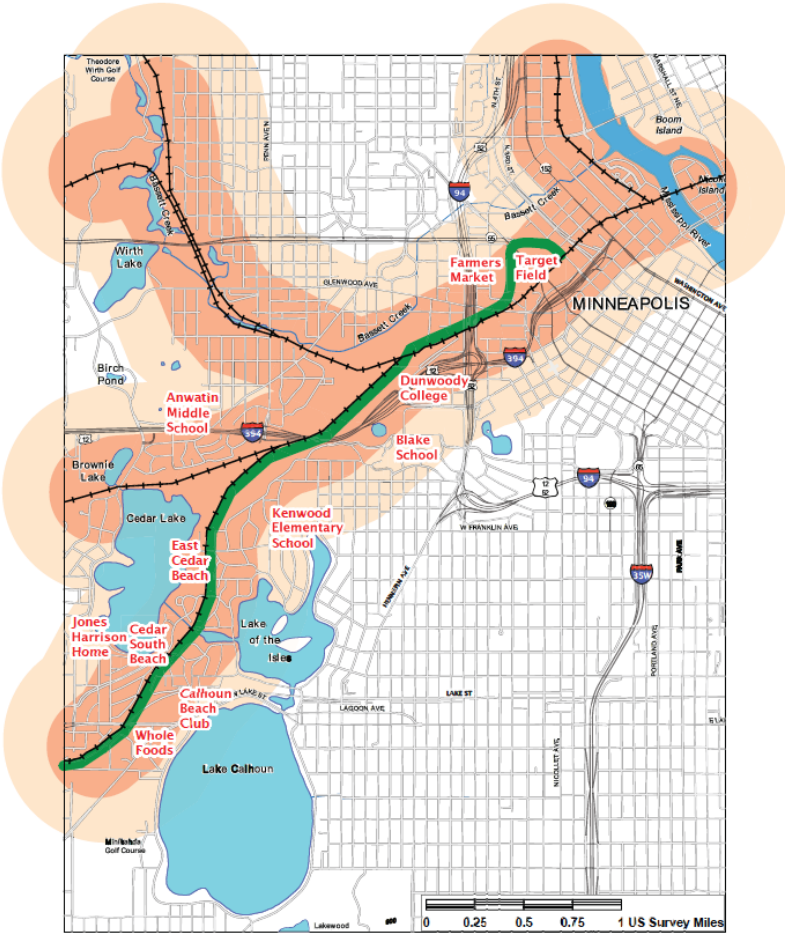
The Kenilworth corridor is a high-risk evacuation blast zone.



Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.

- THIS IS THE BLAST ZONE -

SWLRT co-location with high hazard freight trains in the Kenilworth corridor



Ethanol and Oil Train Disasters:

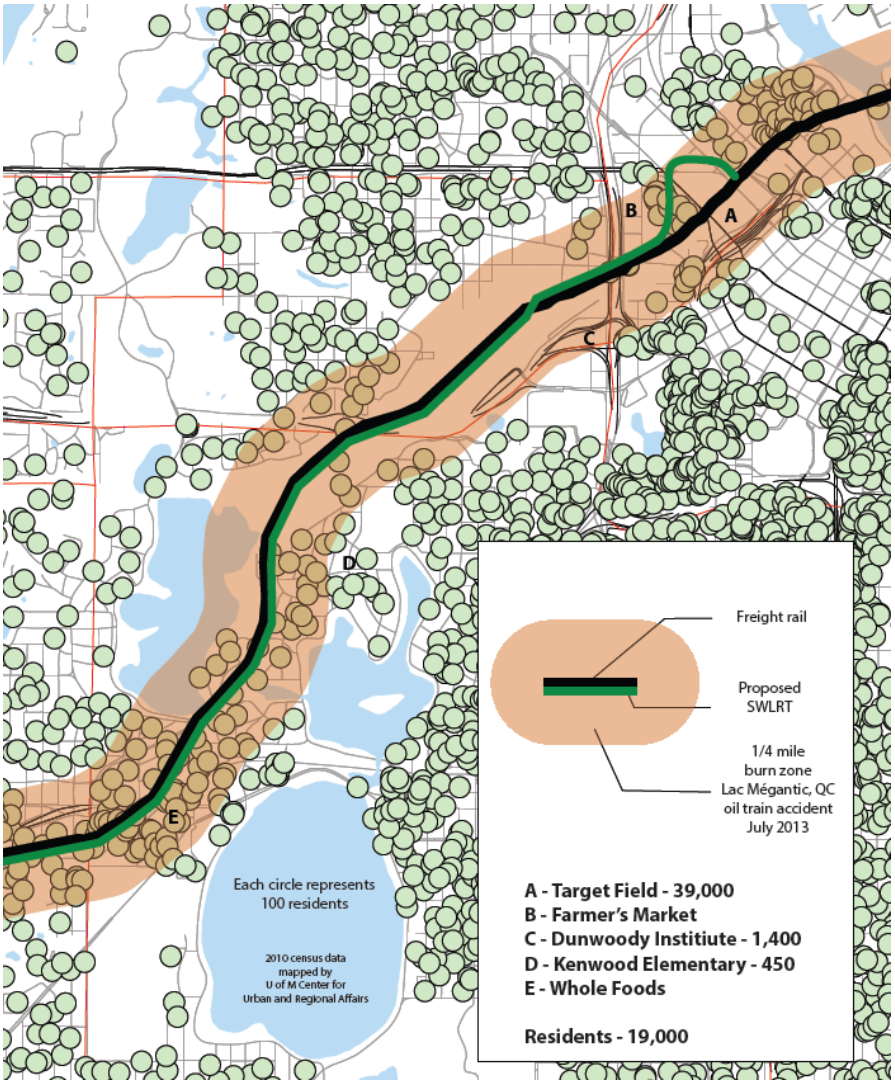
1/4 mi blast zone per Lac Mégantic, QC oil train explosion July, 2013

1/2 mi evacuation zone per US DOT safety regulations for ethanol/oil rail fires

Active Freight Rail

Proposed SWLRT in Kenilworth Corridor

Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

However, TC&W, which is a Class III rail carrier (a short line with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in DOT-111s and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from two-person crews to one- or two-person crews. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not even apply to TC&W due to their Class III status.* Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with approximately 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol,* a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rail* in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-

hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor*, this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there had only been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.



3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis.*

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis*.

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modifythedefinitionofahigh-hazardflammabletrainprovidedinSection171.8toread as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. ThePHMSAandFRArulesmustapplytoalltrainsconveyingClass3flammableliquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. ThePHMSAandFRAsafetyrulesshouldapplyequallytohhftsthatareconveyingoil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. BantheuseofDOT-111tankcarsnowfortransportinganyamountofhazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111carsshouldnotbeusedforthetransportofanycrudeoilsorfossilfuels, regardless of classification.

6. Retrofittedcarsthatfailtomeeteverystandardofthemostprotectivenewtankcar design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., ClassI -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

SOURCES

Brodsky B. Industrial Chemicals as Weapons: Chlorine. NTI: Building a Safer World. http://www .nti.org/analysis/articles/industrial-chemicals-weapons-chlorine/.

Caughron B, Saat MR, Barkan C. Identifying and Prioritizing Shared Rail Corridor Technical Challenges. AREMA Conference 2012. http://railtec.illinoise.edu/CEE/pdf.Conference%20Proceedings/2012/Caughron%20et%20al %202012.pdf

Federal Register, Part VII, 49 CFR Parts 209 and 211.

Lin CY, Saat M, Barken C. Causal Analysis of Passenger Train Accident on Shared-Use Rail Corridors. Transportation Research Board 93rd Annual Meeting. Nov 2013. http://assets.conferencespot.org/fileserver/file/64876/filename/14-2181.pdf.

Lin CY, Saat, M. Semi-quantitative Risk Assessment of Adjacent Track Accidents on Shared-Use Rail Corridors. April 2014. Proceedings of the 2014 Joint Rail Conference JRC2014. http://railtec.illinois.edu/articles/Files/Conference%20Proceedings/2014/JRC2014-3773.pdf.

ODN. Online Distillery Network. Ethanol Materials Data Safety Sheet. http://www .distill.com/materialsafety/msds-eu.html.

NTSB. NTSB calls for tougher standards on trains carrying crude oil. Press Release. Jan 23, 2014. http://www.ntsb.gov/news/2014/140123.html.

Pumphrey D, Hyland L, Melton M. Safety of Crude Oil by Rail. March 2014. Center for Strategic and International Studies. http://csis.org/files/publication/140306_Pumphrey_SafetyCrudeOilRail_Web.pdf.

Resor R. Catalogue of Common Use Corridors. USDOT/FRA/ORD03/16. April 2003

Sela E, Resor R, Hickley T . Shared Use Corridors Survey of Practice and Recommendations for the Future. Crossing and Shared Corridors. www.onlinepubs.trb.org/onlinepubs/circulars/ec058/08/_04_sela.pdf.

Straw R. White House Agency Under Pressure From Big Oil & Rail – Accused of "Coddling" the Industries. The Benecia Independent. June 2014. http://beniciaindependent.com/white-house- agency-under-pressure-from-big-oil-rail-accused-of-coddling-the-industries/.

TSA. Part 1580. Appendix A. http://www.gpo.gov/fdsys/pkg/CFR-2011-title49- vol9/pdf/CFR-2011-title49-vol9-part1580-appA.pdf.

From: Christine Scott
To: swlrt
Subject: SDEIS Comments
Date: Tuesday, July 21, 2015 4:22:45 PM

To the SWLRT commission,

I am writing to let you that I **support the position of the LRT Done Right (LRTDR) organization**.

Below is the full position from LRT Done Right:

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the temporary freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a new project that needs a full analysis. Because new permanent freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured from a basis of no freight and no light rail.

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of oil, ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would

live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires,

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its Handbook on Departmental Review of Section 4(f) Evaluations: "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government, and they are not acceptable to us, either.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residence, to name but two. Nor does it recognize long-term costs of lost property tax revenue that woul erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would total between $13 million and $33 million.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

The **current planned route is not acceptable** and this project needs to be suspended now. The risks are too high.

Regards,
Christine Scott
Minneapolis, MN

From: Amy Rock
To: swlrt
Subject: SDEIS Response
Date: Tuesday, July 21, 2015 3:22:44 PM

I endorse the response to the SWLRT SDEIS submitted today by the organization LRT Done Right.

Amy Rock
Minneapolis

From: ggday@aol.com
To: swlrt
Subject: SDEIS response
Date: Tuesday, July 21, 2015 2:54:04 PM

I endorse the response submitted today by the organization LRT Done Right in regard to the SDEIS. Please show this response the respect it deserves by reading it thoroughly.

Georgianna Ludcke
2805 Chowen Ave. South
Minneapolis, MN 55416

From: Jeanette Colby
To: swlrt
Subject: SDEIS Response
Date: Tuesday, July 21, 2015 4:45:16 PM
Attachments: Comments on the SW LRT SDEIS3.docx

Dear SWLRT Team,

I have had some trouble sending you my personal response to the SDEIS, and I hope you have received a copy. Attached please find a more limited version.

Thank you,

Jeanette Colby

Comments on the Southwest LRT Supplementary Draft Environmental Impact Statement
July 20, 2015

Submitted by Jeanette Colby
2218 Sheridan Ave South, Minneapolis

To the Metropolitan Council:

As you know, the process that led us to the Supplementary DEIS for the SWLRT has been riddled with political and technical problems and, sadly, the 2015 SDEIS continues in this vein.

In addition to downplaying or ignoring critical environmental issues with the latest iteration of LRT in the Kenilworth Corridor, it completely overlooks the fact that the temporary freight rail is being transformed into permanent infrastructure.

I will comment here on <u>just a few</u> of the most pressing specific issues:

1) Visual Impacts will be substantial throughout the Kenilworth Corridor



The Kenilworth Trail, where green space and trees are highly valued

The 2012 DEIS correctly stated that SWLRT visual impacts would be substantial throughout the corridor. This statement included the premise that freight rail would be removed. Now, the

2015 SDEIS states that only about half of the corridor will be substantially impacted by the introduction of LRT and its infrastructure, as well as the introduction of permanent freight rail and its infrastructure. The SDEIS deems the area north of the Burnham Bridge as "not substantially impacted."

Regardless of the methodology used (and well-articulated in the SDEIS attachments), this is an absurd statement. Freight and LRT tracks, overhead catenaries, 220 daily LRT trains, and an increasing number of freight trains will replace open space, green space and trees. It should be clear to anyone who has walked, bicycled, or otherwise found peace and recreation in the beauty of the Kenilworth Corridor that the visual impact throughout the corridor will be substantial and must receive the highest, most thoughtful level of mitigation.

Also absurd is the idea that an LRT station would be a positive visual addition to the area at 21st Street, currently a green space at the edge of Cedar Lake Park. Even with the smallest of the proposed station types, the replacement of trees with metal, wires, cement, and fencing will clearly have a negative visual impact in this park-like environment.

2) Noise impacts are underestimated in the SDEIS

The Kenilworth Corridor is quiet. When I'm working in my yard, I can often hear trail users conversing. Last summer, I heard a cyclist fall hard and was able to call 911 and help her.

Adding 220 LRT trains per day to this quiet, tree-lined recreational and bicycle commuting trail area will be a major environmental disruption, critically increasing noise even if moving LRT trains were the only noise source. However, train braking, crossing and station bells, mechanized announcements, and other activity at the proposed 21st Street Station will add to the noise impact. The corridor will be permanently changed from a uniquely tranquil area to one in which many neighborhood residents – not just those few in properties identified in the SDEIS – will have only two hours (between 2:00 a.m. and 4:00 a.m.) of uninterrupted quiet. This impact is substantially worse with co-location at grade, with freight bringing its own set of noise impacts.

The 2012 DEIS identified 96 moderate and 406 severe neighborhood noise impacts with co-location at grade between the proposed West Lake station and the proposed Penn Avenue station. More specifically, between 21st Street and Penn Avenue the DEIS identified 67 moderate noise impacts and 7 severe impacts with co-location at grade. The 2015 SDEIS, however, says there would be only 28 moderate and two severe impacts in all of Kenilworth with LRT and freight rail co-location at grade. The SDEIS states that the tunnel will address many noise impacts, especially on the adjacent townhouses and condos south of Cedar Lake Parkway. However, north of the Kenilworth channel freight and light rail run would together at grade per the SDEIS. The SDEIS does not explain, nor did the Southwest Project Office explain when I requested information on June 12, 2015, why 55 of the 67 moderate impacts and six of the severe impacts north of 21st Street have been downgraded or eliminated in the SDEIS. The discrepancy between the DEIS and the SDEIS, when both looked at co-location at grade between the Kenilworth Channel and the Penn Avenue station, remains a mystery.

3) SDEIS overlooks public safety issues

The proposed SWLRT 21st Street Station is situated in very close proximity to the beautiful Cedar Beach East (Hidden Beach). While this beach is used by hundreds of law-abiding sunbathers and swimmers in the summer, it is also known by some as a place to use drugs and alcohol. This beach annually generates among the most citations of any park in the state, and most violators come from cities other than Minneapolis according to police reports. An SWLRT station at this location will have particular public safety issues and needs. The Met Council must be responsible for designing a station area that won't exacerbate problems that the neighborhood has fought for many years.

Further, the SDEIS does not consider the infrastructure or access needs of emergency responders should a fire, police, or medical emergency occur in or near the Kenilworth Trail area, at Cedar Beach East, Cedar Lake Park, or Upton Avenue South if LRT and freight rail occupy the corridor.

Kenilworth: Firefighters unable to access a fire in Cedar Lake Park because of a passing freight train

4) Making freight rail permanent is a <u>new</u> project

When freight rail was reintroduced into the Kenilworth Corridor, it was done so on a temporary basis. Until 2013, all studies and plans for LRT in the Kenilworth Corridor assumed that freight would be moved to make way for LRT. The Met Council now proposes to upgrade and make permanent the freight infrastructure used by one private company, even claiming in the SDEIS that doing so is a Metropolitan-area need that the SWLRT project should meet (page 1-1).

The myriad environmental impacts of this new, permanent freight project – which will transport hazardous materials in a narrow urban corridor next to passenger trains and trails – must be completely and thoroughly studied. The current SDEIS does not do so, and in fact barely touches on the co-location element of the revised SWLRT plan. This is especially surprising given the extensive feedback on freight rail safety issues that the Met Council received on the 2012 DEIS from the City of St. Louis Park and its residents.

From: Kathy Low
To: swlrt
Subject: SDEIS
Date: Tuesday, July 21, 2015 4:32:12 PM

Comment on Section 3.4.4.2
Please detail increased risks for people and property from locating freight rail carrying hazardous materials next to electrified LRT trains, within a distance that is less than recommended by AREMA and FTA guidelines.

Katherine Low

From: Jrocnwr
To: swlrt
Cc: John Olson
Subject: SEIS in St. Louis Park
Date: Tuesday, July 21, 2015 8:53:45 PM

In the documents you refer to Jorvig Park and the Depot as two separate things. I think there should be a reference that states that the depot is located in this park. According to your report if you are going to put in the south connection to the MNS from the Bass Lake spur wouldn't it be easier to leave the freight rail on the south side of the right of way instead of switching the freight rail to the north and the LRT to the south. This would be the most cost effective. I would like to know why Mpls. and St. Louis Park are put together in all the sections while all the other cities are referred to separately. This made it a little more difficult to find out how it would affect St. Louis Park. The Peavey-Haglin grain elevator on the NordicWare property could be refer to as the NordicWare Sign Tower.

Sent from my iPad

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From:	Jacobson, Nani
To:	swlrt
Subject:	Fwd: Southwest Light Rail Transit Supplemental Draft Environmental Impact Statement
Date:	Tuesday, July 21, 2015 3:36:18 PM
Attachments:	ATT00001.htm SCAN-21072015-152154.pdf ATT00002.htm

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Sent from my iPhone. Please excuse any typographical errors.

Begin forwarded message:

From: "Kulsrud, Geri M." <gkulsrud@larkinhoffman.com>
To: "Jacobson, Nani" <Nani.Jacobson@metrotransit.org>
Cc: "Lamb, Brian" <Brian.Lamb@metrotransit.org>, "Mueting, Donald" <Donald.Mueting@metc.state.mn.us>, "Fuhrmann, Mark" <Mark.Fuhrmann@metrotransit.org>, "Duininck, Adam" <Adam.Duininck@metc.state.mn.us>, "Rodriguez, Katie" <Katie.Rodriguez@metc.state.mn.us>, "Schreiber, Lona" <Lona.Schreiber@metc.state.mn.us>, "Barber, Deb" <Deb.Barber@metc.state.mn.us>, "Elkins, Steve" <Steve.Elkins@metc.state.mn.us>, "Dorfman, Gail" <Gail.Dorfman@metc.state.mn.us>, "Cunningham, Gary" <Gary.Cunningham@metc.state.mn.us>, "Letofsky, Cara" <Cara.Letofsky@metc.state.mn.us>, "Reynoso, Edward" <Edward.Reynoso@metc.state.mn.us>, "McCarthy, Marie" <Marie.McCarthy@metc.state.mn.us>, "Rummel, Sandy" <Sandy.Rummel@metc.state.mn.us>, "Melander, Harry" <Harry.Melander@metc.state.mn.us>, "Kramer, Richard" <Richard.Kramer@metc.state.mn.us>, "Commers, Jon" <Jon.Commers@metc.state.mn.us>, "Chavez, Steven" <Steven.Chavez@metc.state.mn.us>, "Wulff, Wendy" <Wendy.Wulff@metc.state.mn.us>, "'Jerry Kavan'" <jkavan@slosburg.com>, "'rslosburg@richdalegroup.com'" <rslosburg@richdalegroup.com>, "Griffith, William C." <wgriffith@larkinhoffman.com>
Subject: Southwest Light Rail Transit Supplemental Draft Environmental Impact Statement

Good afternoon:

Please disregard the earlier email sent and replace it with the attached. The hard copy you receive will contain the final version of this letter. Thank you.

Geri Kulsrud

Legal Administrative Assistant
direct | 952-896-3285
fax | 952-896-3333
www.larkinhoffman.com

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July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Re: Southwest Light Rail Transit ("SWLRT") Supplemental Draft Environmental Impact Statement

Dear Ms. Jacobson:

This letter supplements our previous comment letters, dated December 28, 2012, and August 12, 2013, on behalf of SFI Partnership 54, the owner of the Claremont (the "Claremont"). In our meetings with officials of Metro Transit and project management, we have continued to express strong concerns that Segment 3 of the SW LRT-LPA severely and negatively impacts the Claremont Apartments and the public recreational trail (the "Public Trail").

Introduction

The Southwest Light Rail Transit (SWLRT) Supplemental Draft Environmental Impact Statement (SDEIS) was released on May 22, 2015. Our comments summarize our review with respect to the anticipated impacts of the light rail project on the Claremont Apartments and the Public Trail, as well as public open space owned by the City of Minnetonka, immediately east and south of the Claremont (the "Open Space"). We have also summarized the relevant noise and vibration findings in the DEIS. Due to the narrow scope of the supplemental information provided in the SDEIS, there was limited supplemental information on any of the issues as they relate to the Claremont, the Public Trail, or Open Space, and in addition, the environmental review for the project once again failed to evaluate the Open Space as a Section 4(f) property.

Discussion

1. Section 4(f) Properties:

Section 4(f) of the US Department of Transportation Act of 1966, 49 USC 303(c) protects "publicly owned parks, recreation areas, wildlife and/or waterfowl refuges, as well as significant historic sites, whether publicly or privately owned." The SDEIS discussion of Section 4(f) evaluations focused primarily on the areas of change in the LPA elsewhere along the route, but not near the Claremont, and did not include the Public Trail or Open Space. The discussion and analysis of Section 4(f) methodologies is described in far more detail in the SDEIS than that DEIS. However, the SDEIS Section 4(f) evaluation update is narrower in scope and addresses only the following issues:

1) design adjustments to the LPA identified by the Council in April and July 2014;

2) preliminary determinations of effect on historic properties on properties within the LPA made by FTA, in consultation with the Council, MnSHPO and consulting parties as part of the project's Section 106 assessment of historical and archaeological resources;

3) provide opportunity for public comment in FTA's intent to make a de minimis impact determination; and

4) revised preliminary determinations for Section 4(f) protected properties, including preliminary non-de minimis and de minimis use determinations and temporary occupancy exception determinations.

SDEIS 3-218. Because the SDEIS Section 4(f) discussion was narrow, it did not include any new information about the Public Trail, Open Space, or Opus Hill. Updated Tables 3.5-1 and 3.5-2 list the Section 4(f) properties that have been determined to be impacted, none of which are the Public Trail or Open Space. Table 3.5-3 also shows all potential Section 4(f) properties evaluated in the SDEIS Section 4(f) update, but focuses on newly impacted Section 4(f) properties that result from the alignment revisions; therefore, it does not include the Public Trail or Open Space.

It is worth noting that despite not classifying the Open Space as impacted Section 4(f) property, or potential Section 4(f) property, Exhibit 3.5-2 of the SDEIS does identify the Open Space as "Parklands, Recreation Areas, and Open Spaces," within the Section 4(f) study area. *See Attached Exhibit 3.5-2.* No information or analysis is provided to explain why, despite being publicly-owned and classified as a "parkland, recreation area, and open space" in the SDEIS, the Open Space was not treated as a Section 4(f) property. Thus, the SDEIS has failed to provide the necessary and required analysis for permanent occupation and use of a Section 4(f) property.

2. Noise and Vibration

The Supplemental Draft EIS noise impact analysis is based on the same noise standards and methodology used for the Draft EIS, including the same FTA noise impact thresholds for severe and moderate noise impacts, which can be found in Transit Noise and Vibration Impact Assessment (FTA, 2006). *SDEIS 3-12.* The SDEIS does not revise or amend the calculations for noise or vibration levels for the Claremont, the Public Trail or Open Space, but it does provide further insight on methodology. Based on the additional information provided in the SDEIS, we believe the Council used flawed methodology in performing both the noise analysis and the vibration analysis. The issues with the methodology are described further below.

a. Noise Levels

For classification of noise impacts, the DEIS classifies affected properties as either "No Impact," "Moderate Impact," or "Severe Impact," depending on the anticipated volume and frequency of noise. The anticipated noise levels qualify as a "Severe Impact" for the Claremont. The Claremont is identified as a Category 2 (residential) Noise Sensitive Land Use. *DEIS Figure 4.7-2.* The noise assessment table identifies properties only by a "cluster identifier," and includes five Category 2 clusters without reference to an address or property. *Noise Assessment Table, Page 2 of 11.* However, using the FTA Noise Impact Assessment Spreadsheet and the assumptions used by the Council as described in the DEIS, we were able to reproduce the analysis with a result of "Severe Impact" classification for the Claremont. *See attached FTA Spreadsheet.* A Severe Impact classification is described as:

> A significant percentage of people are highly annoyed by noise in this range. Noise mitigation would normally be specified for severe impact areas unless it is not feasible or reasonable (unless there is no practical method of mitigating the impact).

DEIS 4-77. Because the Claremont is identified as a Noise-Sensitive Land Use, **we request a copy of the Met Council's FTA Noise Impact Assessment Spreadsheet specifically for the Claremont**. Of the five clusters shown in the Noise Assessment Table, it appears that the Claremont is located in the cluster identified as 3-F-EB-2-18, based on the SWT Noise Assessment Table. *DEIS Noise Assessment Table, Page 2 of 11.*

b. Vibration Levels

For classification of vibration impacts, the DEIS classifies affected properties as either "Impacted" or not impacted. While the DEIS does not identify the specific properties by name or address in the Vibration Assessment Table, the predicted noise levels appear to be 74 VdB for the Claremont, which exceeds the classification of "Residential Annoyance" and qualifies as an "Impacted" property. The DEIS identifies the Claremont as a Vibration-Sensitive Land Use; although, similar to the noise assessment, the vibration data does not indicate the specific properties by name. *DEIS Figure 4.8-2.* There appears to be a discrepancy with the number of properties identified as vibration sensitive land uses and reviewed under the vibration analysis in Segment 3F. The Vibration-Sensitive Land Use map in Figure 4.8-2 identifies three vibration-

sensitive Category 2 (residential) parcels in Segment 3F, including the Claremont; however, the data only lists one such Cluster ID. *DEIS 4-115.* That single Category 2 cluster shows a vibration level of 74 VdB. *DEIS Vibration Assessment Results by Segment, Table 2.* This means that two of the uses were either deemed to have "no impact," were omitted, or all three uses were calculated as one single cluster. If all were calculated as a single cluster, it would likely yield an inaccurate result in light of the fact that the three parcels cover a distance of more than .80 miles. In addition, the single Category 2 cluster also indicates a distance of 133 feet from the track to the building for the 74 VdB forecast. However, the Claremont, which consists of five (5) buildings, includes two buildings at a distance of only 86 feet from the track, and the other three range from 100 to 110 feet to the tracks. A much greater vibration should be felt at a closer distance. **We request the underlying vibration analysis data on Segment 3F for further analysis**.

The DEIS also addresses soils in the LPA and describes the likelihood that soils will affect vibration. The Claremont is located in Segment 3 of the LPA. Given the geologic conditions and increased train speeds anticipated in Segment 3, the DEIS notes that "Segment 3 geologic conditions are predominantly characterized as having a high potential for efficient vibration propagation. There are few homogenous zones of ground with normal propagation characteristics." *DEIS 4-115.* These geologic conditions should be adequately accounted for in the vibration assessment for the Claremont, as they are likely to result in vibration effects that exceed those projected.

c. Noise Methodology Discrepancy

The SDEIS and the DEIS both purport to analyze the noise impacts consistently with the methodology described in the FTA manual titled Transit Noise and Vibration Impact Assessment (FTA, 2006) (the "FTA Manual"). However, according to the methodology described in the DEIS for assessing the number of affected dwelling units, the Claremont was calculated as one dwelling unit, as opposed to the approximately 330 apartments with 600 residents that actually exist. The unit counts for the analysis were determined through Hennepin County GIS parcel data. In counting the number of dwelling units in each multi-family apartment building, the Met Council used the number of property owners to estimate the number of units. *DEIS 4-85.* This methodology is inconsistent with the methodology described in the FTA Manual, and results in a dramatic under-counting the dwellings affected by SWLRT noise and vibration.

The FTA Manual describes the importance of counting dwelling units for noise impacts and states that "In some cases it may be necessary to supplement the land-use information or determine the number of dwelling units within a multi-family building with a visual survey." *FTA Manual, 5-17.* The steps for developing an assessment of noise impact are described as follows:

> 1. Construct tables for all the noise-sensitive land uses identified in the three land-use categories from Section 5.4.

2. Tabulate buildings and sites that lie between the impact contours and the project boundary. For residential buildings, an estimate of the number of dwelling units is satisfactory. This is done for each alternative being considered.

3. Prepare summary tables showing the number of buildings (and estimated dwelling units, if available) within each impact zone for each alternative. Various alternatives can be compared in this way, including those with and without noise mitigation measures.

4. Determine the need for mitigation based on the policy considerations discussed in Section 3.2.4 and the application guidelines provided in Section 6.8.

FTA Manual, 5-17 (emphasis added). Additionally, when establishing the noise-assessment inventory tables for rail and bus facilities, the FTA Manual states that the tables should include the following types of information:

- Receiver identification and location
- Land-use description
- Number of noise-sensitive sites represented (number of dwelling units in residences or acres of outdoor noise-sensitive land)
- Closest distance to the project
- Existing noise exposure
- Project noise exposure
- Level of noise impact (No Impact, Moderate Impact, or Severe Impact)

These tables should provide a sum of the total number of receivers, especially numbers of dwelling units, predicted to experience Moderate Impact or Severe Impact.

FTA Manual 6-34–6-35 (emphasis added). Despite the guidance in the FTA Manual to estimate dwelling units in multi-family units, it appears the Council simply based the calculation off of property owners listed on Hennepin County records. This means that the Council failed to adequately ascertain the number of dwelling units in non-owner-occupied multi-family dwellings, which results in a gross under-calculation of affected dwelling units that disproportionately affects renters.

3. Proposed Cost Reductions

In May and June of 2015, the Council proposed the elimination of two pedestrian underpasses near the Opus station that would result in increased risks and reduced access for the

approximately 600 residents of the Claremont who may attempt to use the pedestrian trails near the station. The reduction in access will make it more difficult and dangerous for Claremont residents to access Opus Station and use the SWLRT. While there are no details regarding which two of the four underpasses near the Opus station would be eliminated, any elimination would be detrimental to the residents of the Claremont and would not likely yield the anticipated $1-2 million in savings. These underpasses were included in the original plan for safety to allow the existing trails to be used without disruption. While the details are yet to be revealed, the elimination of underpasses is unlikely to yield the $1-2 million in capital cost savings because any alternative methods of pedestrian access must be constructed, whether it is to reroute existing trails or construct at-grade pedestrian crossings. Not only would any alternative plans be expensive, but they would result in increased risk and reduced access for the Claremont residents.

Conclusion

The SDEIS provides little new information about the evaluation of the impacts of the SWLRT on the Claremont, in terms of noise and vibration, or on the Public Trail, or on the Open Space as Section 4(f) land. It does, however, confirm that the Council has not revised its earlier analysis based on the Section 4(f) information that has been made available by SFI. In addition, the review of the methodology used in both the DEIS and the SDEIS indicates that the approach used for counting dwelling units for the purposes of noise assessments was inconsistent with the Federal guidelines. Similarly, the vibration assessments are not accurate as they pertain to the Claremont and the impact is grossly understated, with vibration levels that are likely significantly higher than the 72 VdB impact threshold and much higher than the 74 VdB represented. In addition, the recently announced elimination of pedestrian underpasses near the Opus station would cause the residents of the Claremont to bear even more of the burden of the SWLRT than previously proposed, by eliminating pedestrian access and decreasing safety.

Please include this comment letter in the official record for environmental review of the project. In addition, please provide the requested data which was highlighted within our comments contained in this letter.

Sincerely,

William C. Griffith, for
Larkin Hoffman

Direct Dial: 952-896-3290
Direct Fax: 952-842-1729
Email: wgriffith@larkinhoffman.com

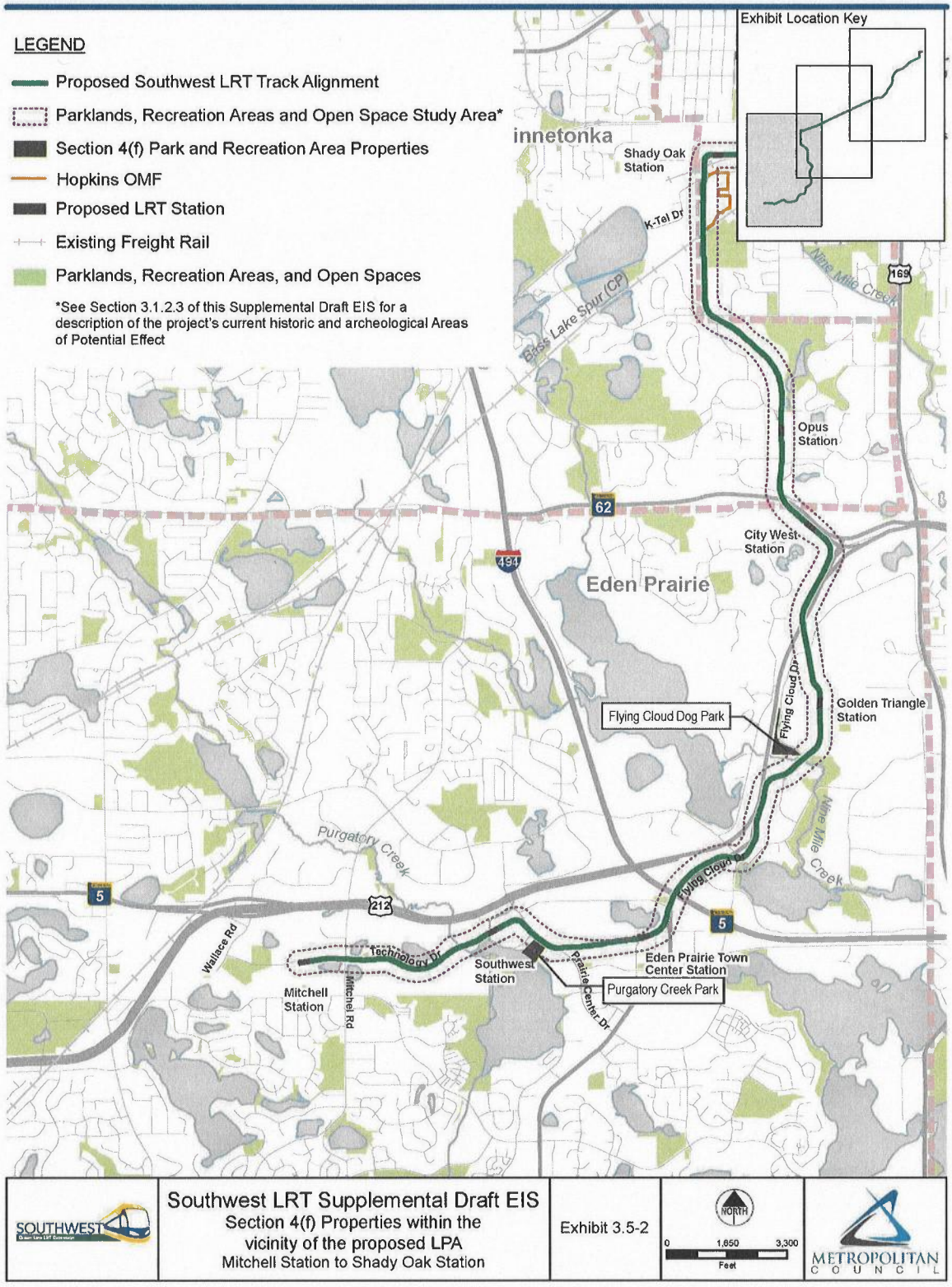
cc: Brian Lamb, Metro Transit
Don Meuting, Metropolitan Council

Mark Fuhrmann, Metro Transit
Members of the Metropolitan Council

4843-2146-2054, v. 2

EXHIBIT 3.5-2

Section 4(f) Properties within the vicinity of the proposed LPA – Mitchell Station to Shady Oak Station



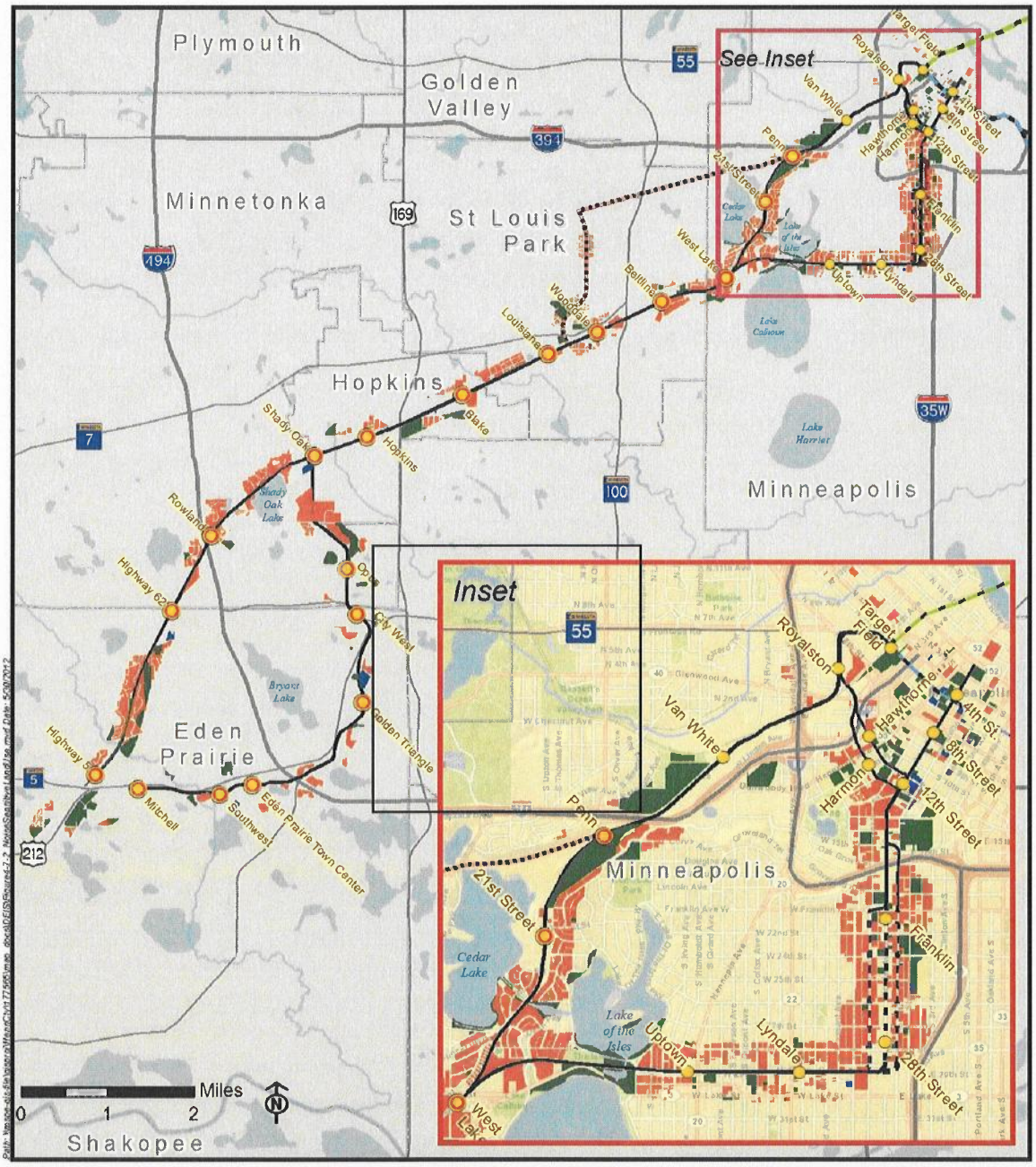


Figure 4.7-2
Noise Sensitive Land Use

Data: MnDOT, DNR, MetCouncil, Hennepin County

Noise Assessment Table

Alternatives with Freight-rail Traffic Relocation

Representative Receptor/Cluster Identifier	Receptor Count: Land (qty)	Receptor Count: Unit (qty)	Land Use Category (1,2 or 3)	Side of Guideway (EB/WB)	Distance to Track (feet)	Train Speed (mph)	Noise Assessment Metric (Leq/Ldn)	Existing Noise Level (dBA)	Impact Criteria: Moderate (dBA)	Impact Criteria: Severe (dBA)	Project Related Noise (dBA)	Cumulative Noise Level (dBA)	Increase Over Existing (dBA)	Impact Level	Number of Impacted Receptors: Moderate (land [units])	Number of Impacted Receptors: Severe (land [units])
1-C-EB-2-32	1	1	2	EB	663	40	Ldn	55	55	61	50	56	1	None	-	-
1-C-EB-2-38	6	6	2	EB	89	40	Ldn	55	55	61	60	61	6	Moderate	6 [6]	-
1-C-EB-2-39	8	8	2	EB	312	40	Ldn	55	55	61	51	56	1	None	-	-
1-C-EB-3-7	1	1	3	EB	1407	40	Leq	60	63	68	44	60	0	None	-	-
1-C-WB-2-24	13	13	2	WB	125	40	Ldn	64	60	66	62	66	2	Moderate	13 [13]	-
1-C-WB-2-25	17	17	2	WB	489	40	Ldn	64	60	66	53	64	0	None	-	-
1-C-WB-2-26	13	12	2	WB	443	40	Ldn	55	55	61	54	58	3	None	-	-
1-C-WB-2-33	10	10	2	WB	210	40	Ldn	55	55	61	60	61	6	Moderate	10 [10]	-
1-C-WB-2-34	6	6	2	WB	121	40	Ldn	55	55	61	60	61	6	Moderate	6 [6]	-
1-C-WB-2-35	26	26	2	WB	413	40	Ldn	55	55	61	53	57	2	None	-	-
1-C-WB-2-36	13	13	2	WB	115	40	Ldn	55	55	61	59	60	5	Moderate	13 [13]	-
1-C-WB-2-37	43	43	2	WB	305	40	Ldn	55	55	61	52	57	2	None	-	-
3-A-EB-2-1	1	91	2	EB	20	50	Ldn	63	60	65	71	72	9	Severe	-	1 [91]
3-A-EB-2-2	2	146	2	EB	125	50	Ldn	63	60	65	63	66	3	Moderate	2 [146]	-
3-A-EB-3-1	1	1	3	EB	154	50	Leq	62	64	69	58	63	1	None	-	-
3-A-WB-3-9	1	1	3	WB	1040	50	Leq	62	64	69	51	62	0	None	-	-
3-B-EB-1-1	1	1	1	EB	758	20	Leq	62	59	64	51	62	0	None	-	-
3-B-WB-3-2	1	1	3	WB	912	20	Leq	62	64	69	53	63	1	None	-	-
3-C-EB-2-3	4	4	2	EB	1293	30	Ldn	63	60	65	51	63	0	None	-	-
3-C-EB-2-4	2	2	2	EB	719	30	Ldn	61	58	64	54	62	1	None	-	-
3-C-EB-2-5	2	2	2	EB	702	30	Ldn	61	58	64	51	61	0	None	-	-
3-C-EB-2-6	2	2	2	EB	256	30	Ldn	61	58	64	57	62	1	None	-	-
3-C-EB-2-8	2	97	2	EB	653	30	Ldn	65	61	66	53	65	0	None	-	-
3-C-EB-3-3	1	1	3	EB	240	30	Leq	64	65	71	58	65	1	None	-	-
3-C-WB-2-23	4	4	2	WB	1112	30	Ldn	65	61	66	51	65	0	None	-	-
3-C-WB-2-7	2	2	2	WB	233	30	Ldn	61	58	64	58	63	2	None	-	-
3-D-EB-1-2	1	1	1	EB	213	30	Leq	58	57	62	55	60	2	None	-	-
3-D-EB-2-10	1	1	2	EB	627	30	Ldn	65	61	66	54	65	0	None	-	-
3-D-EB-2-9	1	1	2	EB	269	30	Ldn	65	61	66	56	66	1	None	-	-
3-D-WB-2-11	2	2	2	WB	791	30	Ldn	65	61	66	52	65	0	None	-	-
3-D-WB-3-4	1	1	3	WB	89	30	Leq	58	62	67	57	61	3	None	-	-
3-D-WB-3-5	1	1	3	WB	617	30	Leq	58	62	67	51	59	1	None	-	-
3-E-EB-3-6	1	1	3	EB	768	30	Leq	62	64	69	49	62	0	None	-	-
3-E-WB-2-12	1	1	2	WB	1237	30	Ldn	65	61	66	51	65	0	None	-	-
3-F-EB-2-13	3	99	2	EB	938	50	Ldn	62	59	64	55	63	1	None	-	-
3-F-EB-2-14	1	1	2	EB	187	50	Ldn	62	59	64	66	67	5	Severe	-	1 [1]
3-F-EB-2-15	1	1	2	EB	164	50	Ldn	62	59	64	71	72	10	Severe	-	1 [1]
3-F-EB-2-18	1	1	2	EB	230	50	Ldn	62	59	64	66	67	5	Severe	-	1 [1]
3-F-EB-2-19	3	3	2	EB	528	50	Ldn	62	59	64	63	66	4	Moderate	3 [3]	-
3-F-EB-3-8	1	1	3	EB	607	50	Leq	62	64	69	57	63	1	None	-	-

Federal Transit Administration
Noise Impact Assessment Spreadsheet
Copyright 2007 HMMH Inc.
version: 7/3/2007

Project:	Claremont

Receiver Parameters	
Receiver:	Claremont
Land Use Category:	2. Residential
Existing Noise (Measured or Generic Value):	62 dBA

Noise Source Parameters	
Number of Noise Sources:	4

Noise Source Parameters		Source 1
	Source Type:	Fixed Guideway
	Specific Source:	Electric Locomotive
Daytime hrs	Avg. Number of Locos/train	1
	Speed (mph)	50
	Avg. Number of Events/hr	13.2
Nighttime hrs	Avg. Number of Locos/train	1
	Speed (mph)	50
	Avg. Number of Events/hr	6.66
Distance	Distance from Source to Receiver (ft)	500
	Number of Intervening Rows of Buildings	0
Adjustments		

Noise Source Parameters		Source 2
	Source Type:	Fixed Guideway
	Specific Source:	Rail Car
Daytime hrs	Avg. Number of Rail Cars/train	3
	Speed (mph)	50
	Avg. Number of Events/hr	13.2
Nighttime hrs	Avg. Number of Rail Cars/train	3
	Speed (mph)	50
	Avg. Number of Events/hr	6.66
Distance	Distance from Source to Receiver (ft)	500
	Number of Intervening Rows of Buildings	
Adjustments	Noise Barrier?	No
	Jointed Track?	No
	Embedded Track?	No
	Aerial Structure?	No

Noise Source Parameters		Source 3
	Source Type:	Fixed Guideway
	Specific Source:	Locomotive Warning Horn
Daytime hrs		
	Speed	50
	Avg. Number of Events/hr	13.2
Nighttime hrs		
	Speed	50
	Avg. Number of Events/hr	6.66
Distance	Distance from Source to Receiver (ft)	500
	Number of Intervening Rows of Buildings	0
Adjustments		

Noise Source Parameters		Source 4
	Source Type:	Stationary Source
	Specific Source:	Crossing Signals
Daytime hrs	Signal Duration/hr (seconds)	5
Nighttime hrs	Signal Duration/hr (seconds)	5
Distance	Distance from Source to Receiver (ft)	1500
	Number of Intervening Rows of Buildings	0
Adjustments	Noise Barrier?	No

Project Results Summary

Existing Ldn:	62 dBA
Total Project Ldn:	75 dBA
Total Noise Exposure:	75 dBA
Increase:	13 dB
Impact?:	Severe

Distance to Impact Contours

Dist to Mod. Impact Contour:	---
Dist to Sev. Impact Contour:	---

Source 1 Results

Leq(day):	50.6 dBA
Leq(night):	47.6 dBA
Ldn:	54.6 dBA

Source 2 Results

Leq(day):	47.4 dBA
Leq(night):	44.4 dBA
Ldn:	51.4 dBA
Incremental Ldn (Src 1-2):	56.3 dBA

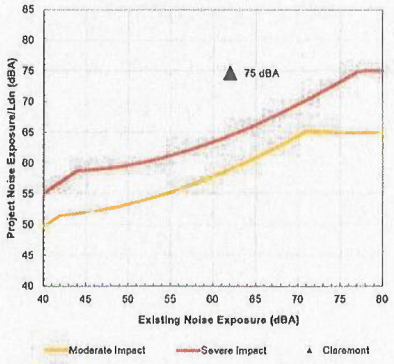
Source 3 Results

Leq(day):	70.6 dBA
Leq(night):	67.6 dBA
Ldn:	74.6 dBA
Incremental Ldn (Src 1-3):	74.7 dBA

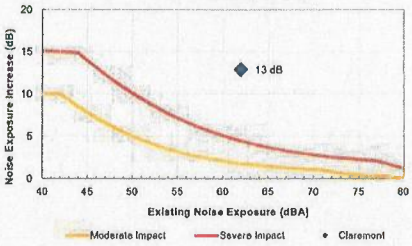
Source 4 Results

Leq(day):	7.9 dBA
Leq(night):	7.9 dBA
Ldn:	14.3 dBA
Incremental Ldn (Src 1-4):	74.7 dBA

Noise Impact Criteria
(FTA Manual, Fig 3-1)



Increase in Cumulative Noise Levels Allowed
(FTA Manual, Fig 3-2)



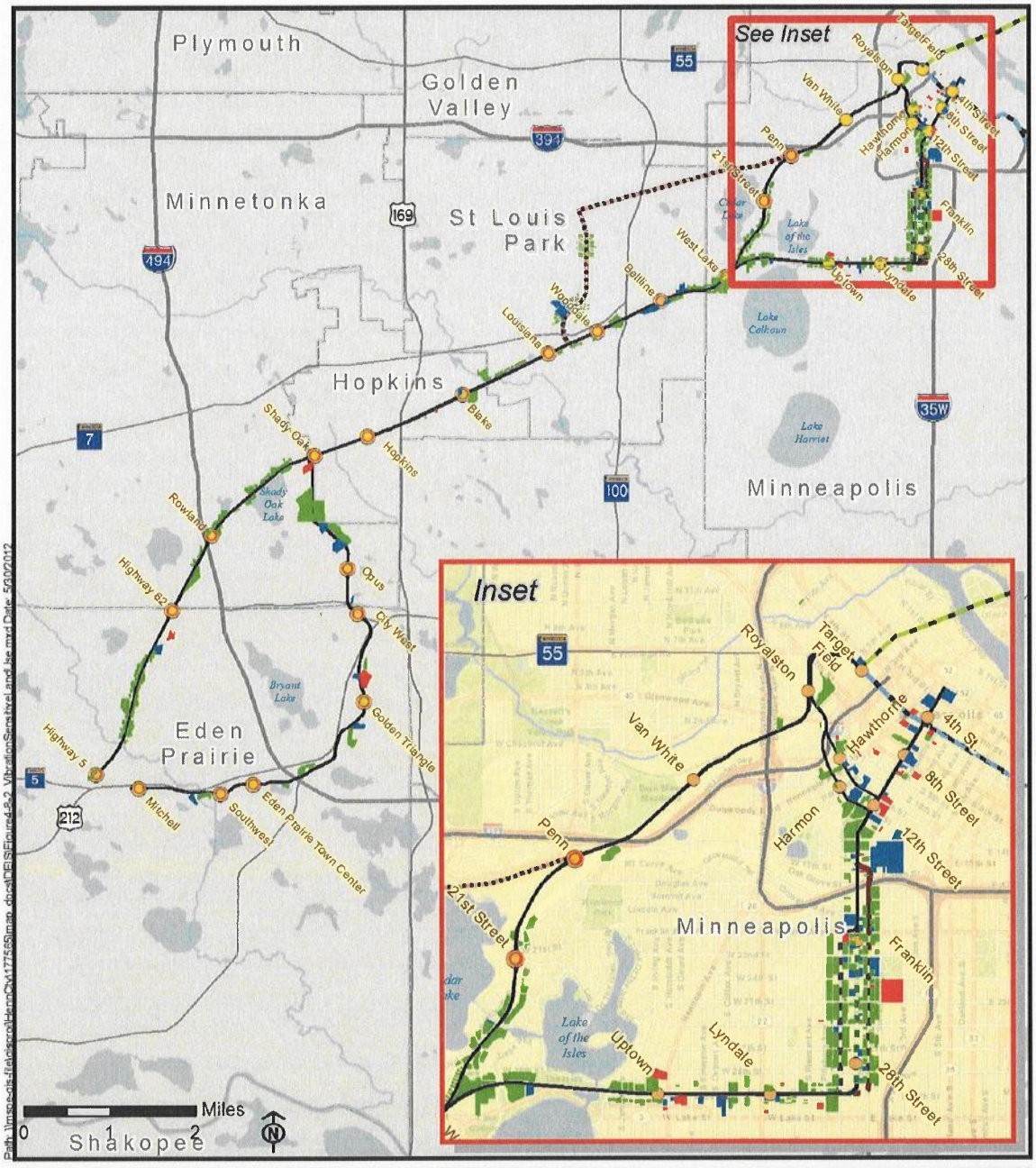


Figure 4.8-2
Vibration Sensitive Land Use

Data: MnDOT, DNR, MetCouncil, Hennepin County

Table 2. Segment 3 (LRT 3A, LRT 3C-1, and LRT 3C-2)
General Vibration Assessment Results

Cluster ID	Land Use Category	Side of Track	Distance to Track (feet)	Speed (mph)	Predicted Vibration Level (VdB)	Impact Criterion (VdB)	Number of Impacts (No. of impacted units)
Segment 3 between Mitchell Station and Southwest Station							
3-A-EB-2-1	2	EB	38	50	85	72	1 (91)
3-A-EB-2-2	2	EB	124	50	75	72	2 (146)
Segment 3 between Southwest Station and Eden Prairie Town Center Station							
No Predicted Impacts							
Segment 3 between Eden Prairie Town Center Station and Golden Triangle Station							
No Predicted Impacts							
Segment 3 between Golden Triangle Station and City West Station							
3-D-EB-1-1	1	EB	160	30	68	65	1 (1)
Segment 3 between City West Station and Opus Station							
No Predicted Impacts							
Segment 3 between Opus Station and Shady Oak Station							
3-F-EB-2-7	2	EB	133	50	74	72	3 (3)
3-F-EB-3-3	3	EB	26	50	87	75	1 (1)
3-F-WB-1-2	1	WB	107	50	66	65	1 (1)
3-F-WB-3-4	3	WB	50	50	83	75	2 (2)
					Total Number of Segment 3 Impacts		**11 (245)**

Table 3. Segment 4 (LRT 1A, LRT 3A, LRT 3C-1, and LRT 3C-2)
General Vibration Assessment Results

Cluster ID	Land Use Category	Side of Track	Distance to Track (feet)	Speed (mph)	Predicted Vibration Level (VdB)	Impact Criterion (VdB)	Number of Impacts (No. of impacted units)
Segment 4 between Shady Oak Station and Hopkins Station							
No Predicted Impacts							
Segment 4 between Hopkins Station and Blake Station							
4-B-EB-1-1	1	EB	111	50	76	65	1 (1)
4-B-WB-3-1	3	WB	104	50	77	75	1 (1)
Segment 4 between Blake Station and Louisiana Station							
4-C-EB-2-2	2	EB	162	50	72	72	1 (1)
Segment 4 between Louisiana Station and Wooddale Station							
No Predicted Impacts							
Segment 4 between Wooddale Station and Beltline Station							
No Predicted Impacts							
Segment 4 between Beltline Station and West Lake Station							
4-F-EB-2-11	2	EB	101	40	75	72	12 (12)
					Total Number of Segment 4 Impacts		**15 (15)**

- Light Rail Vehicle horns are sounded at grade crossings and crosswalks where vehicle speeds exceed 45 mph (not including 45 mph).
- Stationary bells are used at preemptive grade crossings and crosswalks for five seconds at each passing of a train.
- This analysis modeled each segment-specific speed to accurately account for proposed operational conditions. Additionally, the acoustical shielding effects of intervening buildings were applied where more than one row of buildings existed. The analysis applied ground attenuation where applicable.

4.7.3.5 Assessment

The unit counts for this analysis were arrived at using Hennepin County GIS parcel data. These data identify multiple property owners for the same parcel of residential property. Using aerial photographs to verify the parcel data, these were determined to be multiunit residences. Each parcel was counted as one land-use, and the number of owners was used to estimate the number of units. This may have omitted from the unit count some multiunit housing where there is one owner with one or more tenants, but these properties would still be counted in the land-uses.

Ambient noise is measured by what is present in existing conditions. Low ambient noise levels cause the impact threshold (the point at which there is an impact) to be lower. Ambient noise levels were as low as 48 dBA on an Leq basis and 51 dBA on an Ldn basis for Segment 1, 55 dBA on an Leq basis and 56 dBA on an Ldn basis for Segment 3, 56 dBA on an Leq basis and 54 dBA on an Ldn basis for Segment 4, 44 dBA on an Leq basis and 52 dBA on an Ldn basis for Segment A, and 58 dBA on an Leq basis and 58 dBA on an Ldn basis for Segment C.

Table 4.7-3 summarizes the results of the noise impact assessment included category 1, 2 and 3 land uses for the four major alternatives. Both the land parcel and individual housing/business unit impacts are presented. Brief discussions of noise impacts along the corridor follow, separated by track segment. A complete list of representative receptors is provided Appendix H, Supporting Technical Reports and Memoranda. Each representative receptor was assessed for project-related noise and it is compared to the existing noise level. LRT 3A (LPA) and LRT 3A-1 (co-location alternative) include the fewest number of moderate and severe impacts overall. LRT 1A has a lower number of moderate and severe impacts than LRT 3C-1 (Nicollet Mall) and LRT 3C-2 (11th/12th Street) because it has a lower number of total units than these alternatives. LRT C-1 (Nicollet Mall) and LRT 3C-2 (11th/12th Street) are located in more densely populated urban areas with a greater number of units per residential parcel.

From: Kathy Grose
To: swlrt
Subject: Southwest Light Rail
Date: Tuesday, July 21, 2015 5:21:23 PM

Hi Nani,

I would like to add my comments of not installing the southwest light rail project. It's too expensive and won't even pay for itself once built and installed. I'm not for spending money unnecessarily. I would propose other options like improving bus service which is already in place.There must be cheaper options than this expensive light rail system.

Kathy Grose
2606 Alabama Ave S.
St. Louis Park, MN 55416

From: Kim Bartmann
To: swlrt
Subject: SW LRT comment
Date: Tuesday, July 21, 2015 5:25:46 PM
Attachments: image001.png
Executed - SDEIS Response .pdf

I am writing today to express my support of the comments attached made by the LRT Done Right organization. I have been a passionate supporter of Minnesota's environment. I opened Minnesota's first LEED-certified restaurant. I recently won an "excellence in Development" award from the Minnehaha Watershed District and a Sustainable Business award from Environment Minnesota. I am terrified that not enough thought has gone into the ramifications of trying to co-locate these trains in the Kenilworth Corridor, and one of the most important nature preserves and parks in our city limits will be irrevocably damaged.

Beyond wanting to be on the public record as supporting these comments made by Mary Paddock on behalf of the LRT Done Right organization, I also want to point out that as an owner of two businesses within 1/2 block of the 29th Street corridor, it is extremely disappointing to me that the train isn't being planned to run along Lake Street through Minneapolis before turning north to meet up with downtown. That would serve residents of ,for example, the Phillips far better than pretending that they're going to take a bus all the way over to a 21st Street station in order to get downtown or to North Minneapolis. Not to mention that it would serve the densest neighborhoods; something I thought was supposed to be the goal of public transit.

kim bartmann
'fall seven times, stand up eight' — Japanese proverb

LRT-Done Right

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit — Southwest LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail.*

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see: http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

---

[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001

[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

See also
http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:

Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:

Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

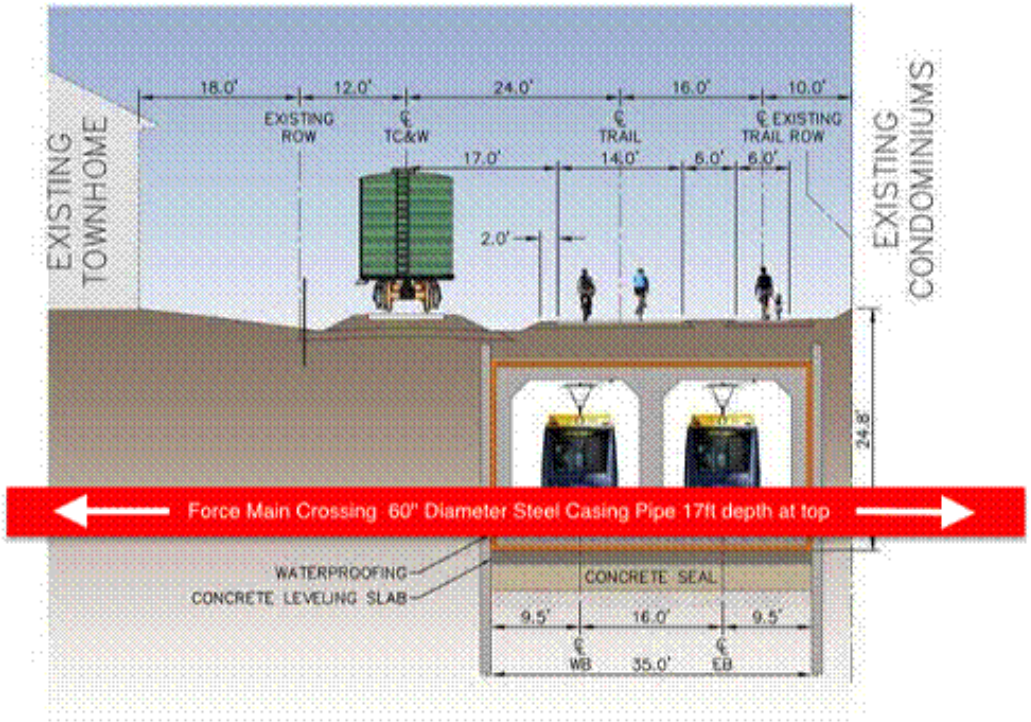


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

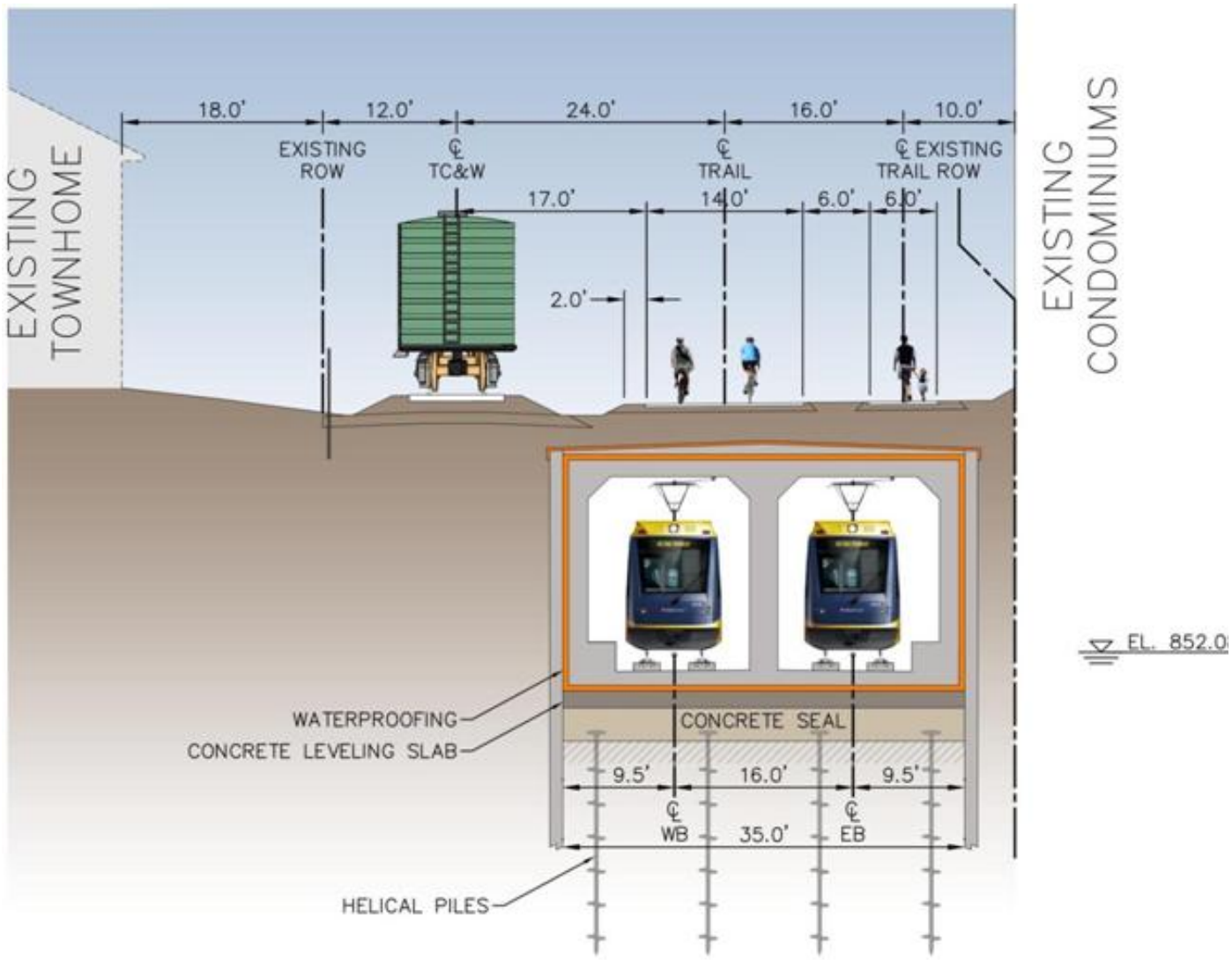
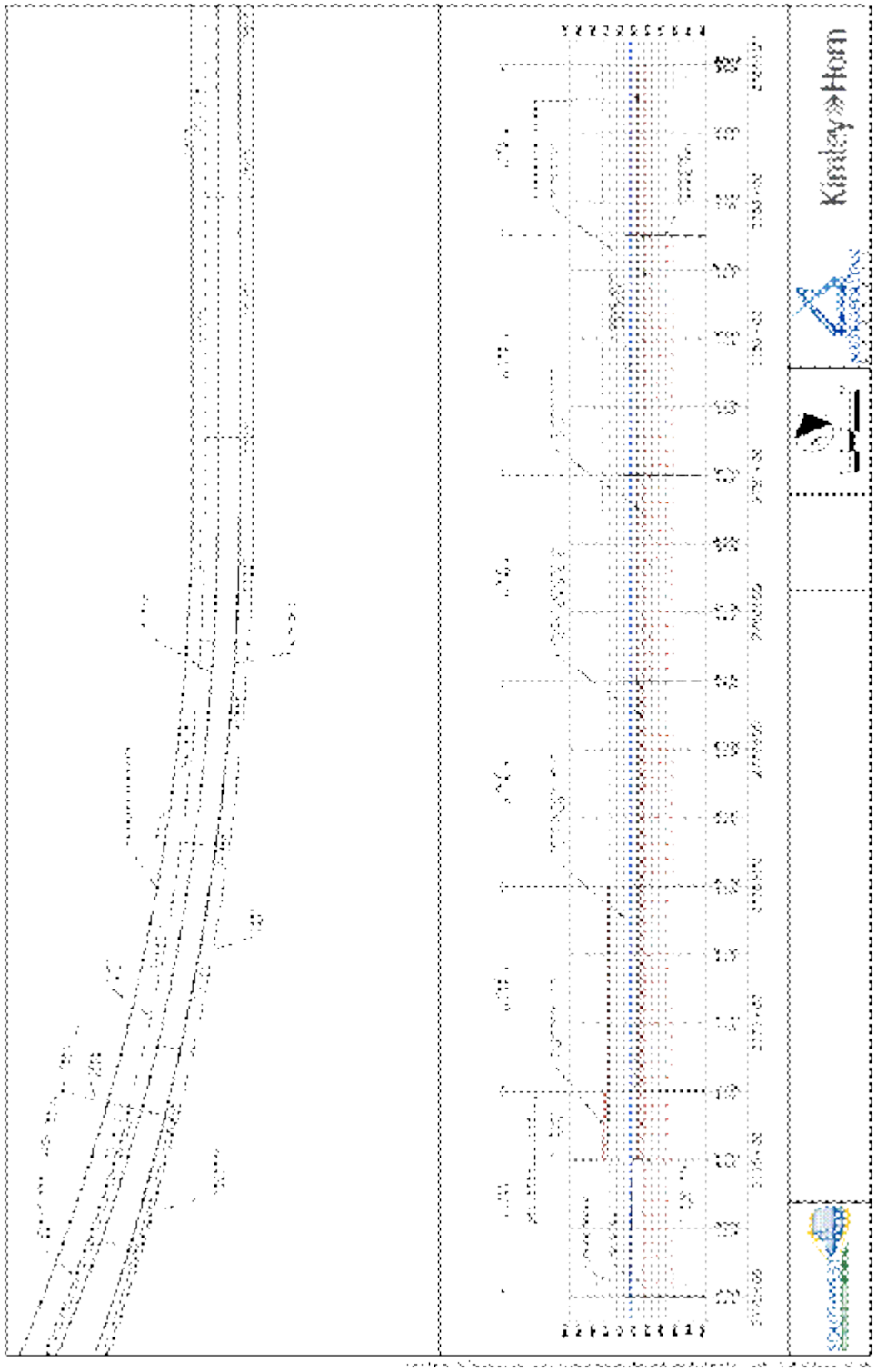


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**. [4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

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[3] http://metrocouncil.org/swlrt/sdeis

[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations — once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train every 5 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA , plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise.*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals 12 to 16 trains per evening between 9 PM and 11 PM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals 2 trains per night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25-plus seconds of bells ((5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals 2 to 4 trains per day, between 12 AM and 2 AM

- This means 1 SWLRT train every 30 to 60 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 to 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total equals 211-220 SWLRT three-car trains per weekday

WEEKENDS

Early morning 4:30 AM to 9 AM

- 6-8 trains per hour equals 26 to 36 trains per day between 4:30 AM and 9 AM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour equals 120 trains per day between 9 AM and 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor would consist of bell noise at 88dBA and 106 dBA
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA

Evening 7 PM to 9 PM

- 8 trains per hour equals 16 trains per day between 7 PM and 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour equals 12 to 16 trains per day, 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds 106 dBA, unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour equals 4 trains per day between 11 PM and 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to 12 AM weekend train frequency is double the weekday frequency of 11 AM to 12 AM
- Would entail 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to 2 AM

- 2 to 4 trains per hour equals 4-8 trains per day between 12 AM and 2 AM
- This means 1 SWLRT train every 15 to 30 minutes
- 12 AM to 2 AM weekend train frequency is double the weekday frequency of 12 AM to 2 AM
- 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 to 30 minutes

Very early morning 2 AM – 4 AM

- No trains — equals current existing conditions

Total equals 180 -195 SWLRT three-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental*

[5] *Sleep Science,* Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non–existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

[7] http://metrocouncil.org/swlrt/sdeis

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment,* the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

> …the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION
The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials
Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or

groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."



Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

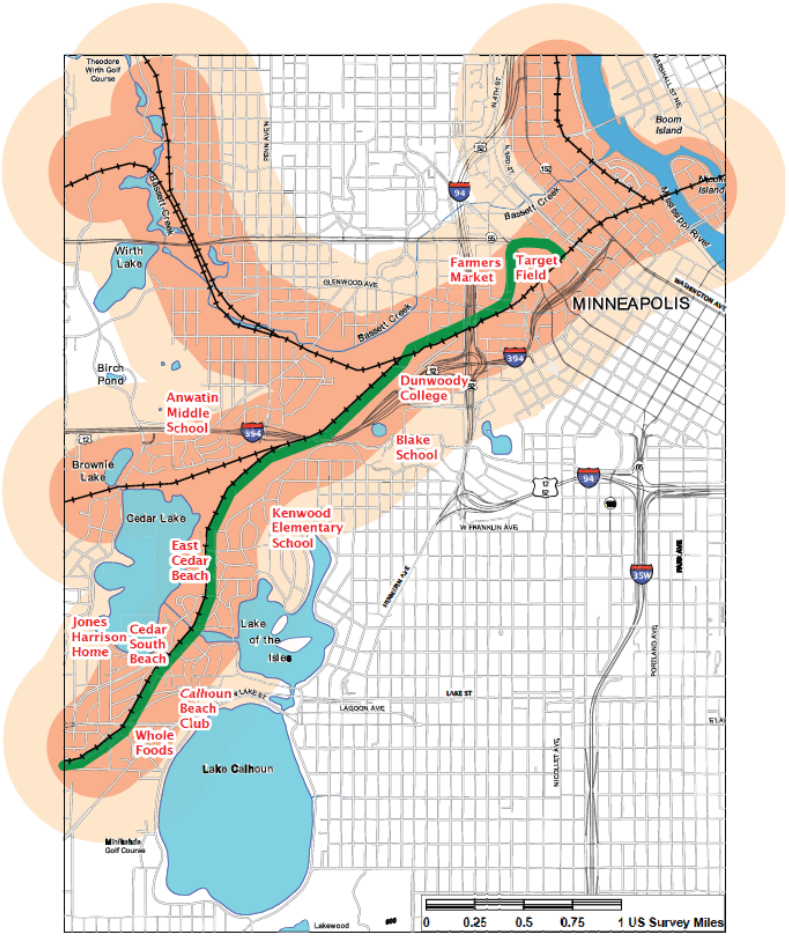
The Kenilworth corridor is a high-risk evacuation blast zone.



Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.

- THIS IS THE BLAST ZONE -

SWLRT co-location with high hazard freight trains in the Kenilworth corridor



Ethanol and Oil Train Disasters:

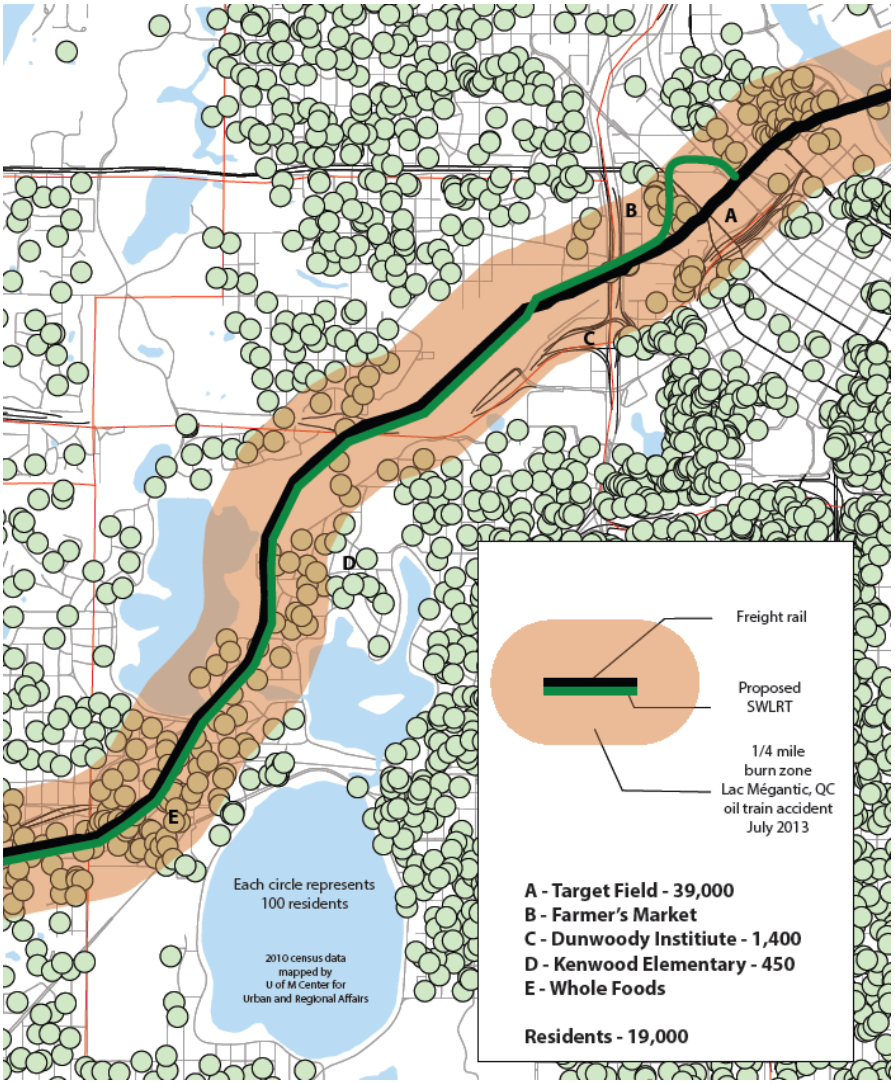
1/4 mi blast zone per Lac Mégantic, QC oil train explosion July, 2013

1/2 mi evacuation zone per US DOT safety regulations for ethanol/oil rail fires

Active Freight Rail

Proposed SWLRT in Kenilworth Corridor

Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

However, TC&W, which is a Class III rail carrier (a short line with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in DOT-111s and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from two-person crews to one- or two-person crews. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not even apply to TC&W due to their Class III status.* Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with approximately 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol,* a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rail* in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-

hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor*, this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there had only been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.



3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis.*

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis*.

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modifythedefinitionofahigh-hazardflammabletrainprovidedinSection171.8toread as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. ThePHMSAandFRArulesmustapplytoalltrainsconveyingClass3flammableliquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. ThePHMSAandFRAsafetyrulesshouldapplyequallytohhftsthatareconveyingoil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. BantheuseofDOT-111tankcarsnowfortransportinganyamountofhazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111carsshouldnotbeusedforthetransportofanycrudeoilsorfossilfuels, regardless of classification.

6. Retrofittedcarsthatfailtomeeteverystandardofthemostprotectivenewtankcar design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., ClassI -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

SOURCES

Brodsky B. Industrial Chemicals as Weapons: Chlorine. NTI: Building a Safer World. http://www .nti.org/analysis/articles/industrial-chemicals-weapons-chlorine/.

Caughron B, Saat MR, Barkan C. Identifying and Prioritizing Shared Rail Corridor Technical Challenges. AREMA Conference 2012. http://railtec.illinoise.edu/CEE/pdf.Conference%20Proceedings/2012/Caughron%20et%20al %202012.pdf

Federal Register, Part VII, 49 CFR Parts 209 and 211.

Lin CY, Saat M, Barken C. Causal Analysis of Passenger Train Accident on Shared-Use Rail Corridors. Transportation Research Board 93rd Annual Meeting. Nov 2013. http://assets.conferencespot.org/fileserver/file/64876/filename/14-2181.pdf.

Lin CY, Saat, M. Semi-quantitative Risk Assessment of Adjacent Track Accidents on Shared-Use Rail Corridors. April 2014. Proceedings of the 2014 Joint Rail Conference JRC2014. http://railtec.illinois.edu/articles/Files/Conference%20Proceedings/2014/JRC2014-3773.pdf.

ODN. Online Distillery Network. Ethanol Materials Data Safety Sheet. http://www .distill.com/materialsafety/msds-eu.html.

NTSB. NTSB calls for tougher standards on trains carrying crude oil. Press Release. Jan 23, 2014. http://www.ntsb.gov/news/2014/140123.html.

Pumphrey D, Hyland L, Melton M. Safety of Crude Oil by Rail. March 2014. Center for Strategic and International Studies. http://csis.org/files/publication/140306_Pumphrey_SafetyCrudeOilRail_Web.pdf.

Resor R. Catalogue of Common Use Corridors. USDOT/FRA/ORD03/16. April 2003

Sela E, Resor R, Hickley T . Shared Use Corridors Survey of Practice and Recommendations for the Future. Crossing and Shared Corridors. www.onlinepubs.trb.org/onlinepubs/circulars/ec058/08/_04_sela.pdf.

Straw R. White House Agency Under Pressure From Big Oil & Rail – Accused of "Coddling" the Industries. The Benecia Independent. June 2014. http://beniciaindependent.com/white-house- agency-under-pressure-from-big-oil-rail-accused-of-coddling-the-industries/.

TSA. Part 1580. Appendix A. http://www.gpo.gov/fdsys/pkg/CFR-2011-title49- vol9/pdf/CFR-2011-title49-vol9-part1580-appA.pdf.

From: Kim Bartmann
To: swlrt
Subject: SW LRT comment
Date: Tuesday, July 21, 2015 5:28:06 PM
Attachments: image001.png
Executed - SDEIS Response .pdf

I am writing today to express my support of the comments attached made by the LRT Done Right organization. I have been a passionate supporter of Minnesota's environment. I opened Minnesota's first LEED-certified restaurant. I recently won an "excellence in Development" award from the Minnehaha Watershed District and a Sustainable Business award from Environment Minnesota. I am terrified that not enough thought has gone into the ramifications of trying to co-locate these trains in the Kenilworth Corridor, and one of the most important nature preserves and parks in our city limits will be irrevocably damaged.

Beyond wanting to be on the public record as supporting these comments made by Mary Paddock on behalf of the LRT Done Right organization, I also want to point out that as an owner of two businesses within 1/2 block of the 29th Street corridor, it is extremely disappointing to me that the train isn't being planned to run along Lake Street through Minneapolis before turning north to meet up with downtown. That would serve residents of ,for example, the Phillips far better than pretending that they're going to take a bus all the way over to a 21st Street station in order to get downtown or to North Minneapolis. Not to mention that it would serve the densest neighborhoods; something I thought was supposed to be the goal of public transit.

kim bartmann
'fall seven times, stand up eight' — Japanese proverb



LRT-Done Right

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit — Southwest LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail.*

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see: http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

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[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001

[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

See also
http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:

Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:

Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

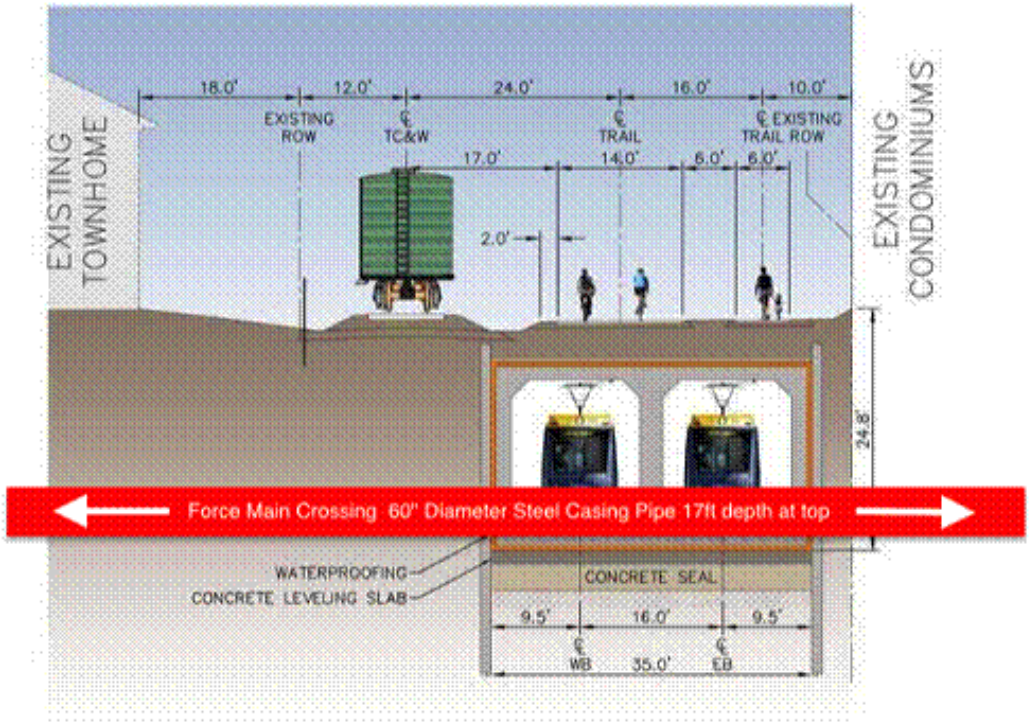


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

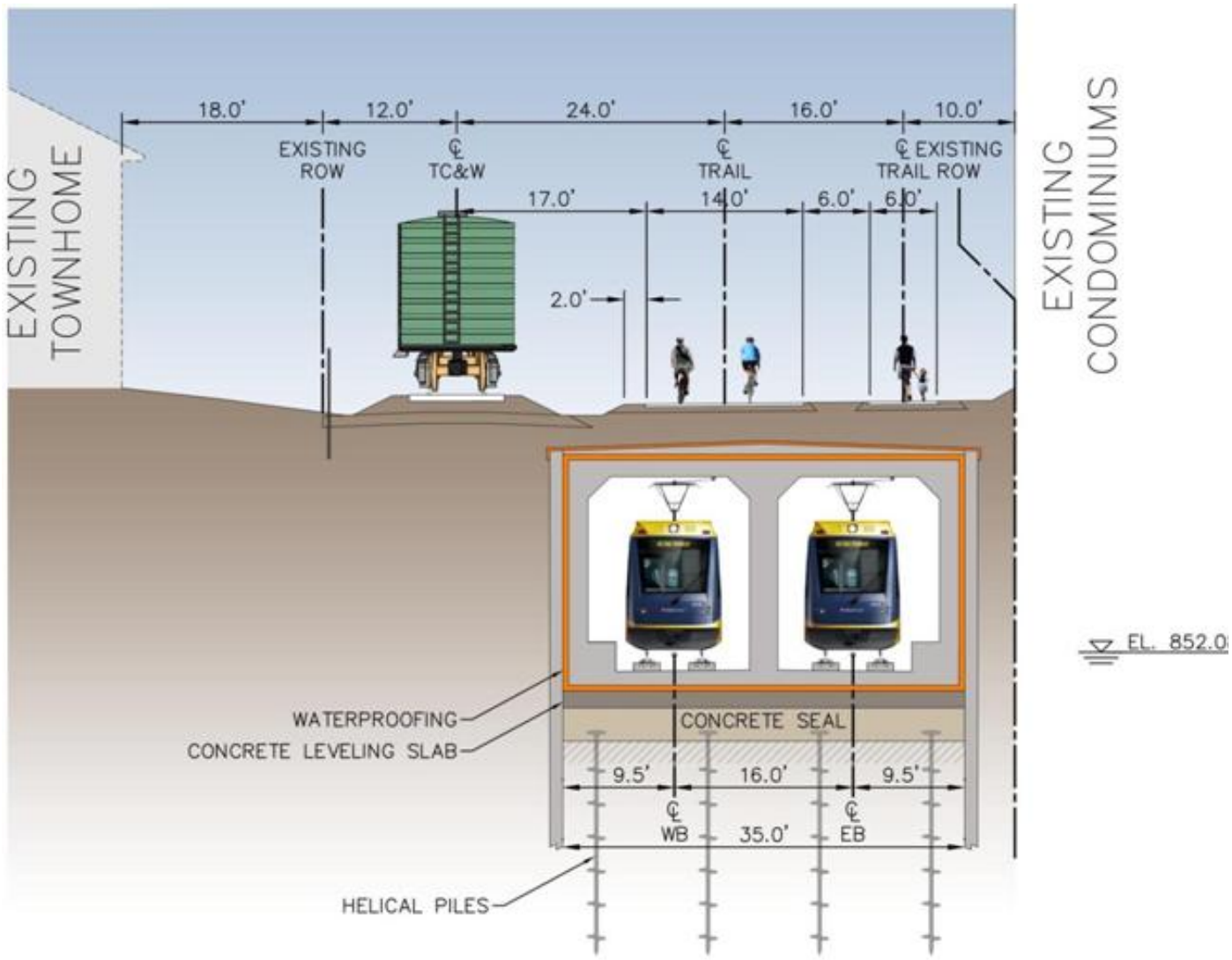
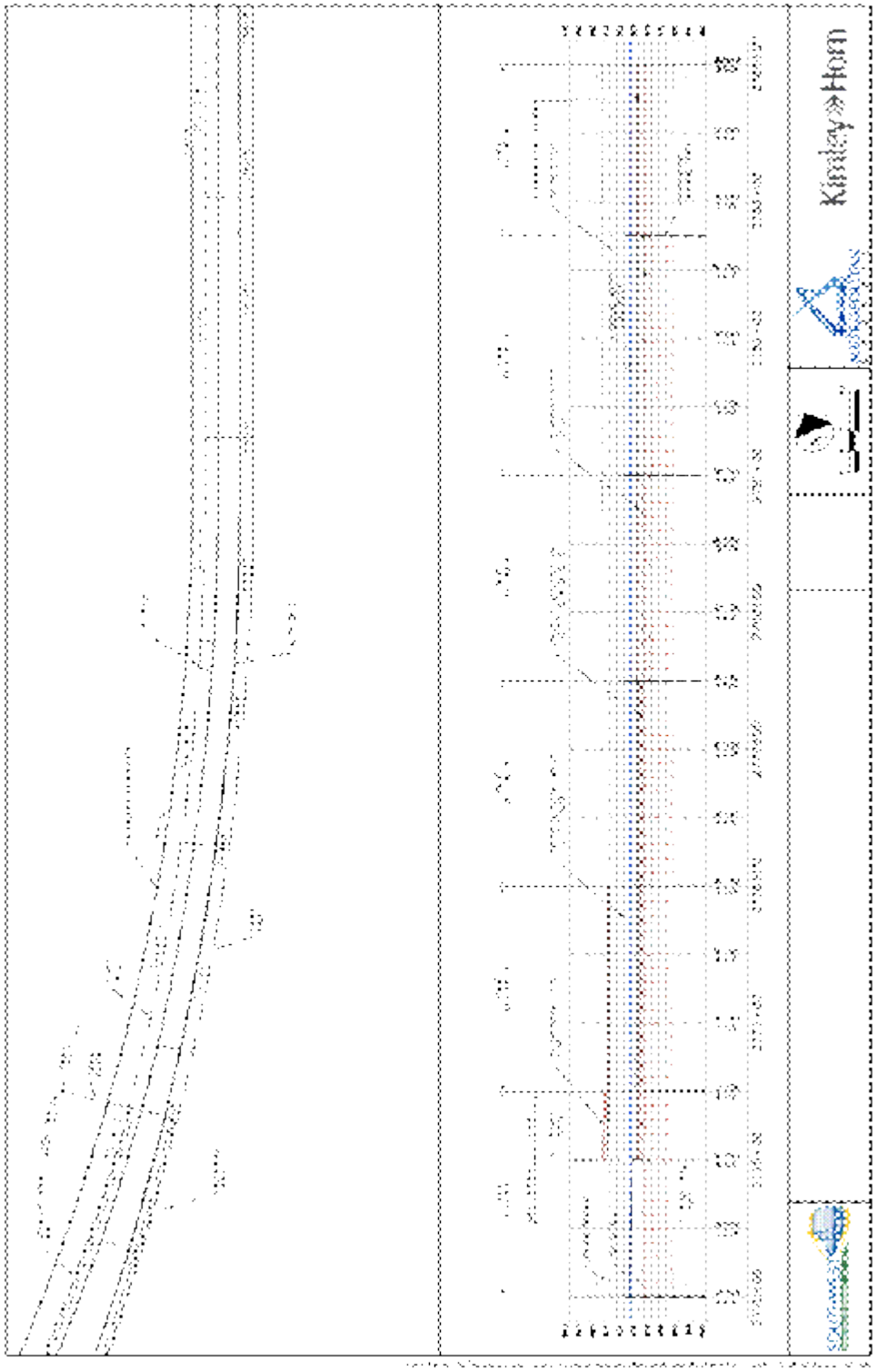


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**. [4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

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[3] http://metrocouncil.org/swlrt/sdeis

[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations — once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train every 5 minutes
- Would produce 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA , plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise.*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals 12 to 16 trains per evening between 9 PM and 11 PM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals 2 trains per night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25-plus seconds of bells ((5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals 2 to 4 trains per day, between 12 AM and 2 AM

- This means 1 SWLRT train every 30 to 60 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 to 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total equals 211-220 SWLRT three-car trains per weekday

WEEKENDS

Early morning 4:30 AM to 9 AM

- 6-8 trains per hour equals 26 to 36 trains per day between 4:30 AM and 9 AM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour equals 120 trains per day between 9 AM and 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor would consist of bell noise at 88dBA and 106 dBA
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA

Evening 7 PM to 9 PM

- 8 trains per hour equals 16 trains per day between 7 PM and 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour equals 12 to 16 trains per day, 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds 106 dBA, unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour equals 4 trains per day between 11 PM and 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to 12 AM weekend train frequency is double the weekday frequency of 11 AM to 12 AM
- Would entail 25-plus seconds of bell noise (5 seconds 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to 2 AM

- 2 to 4 trains per hour equals 4-8 trains per day between 12 AM and 2 AM
- This means 1 SWLRT train every 15 to 30 minutes
- 12 AM to 2 AM weekend train frequency is double the weekday frequency of 12 AM to 2 AM
- 25-plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 15 to 30 minutes

Very early morning 2 AM – 4 AM

- No trains — equals current existing conditions

Total equals 180 -195 SWLRT three-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental*

[5] *Sleep Science,* Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non–existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

[7] http://metrocouncil.org/swlrt/sdeis

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment,* the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

> …the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION
The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or

groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."



Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

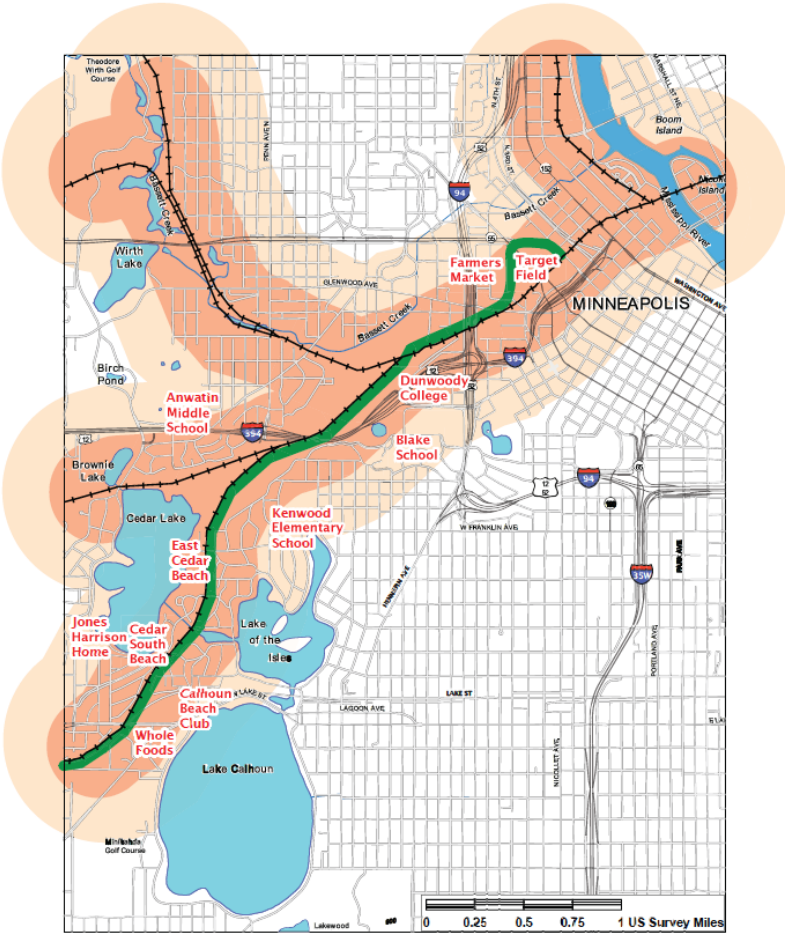
The Kenilworth corridor is a high-risk evacuation blast zone.



Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.

- THIS IS THE BLAST ZONE -

SWLRT co-location with high hazard freight trains in the Kenilworth corridor



Ethanol and Oil Train Disasters:

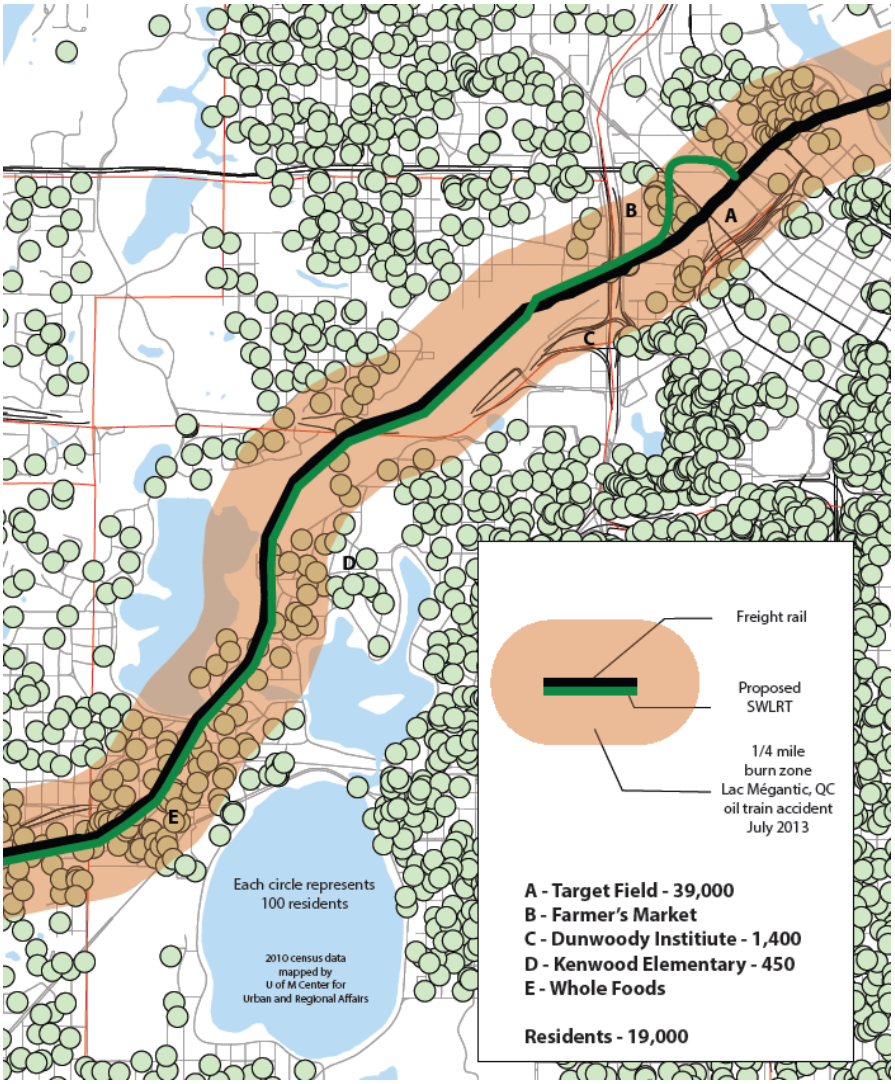
1/4 mi blast zone per Lac Mégantic, QC oil train explosion July, 2013

1/2 mi evacuation zone per US DOT safety regulations for ethanol/oil rail fires

Active Freight Rail

Proposed SWLRT in Kenilworth Corridor

Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

However, TC&W, which is a Class III rail carrier (a short line with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in DOT-111s and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from two-person crews to one- or two-person crews. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not even apply to TC&W due to their Class III status.* Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with approximately 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol,* a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rail* in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-

hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor*, this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there had only been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.



3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis.*

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis*.

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modifythedefinitionofahigh-hazardflammabletrainprovidedinSection171.8toread as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. ThePHMSAandFRArulesmustapplytoalltrainsconveyingClass3flammableliquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. ThePHMSAandFRAsafetyrulesshouldapplyequallytohhftsthatareconveyingoil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. BantheuseofDOT-111tankcarsnowfortransportinganyamountofhazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111carsshouldnotbeusedforthetransportofanycrudeoilsorfossilfuels, regardless of classification.

6. Retrofittedcarsthatfailtomeeteverystandardofthemostprotectivenewtankcar design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., ClassI -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

SOURCES

Brodsky B. Industrial Chemicals as Weapons: Chlorine. NTI: Building a Safer World. http://www .nti.org/analysis/articles/industrial-chemicals-weapons-chlorine/.

Caughron B, Saat MR, Barkan C. Identifying and Prioritizing Shared Rail Corridor Technical Challenges. AREMA Conference 2012. http://railtec.illinoise.edu/CEE/pdf.Conference%20Proceedings/2012/Caughron%20et%20al %202012.pdf

Federal Register, Part VII, 49 CFR Parts 209 and 211.

Lin CY, Saat M, Barken C. Causal Analysis of Passenger Train Accident on Shared-Use Rail Corridors. Transportation Research Board 93rd Annual Meeting. Nov 2013. http://assets.conferencespot.org/fileserver/file/64876/filename/14-2181.pdf.

Lin CY, Saat, M. Semi-quantitative Risk Assessment of Adjacent Track Accidents on Shared-Use Rail Corridors. April 2014. Proceedings of the 2014 Joint Rail Conference JRC2014. http://railtec.illinois.edu/articles/Files/Conference%20Proceedings/2014/JRC2014-3773.pdf.

ODN. Online Distillery Network. Ethanol Materials Data Safety Sheet. http://www .distill.com/materialsafety/msds-eu.html.

NTSB. NTSB calls for tougher standards on trains carrying crude oil. Press Release. Jan 23, 2014. http://www.ntsb.gov/news/2014/140123.html.

Pumphrey D, Hyland L, Melton M. Safety of Crude Oil by Rail. March 2014. Center for Strategic and International Studies. http://csis.org/files/publication/140306_Pumphrey_SafetyCrudeOilRail_Web.pdf.

Resor R. Catalogue of Common Use Corridors. USDOT/FRA/ORD03/16. April 2003

Sela E, Resor R, Hickley T . Shared Use Corridors Survey of Practice and Recommendations for the Future. Crossing and Shared Corridors. www.onlinepubs.trb.org/onlinepubs/circulars/ec058/08/_04_sela.pdf.

Straw R. White House Agency Under Pressure From Big Oil & Rail – Accused of "Coddling" the Industries. The Benecia Independent. June 2014. http://beniciaindependent.com/white-house- agency-under-pressure-from-big-oil-rail-accused-of-coddling-the-industries/.

TSA. Part 1580. Appendix A. http://www.gpo.gov/fdsys/pkg/CFR-2011-title49- vol9/pdf/CFR-2011-title49-vol9-part1580-appA.pdf.

From: Gibbons, Andrew
To: swlrt
Subject: SWLRT - Comments on the Supplemental Draft EIS
Date: Tuesday, July 21, 2015 4:10:35 PM
Attachments: 2015 07 21 Letter to Nani Jacobson.pdf

Ms. Jacobson:

Please find attached the comments of AGNL Health, L.L.C. to the Southwest Light Rail Transit ("LRT") Supplemental Draft Environmental Impact Statement. A hard copy of these comments is also being hand-delivered to the Southwest LRT project office today.

Respectfully Submitted,

Andrew J. Gibbons

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July 21, 2015

Via electronic mail and messenger

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit - Southwest LRT Project Office
6465 Wayzata Boulevard, Suite 500
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Re: Public Comments – Southwest Light Rail Transit Supplemental Draft Environmental Impact Statement

Dear Ms. Jacobson:

I am writing on behalf of our client, AGNL Health, L.L.C. ("AGNL Health"), regarding the Southwest Light Rail Transit Project ("SWLRT") Supplemental Draft Environmental Impact Statement ("SDEIS"). AGNL Health is the owner of the office campus located at 13625 and 13675 Technology Drive in Eden Prairie, Minnesota (the "Campus"), which is located immediately adjacent to the Eden Prairie Segment of the SWLRT (as modified and evaluated in the SDEIS) between Mitchell Road and the Southwest Station.[1] As an owner of property immediately adjacent to and in part included in the the preferred route for the Eden Prairie Segment, AGNL Health is concerned with the potential for significant impacts to the carefully-designed atmosphere of the Campus. AGNL Health's concerns with the SWLRT Project and the analysis presented in the SDEIS can be summarized as follows, and are discussed in further detail in these comments.

- The Campus is a unique receptor along the Eden Prairie Segment, and requires specific attention to its many unique features for consideration of potential impacts.
- The SWLRT Project development and environmental review processes have been disjointed and procedurally-flawed, and there continues to be significant uncertainty regarding the SWLRT Project scope and design, creating gaps in the environmental analysis.
- The SWLRT Project Scope included in the SDEIS and Final Environmental Impact Statement ("FEIS") should be modified to align with the recent decisions of the Metropolitan Council to reduce the project scope to match budget constraints.
- The SDEIS identifies multiple significant environmental issues that have yet to be analyzed, and notes that the impacts will be detailed for the first time in the FEIS. Some of these unresolved issues relate directly to the potential impacts to the Campus, and are of significant concern to AGNL Health.

[1] The Campus is referred to in the SDEIS in its entirety as the "Optum Health Services headquarters" and in reference to potential impacts to specific auditorium facilities within the Campus as the "Optum Auditorium."

- As a result, the evaluation of potential impacts of the SWLRT Project and the necessary measures to mitigate those impacts is incomplete, particularly with respect to the Campus.

- A more thorough identification and analysis of unresolved environmental impacts and potential mitigation for those impacts is necessary.

- The Metropolitan Council should not wait to address these significant issues until publication of the FEIS, and should provide AGNL Health, other members of the public, and agencies with clarity on these issues as soon as possible to facilitate an informed public participation process.

I. The AGNL Health Campus was Designed to Create a Specific Atmosphere, Which Will be Jeopardized by the Location of the SWLRT Eden Prairie Segment.

The Campus, owned by AGNL Health, consists of multiple coordinated and connected buildings with office spaces, a 300 seat auditorium that is used for broadcasting important company meetings across the country, a structured parking facility with capacity for more than 1200 vehicles, and preserved wetlands areas. The Campus is currently leased to a major Minnesota health care company, with over 1300 of its employees, including executive management, currently working at the Campus. The Campus was designed to create an atmosphere that supports connectivity and collaboration by emphasizing naturally lit open spaces and by diffusing the boundary between the buildings and the natural beauty of the Campus site. This design and atmosphere is fundamental to the Campus. The potential location of the SWLRT Project along Technology Drive threatens this fundamental character of the Campus, and would significantly diminish the quality of the experience at the Campus for employees and visitors, as further described below. Indeed, the Campus atmosphere stands to be impacted by air-borne and ground-borne noise, vibration, encroachment on buffer areas, and visual infiltration of sight-lines. Any one of these impacts would be disruptive to the Campus, and the combination of all of these factors poses a serious threat to the Campus atmosphere.

II. The SWLRT Project Design Continues to Be a Moving Target, and the Environmental Review Process Continues to Track Separately from Project Development Efforts, Thereby Creating Uncertainty and Significant Impediments to Public Participation.

The SDEIS was prepared to evaluate within the environmental review process various significant changes to the SWLRT Project design, including changes to the alignment of the Eden Prairie Segment. AGNL Health first became concerned with the potential impacts of the SWLRT when a modified alignment for the West Segment 1A was developed, relocating the SWLRT to Technology Drive. The alignment analyzed in the Draft Environmental Impact Statement ("Draft EIS"), however, identified that portion of the SWLRT as being aligned along Highway 212, not Technology Drive. As these design changes occurred following preparation of the Draft EIS, the changes "needed to be evaluated for environmental impacts that were not documented in the Project's Draft EIS and had the potential to result in new adverse impacts."[2]

[2] SDEIS at ES-3.

Despite not having evaluated at that time any of the potential impacts of the realignment along Technology Drive as part of the Draft EIS, the Metropolitan Council proceeded with the municipal consent process required pursuant to Minnesota Statutes §473.9994 for the modified alignment along Technology Drive. This created significant confusion with the public, as the municipal consent process was the first public forum in which the modified Eden Prairie Segment was presented, and ran afoul of the fundamental principal of environmental review that governmental actions be informed by the environmental review process.[3]

This confusion still continues with publication of the SDEIS. On April 27, 2015, the Metropolitan Council released a revised cost estimate for the SWLRT project of approximately $1.994 billion, a $341 million increase from the cost estimates analyzed in the SDEIS.[4] This significant increase in cost estimate triggered discussions regarding potential modifications to the SWLRT Project scope to address the budget shortfall. Yet, despite these ongoing discussions, the Metropolitan Council published and made available for public comment the SDEIS in May of 2015. Since publication of the SDEIS, and while the public comment period was still ongoing, the Metropolitan Council on July 8, 2015 approved a revised SWLRT Project plan eliminating certain features from the SWLRT Project scope to achieve necessary cost reductions.

AGNL Health supports the modifications to the SWLRT Project approved by the Metropolitan Council on July 8, 2015, as the modifications to the Eden Prairie Segment eliminate the potential for impacts to the AGNL Health Campus. It remains unclear, however, whether the scope of the SWLRT Project for the purposes of environmental review will be similarly revised, as it should be, or if environmental review will be conducted for the broader project scope identified in the SDEIS despite the clear decision by the Metropolitan Council.[5] Such uncertainty significantly jeopardizes the effectiveness of the public participation process. Furthermore, the SWLRT Project design presented in the SDEIS is characterized as "more advanced development" but still "conceptual" and impacts are "subject to change as design proceeds."[6]

The FEIS should clarify the project scope being evaluated in the environmental review process (including any design features that are considered potential future developments[7]) so that the project

[3] MEPA expressly prohibits a final governmental decision approving a project such as the SWLRT until ***after*** a FEIS is published and determined to be adequate. *See* Minn. Stat. § 116D.04, subd. 2a; Minn. R. 4410.3100, subp. 1. AGNL Health notes that the Metropolitan Council plans to initiate a second municipal consent process in light of the changes in the project scope, and that it will vote to initiate this process one day after the SDEIS comment period closes, July 22, 2015. *See* http://metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/municipal.aspx (last visited July 21, 2015). As is discussed further in these comments, the municipal consent process should include consideration of a number of potential impacts of the SWLRT that have yet to be fully evaluated for the Eden Prairie Segment.

[4] SDEIS at 5-4, Table 5.4-1, n. a.

[5] At the June 17, 2015 SDEIS public hearing held in Eden Prairie, a representative of the SWLRT Project indicated that any changes in the SWLRT Project design would not impact the environmental review process.

[6] SDEIS at 3-35.

[7] The SDEIS further states that the Metropolitan Council also "developed a design adjustment that would *initially* implement a western terminus of the proposed light rail line at the Southwest Station," and that "design plans for this western terminus would not preclude a later extension of LRT further to the west." SDEIS at 2-47, n. 25. This language in

scope evaluated in the environmental review process aligns with the project scope approved by the Metropolitan Council on July 8, 2015. The Metropolitan Council should further inform relevant agencies and the public as soon as possible that a corresponding scale-back of the project scope will be made in the FEIS to avoid confusion in other processes, such as the municipal consent process.

III. The SDEIS Analysis of the Potential Impacts of the SWLRT Eden Prairie Segment is Incomplete and Additional Analysis of the Potential Impacts of the Eden Prairie Segment and Identification of Required Mitigation Measures is Necessary.

The SDEIS identifies many significant unresolved environmental issues and notes that the impacts and mitigation will be analyzed and detailed for the first time in the FEIS. Because of the uncertainty regarding the scope of the SWLRT Project moving forward, and in particular the scope of the Eden Prairie Segment that will be included in the FEIS, it is unclear to what extent additional assessment and consideration of these unresolved issues will be completed. As is described in this section, however, many of these unresolved environmental issues relate directly to the AGNL Health Campus, and cause AGNL Health great concern about the potential impacts to its property. Accordingly, AGNL Health provides the comments below on these unresolved environmental issues for consideration if the portion of the Eden Prairie Segment between Mitchell Station and the Southwest Station is to be included in the FEIS. Given that the purpose of the SDEIS is to identify new potential significant adverse impacts associated with the SWLRT Project design adjustment, and to allow for public and agency comment on the design adjustments and associated impacts, the Metropolitan Council should address these unresolved issues and provide opportunities for public participation in advance of publication of the FEIS.

A. The SDEIS Does Not Evaluate the Noise and Vibration Impacts at the AGNL Health Campus, and Such Impacts are Likely to be Significant.

AGNL Health is concerned about the potential for noise and vibration from the SWLRT to invade the ambience of health, peace, and quietude that is a central focus of the carefully-planned atmosphere of the Campus. Generally, the noise analysis in the SDEIS is incomplete, and has yet to provide site-specific data and analysis of the AGNL Health Campus. Thus, the noise analysis for the Eden Prairie Segment will need to be corrected and supplemented, and the AGNL Health Campus evaluated, for inclusion in the FEIS. To enhance public participation in the environmental review process, AGNL Health recommends that the Metropolitan Council make these adjustments to the noise and vibration impacts analysis available to the public prior to publication in the FEIS.

The Noise and Vibration Analyses for the Eden Prairie Segment are Incomplete

The noise and vibration analyses in the SDEIS are incomplete for the Eden Prairie Segment as a whole. Table 3.1-1 indicates that, for the Eden Prairie Segment, Noise and Vibration impacts were addressed in the SDEIS,[8] but this is contrary to the detailed discussion of these impacts in Section 3.2.

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the SDEIS is contrary to the recent Metropolitan Council decision, which did not include a western extension to Mitchell Station at a future date.

[8] SDEIS at 3-3.

Indeed, the SDEIS specifically acknowledges that the noise impacts analysis is not complete, and further development of the analysis is required in the FEIS. For instance, the SDEIS recognizes that "noise mitigation measures to be incorporated into the project will be made in a noise mitigation plan and documented in the project's Final EIS."[9] Additionally, the SDEIS notes that an approach for addressing Minnesota noise pollution rules and statutes is yet to be developed with the Minnesota Pollution Control Agency ("MPCA"), and that this approach will be developed for presentation in the FEIS.[10] The SDEIS also indicates that the FEIS "will contain a comprehensive technical appendix with detailed information regarding all inputs, measurements, an impact assessment, and mitigation."[11]

The analysis of potential vibration impacts along the Eden Prairie Segment is also incomplete. The SDEIS presents analysis of long- and short-term vibration impacts at various receptors along the Eden Prairie Segment.[12] Notably absent from this analysis, however, is any discussion of short- or long-term ground-borne noise in conjunction with the vibration analysis, other than identifying that the AGNL Health Campus as a "ground-borne noise sensitive receptor."[13] The SDEIS also makes the conclusory assertion that "[t]here are no projected long-term vibration impacts in the Eden Prairie Segment, therefore no mitigation is identified"[14] but then acknowledges in a footnote that assessment of vibration and ground-borne noise at the AGNL Health Campus has yet to be completed, and "the potential for impacts and the corresponding need for any mitigation" will be presented in the Final EIS.[15] How can this conclusion regarding vibration impacts be reached when the analysis is not complete?

Finally, the SDEIS includes only a cursory mention of short-term vibration impacts, without any analysis of the potential for impacts at particular receptors, or any description of the level of such impacts. The SDEIS simply concludes that such impacts "are expected to be localized, temporary, and transient."[16] The SDEIS goes on to state that "final determinations of short-term vibration mitigation measures to be incorporated into the project for this segment will be made in a vibration mitigation plan and documented in the project's Final EIS."[17] Because of the sensitivity of Campus facilities, the close proximity of the SWLRT to the Campus, and the nature of the soils in the vicinity of the Campus, these short-term vibration and ground-borne noise impacts have the potential to be at the Campus for extended periods of time, and could also lead to major structural impacts to Campus buildings. Without any site-specific testing or analysis of the potential for these impacts, it should not be assumed that practical mitigation measures will effectively mitigate the impacts, and a detailed analysis of this issue should be completed and made available prior to the FEIS.

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[9] SDEIS at 3-14.

[10] SDEIS. at 3-15.

[11] SDEIS at 3-73.

[12] SDEIS at 3-74.

[13] *Id.*

[14] *Id.*

[15] SDEIS at 3-74, n. 17.

[16] SDEIS at 3-74.

[17] SDEIS at 3-75.

These additional assessments of noise and vibration mitigation measures, compliance with Minnesota noise standards, analysis of long-term ground-borne noise impacts, analysis of short-term vibration and ground-borne noise impacts, and comprehensive technical information underlying the analyses are essential to a complete understanding of the potential for noise and vibration impacts on the Eden Prairie Segment, including the AGNL Health Campus, and should be made available to the public and agencies in advance of the FEIS to allow for robust public and agency involvement on these issues.

The Analyses of the AGNL Health Campus Are Deferred

The SDEIS also defers until the FEIS evaluation of potential noise and vibration impacts specific to the AGNL Health Campus. As noted above, the Campus contains several areas that are highly-sensitive acoustical environments, including an auditorium and a broadcasting facility. The SDEIS recognizes this fact, noting that the auditorium at the AGNL Health Campus is a noise- and vibration-sensitive receptor.[18] The SDEIS indicates that analysis of noise and vibration impacts to the AGNL Health auditorium will be completed for the first time in the FEIS.[19] The SDEIS also indicates, however, that vibration measurements taken at the Southwest Station Condos "can be applied to the entire Eden Prairie Segment," and that there are "no vibration impacts" in the Eden Prairie Segment.[20] The Southwest Station Condos do not, however, serve as an adequate proxy for the unique conditions at the Campus, including the soil conditions and the sensitive auditorium facilities. Thus, site-specific measurements and analysis of both noise and vibration impacts at the Campus are required.

Based on the results of the noise analysis presented in the SDEIS, AGNL Health is concerned that the noise and vibration impacts to the Campus will be Moderate or Severe. The noise analysis data presented in the SDEIS are summarized in the following table.

Location	Distance from near LRT Track Centerline (feet)	Existing Noise Level (dBA)	Project Noise Levels (dBA)	Impact?
Lincoln Park Apartments	138	62	57	No
Water Tower Apartments	113	62	58	No
Southwest Station Condos	95	71	64	No
Purgatory Creek Park	269	54	53	No
Residence Inn	44	61	65	Severe
Baymont Inn	69	61	62	Moderate

[18] SDEIS at 3-72, 3-74.

[19] *Id*.

[20] SDEIS at 3-24; SDEIS, Appendix H at H-3, H-6.

As this data from the SDEIS shows, the two measurement locations where Moderate (Baymont Inn) and Severe (Residence Inn) noise impacts are predicted are also the measurement locations within the shortest distance of the SWLRT.[21] These receptors are identified as being located 69 feet and 44 feet from the SWLRT alignment, respectively.[22] Using preliminary information available from the Metropolitan Council, AGNL Health estimates that ***the proposed alignment will be located within a mere 38 feet of AGNL Health Campus offices and only 48 feet to the noise-sensitive auditorium facility at the Campus***. These distances make the AGNL Health Campus the closest of the sensitive receptors on the Eden Prairie Segment, which alone is cause for concern. Furthermore, these distances suggest that Project Noise Levels at the Campus are likely to be similar to those modeled for the Residence Inn and Baymont Inn.

The existing noise levels measured at the Residence Inn and Baymont Inn, however, likely are *not* representative of the existing noise level at the Campus, as both the Residence Inn and Baymont Inn are located in closer proximity to existing noise sources such as major roadways than the AGNL Health Campus. Of the measurement locations included in the SDEIS, the measurement location that is closest in location and surrounding environment to that of the AGNL Health Campus (and thus most likely to be representative of the existing noise level at the Campus) is the Purgatory Creek Park location, which had the lowest existing noise levels of measured locations. Applying Federal Transit Authority guidance to an existing noise level equivalent to that at Purgatory Creek Park, the Project Noise Level for the AGNL Health Campus will result in Moderate or Severe impacts depending on the receptor category assigned to the Campus.[23]

Furthermore, AGNL Health conducted its own preliminary analysis of the potential noise and vibration impacts to the Campus. This analysis found that airborne noise, ground-borne noise, and vibration criteria are exceeded under certain circumstances at the Campus auditorium, and that a more comprehensive investigation of these potential impacts is warranted.

Given the close proximity of the AGNL Health Campus to the SWLRT Project alignment, the data provided in the SDEIS for similar receptors, and the findings of AGNL Health's preliminary evaluation of noise and vibration impacts, it is evident that there will likely be noise and vibration impacts to the AGNL Health Campus. Thus, it is imperative that a detailed analysis of these long-term and short-term (construction) noise and vibration (including ground-borne noise) impacts be completed at the AGNL Health Campus as contemplated by the SDEIS. It is equally imperative to evaluate the potential of available mitigation measures to eliminate these noise and vibration impacts, as well as the viability of re-locating the alignment to avoid the impacts altogether. As noted in the SDEIS, FTA mitigation policy requires that "before mitigation measures are considered, the project sponsor should first evaluate alternative locations/alignments to determine whether it is feasible to avoid Severe impacts altogether."[24] This modeling and evaluation should be completed prior to publication in the

[21] SDEIS at 3-72.

[22] SDEIS at 3-71 to 3-72.

[23] FTA, "Transit Noise and Vibration Impact Assessment (May 2006) at 3-3. Moderate impacts would be experienced starting at 55 dBA and 60 dBA for Category 1 and Category 3 receptors, respectively, while Severe impacts would be experienced at 61 dBA and 66 dBA for Category 1 and Category 3 receptors, respectively. *Id.*

[24] SDEIS, Appendix H at H-13.

FEIS to allow for adequate participation by AGNL Health and the public on these important issues that have yet to be addressed.

B. The Visual Impacts Analysis Failed to Adequately Characterize the Impacts to the AGNL Health Campus.

Visual connectivity is an essential component of the AGNL Health Campus. As noted above, the Campus was designed to create an atmosphere of peace, quietude, and health throughout. Key to this atmosphere is a connectivity between indoor and outdoor spaces accomplished through sightlines within buildings, from one building to the next, and to the natural environment. Campus buildings have large, open spaces filled with natural light, and also offer outdoor spaces for meetings and relaxation. This sense of connectivity between the indoor and outdoor environments and overall atmosphere of the AGNL Health Campus will be significantly altered by the presence of the SWLRT Project along Technology Drive.

The SDEIS contains in Section 3.2.1.5 an assessment of visual impacts to the Eden Prairie Segment, and includes the view looking southwest along Technology Drive from the front of the AGNL Health Campus as one of the ten identified viewpoints on the segment analyzed.[25] This analysis, however, is inadequate in many respects, and fails to capture the true scope of the impacts to the visual aesthetics at the AGNL Health Campus.

The Current Visual Character of the Campus is Narrowly Characterized

As an initial matter, the viewpoint identified and analyzed in the SDEIS – the view looking southwest along Technology Drive in front of the AGNL Health Campus – is too narrowly-defined to adequately characterize the visual character of the Campus that serves as the baseline for evaluating the extent of potential visual impacts. The view from the front of the Campus and looking southwest is only one of the many viewpoints within the Campus that stand to be influenced by the addition of the SWLRT Project. Views from various vantage points and height levels from within buildings on the Campus, views from outdoor spaces, and the connectivity between these various vantage points are all essential to the Campus, and are susceptible to disturbance from the SWLRT Project. The lack of appreciation for this connectivity is evident in the SDEIS, which characterizes the AGNL Health Campus as having "moderately low visual intactness" and "moderately low overall visual unity" and having "no unifying features."[26] This characterization is far from accurate, and shows the need to reevaluate the visual character of the Campus as a whole (not from a single vantage point), and the visual impacts to that character that the SWLRT Project threatens.

The Visual Impacts Analysis Was Not Specific to the Campus

Furthermore, the SDEIS process for assessing the potential for visual impacts to the AGNL Health Campus did not specifically evaluate the AGNL Health Campus or its associated viewpoint. The SDEIS indicates that the visual impacts were assessed by comparing a current photograph of the

[25] SDEIS at 3-46.

[26] SDEIS at 3-47.

viewpoint to preliminary renderings depicting the view as it would appear with the project elements in place.[27] These renderings, however, were not prepared for all ten viewpoints. For viewpoints that did not have a rendering, "the assessments of the visual changes were made based on review of project plans and drawings, and of the visualizations that had been prepared for *other views* in which similar changes were proposed."[28] Appendix J to the SDEIS contains the photos and renderings for the various viewpoints, and no rendering was completed for the viewpoint from the AGNL Health Campus. Thus, the assessment of the visual impacts to the AGNL Health Campus was based on the comparison of the rendering for some other location, compared to the photograph of the overly-limited viewpoint associated with the Campus. Such an assessment is not adequate to evaluate visual impacts, particularly when considering the unique features of the AGNL Health Campus.

The SWLRT Project Will Not Enhance or Maintain the Visual Character of the Campus

Finally, the conclusions reached in the SDEIS regarding the visual impacts of the SWLRT Project are similarly flawed. The SDEIS concludes that the overall visual quality at the AGNL Health Campus will remain unchanged by the SWLRT Project, asserting that the SWLRT "would be integrated into the landscaping" and even going so far as to suggest that visual unity "may be enhanced through integrating the LRT to unify the infrastructure with the landscaping."[29] No information is provided to clarify what landscaping features will be used, or how those landscaping features will effectively alleviate all visual impacts to the AGNL Health Campus and even integrate the SWLRT Project into the Campus. Put quite simply, an unobtrusive trail and landscaped area owned and managed as part of the Campus would be converted into two sets of railroad tracks and associated infrastructure. How can this be found to have no overall impact to the visual quality of this site?

As state above, the visual impacts analysis needs to be reevaluated to take into consideration the various viewpoints within the Campus environment, and, if mitigation measures are to be used to alleviate these impacts, such measures need to be presented in detail to support the conclusions reached in the impacts analysis.

C. The SDEIS Fails to Identify and Evaluate the Potential Impacts Associated with the Unique Geologic Conditions at the Campus Site.

The SDEIS evaluation of the geologic conditions along the Eden Prairie Segment identifies that in certain locations soil conditions will not support installation of the SWLRT Project. Further evaluation, however, is necessary to fully understand and evaluate the locations in which such soil conditions exist along the proposed alignment, the potential implications of such soil conditions that are specific to each location, and the feasibility of mitigation and remediation measures. The AGNL Health Campus is one such location that requires additional, site-specific evaluation.

[27] SDEIS at 3-49.

[28] *Id.*

[29] SDIES at 3-50.

Geotechnical evaluations completed at the site before the construction of the Campus indicate that the particular combination of soils is unique to the Twin Cities area, and the nature of these soils could present significant engineering challenges (and associated cost increases) for the SWLRT Project. Soil conditions across the Campus site are highly variable, and include the highly-plastic, fine-grained clay soils known as "fat clays." The amount of fat clay soils present at the site is particularly unusual. In addition to presenting challenges to the SWLRT Project design, these flat clays could also cause issues with settlement for nearby structures during construction of the SWLRT Project. Indeed, the Campus has previously experienced issues with settlement directly as a result of these fat clays, and the Campus could be susceptible to additional, more significant settlement, caused by vibration and changing groundwater conditions from SWLRT Project development and operations.

Finally, the SDEIS indicates that to address these soil conditions, the soils will be removed and/or deep foundations such as pilings will be used to support the SWLRT Project. Of note in this regard is that the SDEIS indicates that bedrock is expected to be at depths of around 50 feet or more.[30] AGNL Health has information, however, that indicates the bedrock at the Campus site is much deeper – approximately 130 feet deep. A discrepancy of that magnitude can create significant challenges to, and substantial additional cost for, the use of deep foundations such as pilings.

Because of the potential challenges posed by these soil conditions, it is imperative to the safe and economic construction and operation of the SWLRT Project that (1) additional technical evaluation of the suitability of this soil environment along Technology Drive (as contemplated in the SDEIS) be completed, (2) a site-specific evaluation of the AGNL Health Campus soil conditions be completed, (3) consideration of alignment modifications be explored to assess opportunities for avoidance, and (4) a monitoring plan, including contingency actions, be developed with specificity for all locations identified as having these low-bearing soils.

D. The Proposed Property Acquisition Will Intrude on the Campus Atmosphere, and Analysis of Scenarios Involving No Acquisition of Campus Property Should be Completed.

AGNL Health opposes the proposed acquisition of a portion of the Campus property for completion of the SWLRT alignment. The SDEIS indicates that the Eden Prairie Segment alone will require acquisition of 2 full parcels and 33 partial parcels of land, including 0.7 acres of the AGNL Health Campus, and additional acquisitions may be necessary to accommodate final design plans.[31] As the SDEIS notes, property acquisitions along this portion of the Eden Prairie Segment will change the nature and appeal of the commercial properties on Technology Drive.[32] The AGNL Health Campus is no exception. In fact, in many ways the AGNL Health Campus will be subject to a more profound impact from encroachment of the SWLRT than other properties along Technology Drive.

As described above, the AGNL Health Campus is a carefully-planned site designed to create a specific atmosphere of health, peace, and quietude to cater to current and future tenants of the AGNL

[30] SDEIS at 3-56.

[31] SDEIS at 3-35, 3-37.

[32] SDEIS at 3-30.

Health Campus. The proposed acquisition of property will greatly impact and detract from the atmosphere of the Campus by intruding on buffer zones and view sheds incorporated into the Campus design, evidenced by the fact that the alignment will be located within as close as 38 feet from Campus offices. As described above, the AGNL Health Campus includes facilities that are sensitive noise and vibration receptors, and the AGNL Health property is a known location of low-bearing soils. As the noise and vibration impacts on AGNL Health's sensitive facilities have yet to be evaluated, and given the potential presence of low-bearing soils in the area targeted for acquisition, the FEIS should consider relocation of the SWLRT along Technology Drive such that acquisition of AGNL Health property is not required.

E. Traffic Impacts Are Projected to Impede Access to the Campus, and Further Analysis of Alternative Alignments, Intersection Designs, and Mitigation Measures is Necessary.

Also of concern to AGNL Health's continued and uninterrupted enjoyment of the Campus is the significant disruption that the SWLRT will cause to traffic flow between Technology Drive and the Campus for the more than 1000 employees that work at the Campus and their guests. The SDEIS and supporting documentation (AECOM, 2013) [33] indicate that the two AGNL Health Campus access driveways will, in the 2018 and 2030 Build scenarios, have Level of Service (LOS) ratings of either B or C for both A.M and P.M. peak conditions in 2018, and C for all conditions in 2030. [34] The SDEIS concludes that these LOS ratings are "acceptable," despite representing a double or even tripling of the access time to the Campus during peak hours.

AGNL Health is concerned that this decline in the LOS to the Campus will interfere with AGNL Health's fundamental rights to enjoyment of, ingress to, and egress from its property, and its reasonable expectations created by years of existing use. [35] Accordingly, additional information regarding these impacts is necessary to fully evaluate the impact potential. This addition information should include (1) design plans for the modified Campus access points under the Build scenario,[36] (2) potential modifications to the design plans, including alternative layouts, alternative signaling methods, and mitigation measures, and (3) available adaptation measures under the various layouts to provide flexibility in the event the modeling proves to be inaccurate in the future.[37] Without this level of detail in the analysis, the traffic analysis presented in the SDEIS does not provide the certainty necessary to adequately evaluate these traffic impacts.

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[33] AGNL Health notes that the supporting document referenced is Section 3.1.2.12.B of the SDEIS – the "Supplemental Draft EIS Traffic Modeling Technical Memorandum (March, 2014)" – is not referenced in Appendix C to the SDEIS, and is not available in the project documentation on the Metropolitan Council's website.

[34] SDEIS at 3-83 to 3-84.

[35] As noted above, the Campus contains a structured parking facility for more than 1200 cars that is utilized by the more than 1000 employees who work at the Campus and their guests.

[36] AGNL Health notes that the traffic analysis "anticipates" signaling will be used at the access points to the Campus, but does not commit to the installation of signals or otherwise define the anticipated layout for these access points.

[37] The Metropolitan Council should also be in the position to provide lessons-learned on modeling, design, and mitigation measures from the other LRT lines in the metro area, which would further inform the analysis and support its accuracy.

IV. Conclusion

AGNL Health appreciates the opportunity to provide these comments on the SWLRT Project SDEIS. As described in these comments, AGNL Health continues to have significant concerns regarding the lack of clarity in the environmental review process and the substantial potential for adverse impacts to the AGNL Health Campus. The environmental review process would be greatly simplified and clarified if the scope of review was changed to eliminate the portion of the Eden Prairie Segment between Mitchell Station and Southwest Station, consistent with the recent Metropolitan Council decision. This would eliminate any need to consider the detailed comments provided in this letter.

AGNL Health strongly recommends that the Metropolitan Council address these concerns regarding process clarity and evaluation of impacts prior to publication of the FEIS to provide for additional public and agency involvement. AGNL Health looks forward to working with the Metropolitan Council to develop a robust analysis of the Technology Drive Alignment and to developing a mutually-agreeable path forward for the SWLRT Project.

Respectfully Submitted,

Stinson Leonard Street LLP

Todd M. Phelps

From:	Frank Hornstein
To:	swlrt
Subject:	SWLRT Comments
Date:	Tuesday, July 21, 2015 5:55:04 PM
Attachments:	Hornstein Dibble Met Council Comments SWLRT.pdf

Hello,

Please see the attached document from Representative Hornstein and Senator Dibble regarding their comments on the Southwest Light Rail Transit (LRT) (METRO Green Line Extension) Supplemental Draft Environmental Impact Statement. Please let me know if you have any questions or concerns. Thank you,

Frank Hornstein

Minnesota House of Representatives

100 Rev. Dr. Martin Luther King Jr. Blvd
Saint Paul, Minnesota 55155

Minnesota Senate

75 Rev. Dr. Martin Luther King Jr. Blvd
Saint Paul, Minnesota 55155

July 21, 2015

Adam Duininck
Metropolitan Council
390 Robert St. North
St. Paul, MN 55101-1805

Dear Chair Duininck,

We are writing to express our strong concerns with the sections of the Supplemental Draft Environmental Impact Statement (SDEIS) for the Southwest Light Rail project that deal with freight rail issues.

Our concerns are rooted in the longstanding decisions by the Metropolitan Council and other jurisdictions to ignore Minn. Stat. Sec. 383B.81, Subd. 6. On a number of occasions, in person and memorialized in correspondence to Metropolitan Council Chair, Sue Haigh, we cited this legal requirement that freight rail be eliminated from this reroute which was always intended to be temporary.

In late 2013, Governor Dayton convened and attended several meetings to discuss Southwest Corridor freight rail issues. The meetings included Metropolitan Council leaders, area legislators, local elected officials, and staff from cities along the alignment. The discussions led to a March 2014 Metropolitan Council report indicating that alternatives to permanent location of freight in the Kennilworth alignment were financially, technically and environmentally feasible.

Following the Council's April 2014 decision to uphold the longstanding intention, despite state law, to make freight routing through the Kenilworth Corridor permanent, the Metropolitan Council indicated that environmental and safety issues posed by that decision would be a key purpose of the SDEIS.

The document lacks an adequate discussion of freight rail issues, particularly safety concerns.

The proximity of homes, businesses, and large condominium and apartment complexes within a few hundred yards of the alignment is one of the unique challenges of permanently transporting ethanol and other hazardous materials through the Kenilworth corridor. The City of Minneapolis estimates that 20,274 residents, 54,576 employees, and 11,148 households live and work in ethanol train disaster evacuation zones along the Southwest Light Rail alignment. The level of community concern, especially among residents who live within proximity of the freight rail tracks, is extremely high.

Over the last eighteen months the state legislature initiated a number of policies and devoted significant resources to address the safety challenges of transporting Bakken crude and ethanol across Minnesota. The resulting examination has identified significant gaps in the state's emergency response to Bakken oil transportation. In 2015 those statutes were amended to add ethanol transportation to state studies and emergency response planning already underway on crude oil transportation.

The legislature took this step because ethanol carries similar safety risks as crude oil transport by rail. The cargo is highly explosive and flammable, and in recent years, like Bakken crude, is transported via unit trains composed of up to 100 cars of ethanol. Unit trains hauling ethanol regularly travel through Kenilworth, constituting 17% of the corridor's rail freight.

According the Minnesota Department of Public Safety's January 15, 2015 report, Minnesota's Preparedness for an Oil Transportation Incident, "Local governments generally do not have the equipment or personnel to respond to a significant oil transportation incident, such as a large spill or fire (page 11)." In addition, the report stated, "None of the responders rated their area's preparedness as excellent, and "As a whole, first responders surveyed for this study rated their area's preparedness for an oil transportation incident as below moderate 2.6 on a 1 to 5 scale (page 12)."

Given these realities, the SDEIS's contention that the LPA would "generally result in no changes to current operations of freight rail" (3-194) is a significant concern. The document further asserts that "no long term impacts [of freight relocation] are anticipated and therefore no mitigation measures have been identified" (3.4.3.B).

The particular safety challenges of hauling ethanol and other hazardous materials through the corridor during construction of the south shallow tunnel are not adequately addressed.

The SDEIS calls for a "freight rail operations and coordination plan," the purpose for which is to avoid, "short term economic impacts on freight operators and owners during construction" (3-196). It would appear that the Council takes impacts of construction on commerce into account without mention of residents' and business' safety concerns that would need to be addressed during construction. The SDEIS assures the railroad that, "during the time when freight rail tracks are shifted...freight rail operations would not be obstructed, discontinued or slowed (3-204)." The study discusses flagging procedures in which freight trains would be directed through the construction zone and that the costs of this operation would be "borne by the project."

The SDEIS must address serious questions regarding the safety issues posed by freight relocation both during and after construction:

- Has Twin Cities and Western Railroad Company (TC&W) shared specific information with the Minneapolis Fire Department and emergency management personnel regarding the chemical contents of ethanol and hazardous materials transported through the Kenilworth Corridor?

- Has TC&W shared specific information with the Minneapolis Fire Department and emergency management personnel regarding the frequency and size of ethanol and hazardous materials shipments through the Kennilworth corridor?

- Has an emergency response plan been developed in consultation with the Minneapolis Fire Department to address potential issues of access to the site during construction in the event of a derailment, explosion, or fire?

- Are there other examples around the country where light rail and freight rail are co-located (including the transportation of hazardous materials in close proximity of light rail trains, businesses, and residences)? If so, what safety and mitigation measures are in place in those communities?

- Are the St. Louis Park and Hopkins fire departments and emergency management personnel involved in discussions regarding co-location of light rail and freight rail in their communities?

- Given the growth of oil and ethanol transportation in the region, and associated safety concerns since co-location was made permanent two years ago, does the Metropolitan Council have any plans to discuss re-routing freight trains carrying ethanol and other hazardous materials away from Hopkins, St. Louis Park, and Minneapolis during and after construction of the Southwest Light Rail project?

Thank you very much for your consideration.

Sincerely,



Frank Hornstein
State Representative, District 61A



D. Scott Dibble
State Senator, District 61

From: Kristine Vitale
To: swlrt
Subject: SWLRT Opposition Statement
Date: Tuesday, July 21, 2015 11:52:38 PM

Good evening -- I was unable to attend the public hearings and am happy that I am able to voice my opinion via email. Thank you in advance for your time.

In1984, during my first visit to Minneapolis, I knew I needed to live here one day. With all the lakes, biking and walking paths, great restaurants, shopping, etc., I knew Minneapolis would fit my lifestyle. My favorite area was/is anywhere around the Chain of Lakes. My heart belongs there and it's where I decided to move to in 1999. I live on the north side of Cedar Lake and spend time almost everyday either in, on or around the Lakes. Every time I walk, run or bike down the very corridor you want to destroy, I thank God that I live where I live and for the beauty I am lucky enough to enjoy. I'll never understand how anyone could walk down that path, with all the glorious trees, and think "yup, we should put the SWLRT here".

I am terrified, infuriated, panicked and angry. How dare you destroy what makes Minneapolis the amazing city it is! The unrecoverable environmental impact, the dewatering of the Chain of Lake, the destruction of thousands of trees, the waste of money that should be going to our deteriorating roads and bridges -- how can these things all be overlooked?

Something to think about for those folks in the suburbs that want the SWLRT -- the lightrail will run both into the city and back out to the suburbs. The very reasons you don't live near downtown will now have 223 opportunities to make your home their home. Take a look at the Mall of America and what happened to that once the lightrail connected to it. Need I say more?

I am completely against the SWLRT going through the corridor between Lake of the Isles and Cedar Lake. Please, please, please stop this insanity and make the right choice for our city and our future.

Thank you!

Kristine Vitale
1071 Antoinette Avenue
Minneapolis, MN 55405
612-730-9111

From: alberstock@aol.com
To: swlrt
Subject: SWLRT- Please read and share with appropriate people Thanks.
Date: Tuesday, July 21, 2015 11:44:15 PM

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit — Southwest LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

Dear Nani Jacobson and To Whom it May concern;
*I, yet again, loudly voice my/our opposition to the current proposal regarding freight and Light Rail through Kenilworth Trail. This has got to stop!! This is a parkland and the environmental impact to the park and the "City of Lakes" will be irreversible. I/we are not a group of highly oppositional citizens with unreasonable requests. This objection comes from your MOST reasonable citizens in the city to say it is the WRONG location. We all support light rail for the metro completely.

*We CAN have light rail to downtown without sacrificing one of our "City of Lakes" most treasured areas! How about routing it along the Lake Harriet Parkway or along Minnehaha Falls or on the River Parkway? Why not? Because it is PARKLAND that is loved by Minneapolis citizens and many visitors to the city. Think Twin Cities Marathon or other events that have people talking about the beauty of our parks!! This is the same reason Kenilworth Trail is not the right location!!!

*Why can't we save the parkland and the peaceful areas that make us proud of our planning and of our city? We all know (and so do you) that we could find a route for the light rail that serves more of the needs of the citizens who will ride the light rail. This is possible. This takes leadership and courage.

*We will look back at this decision and either feel proud to have found a way to preserve both the parkland and to run the rail line to serve the needs of more of us. City and regional planners have been masterful (in the history of our area and in MN) in preserving the best of what we have. Why not make the decision to do the same expert planning?

*I/we know all the long history of the project, we know the gripes from other communities, etc.. This is the time to say NO to running this through Kenilworth. This truly will ruin an area that is treasured by bikers, nature lovers, swimmers, kids, boy scouts, girl scouts, elderly, running clubs, families, visitors, etc..

*I got to know a man from another country who stayed in a downtown hotel for 6 months. He ran the Kenilworth and Cedar Lake trails every morning. He could not get over the beauty and peacefulness that had been preserved in our city. One day he was running with 2 other men. He told me he was showing his friends from Europe how beautiful the area was. He was a good example of visitors who see and appreciate our good decisions about preserving the "jewels" of the area. He shared his love of Kenilworth with others which makes our city/area attractive in a business sense also.

Google Kenilworth and see how this area is described. Yes it was a long term plan to make this the light rail line. Now it needs to be altered for the good of the taxpayers and citizens. There are other ways to run light rail to downtown.
Please RERoute NOW!!! Its hard to do but it is the right thing to do.

Just one of many descriptions:
Kenilworth Regional Trail

Length: 1.5 miles
Rating: 4 ½ / 5
Surface: Asphalt
Short, yet satisfying, this convenient link will make a wonderful part of your bike ride. The Kenilworth Trail links the Cedar Lake Trail to the Midtown Greenwaynear the Saint Louis Park border, between Cedar Lake and Lake of the Isles. Though your views of these lakes will be limited, the trail is cloaked in a wonderful thick woods. It is also a "bike freeway," with three separate lanes for walkers, north-going bikers, and south-going bikers.
(Last biked Saturday, October 4th, 2014, 1 PM to 2 PM)

Beth Stockinger and all of our family
Longterm Minneapolis residents and taxpayers

From: Peter Beck
To: swlrt
Subject: SWLRT SDEIS Comment Letter
Date: Tuesday, July 21, 2015 1:40:49 PM
Attachments: Scan0638.pdf

Attached please find a written comment letter on the SWLRT SDEIS.

Thank you,

Peter Beck

2600 US Bancorp Center
800 Nicollet Mall
Minneapolis, MN 55402
(612) 991-1350

peter@peterbecklaw.com

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July 20, 2015

Mani Jacobson, Assistant Director
Environmental and Agreements
Metro Transit/Southwest LRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Re: Comments on SWLRT Supplemental DEIS

Dear Ms. Jacobson:

This comment letter is submitted on behalf of The Luther Company LLLP ("Luther"), owner of the Hopkins Honda property located at 250 5th Avenue South (the "Property") in the City of Hopkins, Minnesota. The Property is located immediately south of the Southwest LRT ("SWLRT") Downtown Hopkins Station.

Luther has recently been approached by representatives of SWLRT and MNDOT about the acquisition of a five-year "temporary" easement along the northerly 50 feet of the Property. This easement would: 1) take both entrances to the Property, leaving the Property with no access from a public street; 2) take the main drive aisle on the Property, leaving no way to reach the dealership building from 5th Street and no way for emergency vehicles or customers to access and circulate around the building; and 3) eliminate the most critical row of parking on the Property, the used car display row along the Northern edge of the Property that all customers drive by to reach the dealership from 5th Street. Losing these access points, the drive aisle and the parking row for up to five years would have a dramatic impact on Hopkins Honda and would, in fact, kill the business. This letter is to request that the Supplemental DEIS consider these impacts and consider alternatives to the acquisition of this temporary construction easement.

We believe there are several convenient, cost-effective alternatives to the potentially very costly acquisition of the proposed easement. Immediately to the north of the Property, across the SWLRT right-of-way, is publicly-owned property which could easily be used for the construction staging activities proposed on the Property. Alternatively, there are both public and privately-owned parcels to the east of the Property which could be used for construction staging, including a parcel owned by Luther. Luther would work with the City of Hopkins and SWLRT to make the Luther owned parcel available for SWLRT use.

Luther understands that construction of the SWLRT project will involve short-term closures of the at grade rail crossings at 5th Street and 8th Street. However, the potential for both of its access points to be taken for up to five years would have a devastating impact on the dealership and would render it impossible for Hopkins Honda to conduct business or to stay in

business during the term of the easement. This would result in a claim from Luther, as part of any condemnation process to acquire such a five-year easement, for the total value of the business.

Even litigating such a claim seems an unnecessary expense for the SWLRT project to bear when alternative staging areas are available in the immediate area of the proposed temporary easement on the Property. Therefore, we strongly suggest and request that the SDEIS consider alternatives to the acquisition of this "temporary" construction easement from the Property and that one or more of those alternatives be pursued in lieu of a taking which would put this thriving automobile dealership out of business.

Very truly yours,

PETER K. BECK ATTORNEY AT LAW PLLC

By: _____
Peter K. Beck

PKB:tk

cc: Linda McGinty
Kyle Alison

From: Peter Beck
To: swlrt
Subject: SWLRT SDEIS Comment Letter
Date: Tuesday, July 21, 2015 1:43:57 PM
Attachments: Scan0639.pdf

Attached please find a written comment letter on the SWLRT SDEIS.

Thank you,

Peter Beck

2600 US Bancorp Center
800 Nicollet Mall
Minneapolis, MN 55402
(612) 991-1350

peter@peterbecklaw.com

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July 20, 2015

Mani Jacobson, Assistant Director
Environmental and Agreements
Metro Transit/Southwest LRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Re: Comments on SWLRT Supplemental DEIS

Dear Ms. Jacobson:

This comment letter is submitted on behalf of St. Paul Fire and Marine Insurance Company ("SPFM"), owner of the property located at 11311 K-Tel Drive (the "SPFM Property") in the City of Minnetonka, Minnesota. The SPFM Property is located immediately west of and adjacent to the proposed Southwest Light Rail Transit ("SWLRT") Hopkins Operation and Maintenance Facility ("O&M Facility").

SPFM has been contacted by SWLRT and MNDOT representatives regarding two separate takings from the SPFM Property for the project: (1) a permanent taking of a strip of land on the eastern edge of the SPFM Property; and (2) a five-year "temporary" construction easement over virtually all that portion of SPFM Property located east of the Building on the SPFM Property. Neither of these takings is identified or discussed in the SDEIS. The purpose of this letter is to request that the impact of these takings on the SPFM Property be addressed and that measures to mitigate those impacts be considered.

The SPFM Property is a 6.26 acre parcel of property with an existing 124,000 square foot office industrial Building (the "Building") which includes 82,000 square feet of warehouse/industrial space and 42,000 square feet of office space. The Building has 10 loading docks on its southern side serving the warehouse/industrial space. The SPFM Property currently has a total of 273 parking spaces.

SPFM has had Westwood Professional Services analyze the impacts of the proposed takings on traffic and truck movements around the SPFM Property and parking for the SPFM Property. SPFM has also engaged Shenehon Company to analyze the impacts of these takings on the value of the SPFM Property. The conclusion of these consultants is that the permanent taking will result in the loss of at least 65 parking spaces, which will leave the Building short of the number of parking spaces required to support 42,000 square feet of office space and 82,000 square feet of warehouse/industrial space. More importantly, the five-year "temporary" taking will:

1. Take one of only two access points to the SPFM Property. This creates both practical and safety issues related to access in and out of the SPFM Property for employees, deliveries and public safety vehicles.

2. Eliminate circulation around the southeast corner of the Building. This creates a public safety issue with respect to emergency vehicle access around the Building and renders the ten loading docks on the southern side of the Building unusable for most trucks.

3. Restrict, if not cut off, access around the northeast corner of the Building. This creates a public safety issue in terms of emergency vehicle access around the Building. This restriction will also, in combination with the taking of the driveway access onto K-Tel Drive in this location, cut off access to all of the parking on the east side of the Building.

4. Even if access around the northeast corner of the Building is preserved, the "Temporary" easement will take virtually all of the parking spaces on the east side of the Building. This will leave the Building far short of the parking required for any potential tenant or occupant during the term of the construction easement.

The result of the proposed temporary taking is that the Building will be rendered virtually unusable and unmarketable from this point forward through the end of the "temporary" construction easement. During this period the SPFM Property will have virtually no value because it will have almost no parking and limited truck access to the loading docks. We are also uncertain as to whether the Building will be allowed to be occupied at all with no emergency vehicle access around its perimeter. The value of the SPFM Property will also be significantly impacted over the longer term by the significant loss of parking created by the permanent taking. It is our conclusion that the two takings come very close to effecting a total take of the SPFM Property.

The Supplemental DEIS fails to identify, discuss or propose mitigation measures for these impacts on the SPFM Property. We request that these impacts be identified, and that mitigation measures be considered. Mitigation measures which we request be considered include:

1. Moving the O&M Facility and SWLRT main line to the east to avoid or minimize the takings required from the SPFM Property. The SDEIS indicates that the eastern portion of the properties acquired for the O&M Facility will not be needed and will be subsequently disposed of as remnant parcels. The SDEIS does not discuss why the O&M Facility could not move further to the east on the properties being acquired, thus obviating the need for any permanent or temporary takings from the SPFM Property. Using property already acquired for the O&M Facility in order to avoid the need for a multi-million dollar acquisition of the SPFM Property seems only sensible, especially in light of the desire to cut costs from the SWLRT project budget.

2. Even if there is an unwillingness to move the O&M Facility to the east to avoid the SPFM Property, there should be some analysis of the possibility of conducting the staging activities proposed for the SPFM Property on the excess taking areas to the east of the O&M Facility. The most significant impacts to the SPFM Property relate to the five-year "temporary" construction easement. This easement will take virtually the entire portion of the SPFM Property located east of the Building; will take one of the SPFM Property's two access points from K-Tel Drive; will eliminate access around the Building; and will eliminate access to the loading docks that serve the Building. If this construction easement can be eliminated by moving all staging activities to the apparent excess property acquisition areas to the east of the O&M Facility, many of the impacts on the SPFM Property could be eliminated.

3. If an analysis of the two options set forth above results in a decision that neither the O&M Facility nor the construction staging activities for the O&M Facility can move to the east to avoid impacts on the SPFM Property, then the SDEIS should consider taking the entire SPFM Property, as is being done with the properties to the east of the SPFM Property. The SWLRT project could then use the entire portion of the SPFM Property to the east of the existing Building, and potentially the indoor storage available in the Building itself, for construction activities. The remaining portion of the SPFM Property and the Building could then be disposed of following completion of the SWLRT project—as is proposed for the remnant parcels to the east of the SPFM Property.

4. Finally, if none of the options set forth above are to be considered or implemented, at a minimum the project must identify mitigation measures for the takings from the SPFM Property, including the significant loss of parking. The SDEIS states that no mitigation of the displacement of off-street parking spaces has been identified or discussed because all off-street parking that would be replaced is associated with businesses that will also be displaced by the O&M Facility. This is not the case. The O&M Facility will permanently displace at least 65 parking spaces on the SPFM Property, and many more than that during the temporary construction easement. These are parking spaces that the SPFM Property cannot afford to lose. If the SWLRT project cannot avoid this impact on the SPFM Property, it must consider, discuss and implement appropriate mitigation measures for the loss of these parking spaces.

5. Finally, in addition to mitigating the loss of parking spaces from the SPFM Property, the SDEIS should also consider, discuss, and identify mitigation measures for the loss of access to the loading docks that serve the Building on the SPFM Property. The SDEIS identifies the need to provide circulation to the loadings docks for the property located at 510 15th Avenue South, but contains no such discussion of the need to provide access to, or mitigate the loss of access to, the loading docks on the SPFM Property.

The permanent and temporary takings identified for the SPFM Property located at 11311 K-Tel Drive will have, and already have had, a significant impact on the value of the SPFM Property, for which SPFM will seek full compensation. We have identified in this letter a number of options which could avoid or significantly reduce those impacts, which we request that the SDEIS consider, analyze and implement. If they are not, and the SWLRT project moves ahead with the proposed takings from the SPFM Property, SPFM will seek full compensation for the impact of those takings on the value of the SPFM Property which, in our analysis, will result in a nearly total take of the SPFM Property.

Very truly yours,

PETER K. BECK ATTORNEY AT LAW PLLC

By: _____
Peter K. Beck

PKB:tk

cc: Cassandra Headrick
Mike Elnicky

From:	Jacobson, Nani
To:	swlrt
Subject:	FW: SWLRT SDEIS EPA letter 07/16/2015
Date:	Tuesday, July 21, 2015 5:26:06 PM
Attachments:	EPA-Ltr 07-16-2015_SWLRT-SDEIS.pdf

From: Laszewski, Virginia [mailto:Laszewski.Virginia@epa.gov]
Sent: Thursday, July 16, 2015 5:02 PM
To: Marisol R. Simon (marisol.simon@dot.gov)
Cc: william.wheeler@dot.gov; melissa.m.jenney@usace.army.mil; Jacobson, Nani; Horton, Andrew; Maya.Sarna@dot.gov; lisa.joyal@state.mn.us; kate.drewry@state.mn.us; brooke.haworth@state.mn.us; william.wilde@state.mn.us; catherine.neuschler@state.mn.us; jim.brist@state.mn.us; sara.beimers@mnhs.org; Leslie Stovring (lstovring@edenprairie.org)
Subject: SWLRT SDEIS EPA letter 07/16/2015

Ms. Simon,

Please see attached file for EPA's comment letter dated 07/16/2015 regarding the SDEIS for the Southwest Light Rail Transit project. Signed/dated originals are in the mail.

Thank you,

Virginia Laszewski
Environmental Scientist
US EPA, Region 5
Office of Enforcement and Compliance Assurance (OECA)
NEPA Implementation Section
77 West Jackson, Mail Code E-19J
Chicago, IL 60604
312/886-7501 (voice)
312/679-2097 (fax)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 16 2015

REPLY TO THE ATTENTION OF:

E-19J

Marisol R. Simon
Regional Administrator
Federal Transit Administration
200 West Adams Street, Suite 320
Chicago, Illinois 60606

Mark Fuhrmann
Program Director, Rail New Starts
Metropolitan Council
390 Roberts Street North
St. Paul, Minnesota 55101-1805

Re: Supplemental Draft Environmental Impact Statement – Southwest Green Line Light Rail Transit (LRT) Extension (SWLRT), Hennepin County, Minnesota CEQ # 20150132

Dear Ms. Simon and Mr. Fuhrmann:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Transit Administration's (FTA) May 2015, Supplemental Draft Environmental Impact Statement (SDEIS) for the Metropolitan Council's (Council) Southwest Green Line Light Rail Transit (LRT) Extension (SWLRT) Project. Our comments are provided pursuant the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The limited-scope SDEIS evaluates the environmental effects associated with adjustments the Council made to the locally preferred alternative (LPA) since the 2012 Draft EIS (DEIS). It updates the DEIS to reflect the design adjustments to the LPA in two specific geographic areas: 1) the Eden Prairie Segment and 2) the St. Louis Park/Minneapolis Segment, and the identification of the location of a proposed Operation and Maintenance Facility (OMF) in Hopkins. The SDEIS includes a description of the process and analyses used to identify adjustments to the LPA for those three topics and includes additional preliminary Section 4(F) *de minimis* impact findings not included in the DEIS.

EPA reviewed the 2012 DEIS and provided comments to FTA on December 27, 2012. We rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (See attached "Summary of EPA Rating Definitions and Follow-Up Actions"). Our comments and primary recommendations were to clarify the project purpose and need, and adequately analyze

alternative impacts related to the OMF, aquatic resources, water quality, neighborhoods with environmental justice concerns, air quality, and noise. We also recommended undertaking an evaluation of a possible modification to DEIS Alternative LRT-3 to avoid impacts to a major wetland area. Since the SDEIS is limited in scope, the SDEIS discloses that substantive comments FTA received during the DEIS public comment period will be addressed in the Final EIS (FEIS) and not this SDEIS (page ES-24).

Based on our review of the SDEIS, EPA rates the SDEIS as Environmental Concerns – Insufficient Information (EC-2). EPA's detailed comments on the DEIS still apply and we remain particularly concerned with potential impacts to aquatic resources, water quality and associated mitigation. See the enclosure for EPA's detailed comments regarding the SDEIS.

According to the SDEIS (page i), FTA will issue a single FEIS and Record of Decision (ROD) document. EPA recommends FTA convene a meeting of cooperating and participating resources agencies to present and discuss FTA's proposed draft written responses to SDEIS and DEIS comments prior to FTA issuing the combined FEIS/Record of Decision (ROD). This will allow the resources agencies opportunity to react to the proposed responses to the agencies' SDEIS and DEIS comments, and for revisions to be made (if appropriate) prior to release of the FEIS/ROD.

Virginia Laszewski of my staff is EPA's lead NEPA reviewer for this project. She may be reached by calling 312/886-7501 or by email at laszewski.virginia@epa.gov. EPA requests at least a two-week advance notice prior to our receipt of project materials for review and/or prior to project meetings/conference calls. We also request one hard copy and 3 DVDs of the FEIS/ROD, when it is available.

Sincerely,



Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Enclosures (2): 1) EPA Comments - FTA SWLRT SDEIS, and 2) "Summary of Rating Definitions and Follow-Up Actions."

Cc (email):

Nani Jacobson, Assistant Director, Environmental and Agreements, Metro Transit, Southwest LRT Project, Nani.Jacobson@metrotransit.org.
Melissa Jenny, USACE-St Paul, Melissa.m.jenny@usace.army.mil
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Jim Brist, MPCA, jim.brist@state.mn.us
Sarah Beimers, Minnesota State Historic Preservation Office, sarah.beimers@mnhs.org
Leslie Stovring. City of Eden Prairie, lstovring@edenprairie.org

EPA Comments - Federal Transit Administration (FTA) May 2015 Supplemental Draft Environmental Impact Statement (SDEIS) – Southwest Green Line LRT Extension, Hennepin County, Minnesota
(CEQ # 20150132)

BACKGROUND

The Federal Transit Administration's (FTA) 2012 Draft Environmental Impact Statement (DEIS) presented the transportation and environmental impacts associated with the construction and operation of an approximately 16-mile Southwest Light Rail Transit (LRT) (METRO Green Line Extension) project as an extension of the METRO Green Line (Central Corridor LRT). The Southwest LRT (SWLRT) would operate from downtown Minneapolis through the communities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, passing in close proximity to Edina. The DEIS identified a Locally Preferred Alternative (LPA). The DEIS LPA encompassed DEIS Alternative 3A (relocate freight line) and Alternative 3A-1 (co-locate SWLRT along existing freight line corridor). Since the 2012 DEIS, the Metropolitan Council (Council) has made design adjustments and modifications to the LPA.

The limited-scope Supplemental DEIS (SDEIS) updates the DEIS to identify and evaluate the environmental effects to reflect the Council's revised LPA adjustments in three specific areas:

1. Eden Prairie Segment

Adjustments were made to the light rail alignment, stations, and park-and-ride lots in the Eden Prairie Segment with related bus, roadway, and bicycle/pedestrian improvements. This includes but is not limited to:

- The western terminus station (Mitchell Station) would be located on the south side of Technology Drive, west of Mitchell Road, instead of immediately south of highway 212 as identified in the DEIS.

2. Location of the Operation and Maintenance Facility

- A 15-acres site in Hopkins is proposed for the OMF (Hopkins OMF 9A). The Hopkins OMF site would be located 1,000 feet south of the proposed Shady Oak Station within an existing office/warehouse and light manufacturing development. The Hopkins site was not evaluated in the 2012 DEIS.

3. St. Louis Park/Minneapolis Segment

Adjustments were made to the light rail alignment, stations, and park-and-ride lots within the St. Louis Park/Minneapolis Segment with related bus, roadway and bicycle/pedestrian improvements, and freight rail modifications. This includes but is not limited to:

- Co-location of the light rail in this segment, retaining existing Twin Cities and Western (TC&W) freight rail service in the Kenilworth Corridor, with some modification to freight rail tracks to accommodate the light rail.

- Placement of the proposed light rail alignment in a shallow tunnel in the Kenilworth

Corridor generally between West Lake Street and the Kenilworth Lagoon (a constructed waterway that connects Lake of the Isles and Cedar Lake). The light rail alignment would rise back to grade to cross the lagoon on a new bridge and would continue at-grade throughout the remaining eastern portion of the Kenilworth Corridor.

WETLANDS

- USACE correspondence dated October 16, 2014 (SDEIS Appendix E) indicates that impacts to Waters of the United States associated with the LPA have risen from approximately 8.7 acres, identified as of April 2014, to approximately 18.5 acres, as a result of wetland delineations and further project development. Thoughtful project design and consideration of staging areas and access will likely allow for smaller permanent wetland impacts or fewer temporary wetland impacts.

  Recommendations: EPA hereby reiterates our comments on avoiding and minimizing wetland impacts, as discussed in our DEIS comment letter dated December 27, 2012. Additionally, many of the wetland impacts appear to be due to installation of pedestrian/sidewalk areas (as shown in Appendix G Conceptual Engineering Drawings). FTA and MnDOT should determine if alternatives to fill, such as elevated pedestrian boardwalks, are feasible to be used in delineated wetland areas. Reduction of fill by use of elevated boardwalks or, removal or relocation of proposed sidewalks in wetland areas, could or will significantly reduce impacts and related wetland mitigation requirements under Section 404 Clean Water Act Section 404 permitting requirements. Alternatives to fill, particularly in these areas, should be discussed in the FEIS.

- A number of Traction Power Substations (TPSSs) will be required to supply electrical power to the traction networks and passenger rail stations. They will need to be sited at approximately one-mile intervals along the final route. Page 3-46 of the SDEIS states, "*In addition to the light rail related improvements described above, the LPA will also include TPSS facilities. The specific locations for TPSSs have not been defined; however, siting of these facilities will be determined by utilizing fully developed areas, including surface parking lots, existing roadway right-of-way, and vacant parcels where feasible.*" However, specific (though general) overall locations of TPSS facilities were shown in Appendix G Conceptual Engineering Drawings. The SDEIS does not analyze or discuss detailed potential wetland impacts associated with these TPSS locations, nor are such impacts reflected in the wetland impact figures (Exhibit 3.2-5; Exhibit 3.3-2; and Exhibit 3.4-5).

  Recommendation: Review of Appendix G drawings shows potential wetland impacts due to siting of TPSS stations. TPSS stations should be sited in upland (non-wetland) locations. As there is some flexibility in siting of TPSS stations, thoughtful design and planning may further reduce wetland impacts. Examples include, but are not limited to:

  - TPSS SW-21 (Eden Prairie Segment) includes a circled area on the north side of Technology Drive, which appears to be wetland. This area does not appear to have been included as a delineated wetland but may be in the vicinity of Wetland EP-02. Approximate location: 44.857997, -93.464456.

- TPSS SW-20 (Eden Prairie Segment) includes a circled area on the north side of Technology Drive, which appears to be wetland. This may have been delineated as the wetland north of Wetland EP-12. Approximate location: 44.858280, -93.456599.

- The SDEIS stated that the Hopkins Operations & Maintenance Facility (OMF) has been selected as the LPA. The Hopkins OMF currently has mixed industrial land uses, though construction would require approximately a total of 0.68 acre of wetland fill (three separate fill locations) to Wetland NM-HOP-13, a 2.67-acre wetland.

  Recommendation: While EPA commends the use of an existing industrial site for the OMF, wetland impacts may be able to be further minimized during final site design. EPA recommends that further wetland impact minimization at this location be investigated.

- The SDEIS clarifies that the LPA, LRT 3A-1, involves freight co-location[1] instead of freight rail relocation in the St. Louis Park/Minneapolis Segment. Wetland impacts associated with the St. Louis Park/Minneapolis Segment are estimated to be approximately 0.5 acres. The SDEIS was not clear as to whether or not this 0.5 acre impact estimate includes wetland impacts associated with the 45-foot relocation of the freight rail. Specifically, the SDEIS was unclear if the areas to which the freight rail will be moved have been delineated, and if wetland impacts associated with that relocation of the freight rail have been included in wetland impact totals. Additionally, the SDEIS was unclear if the areas to which the Cedar Lake LRT trail will be moved have been delineated, and if wetland impacts associated with that trail relocation have been included in wetland impact totals.

  Recommendation: In the FEIS, please provide clarification on whether or not the new freight rail and trail corridors have been delineated. If not, a delineation should be performed and any additional wetland impacts added to impact summary tables. Updated information should be provided in the FEIS.

STORMWATER AND CONSTRUCTION STAGING

- Page 3-65 of the SDEIS states, "*The project would construct additional stormwater facilities as needed, and construction would be coordinated with the local jurisdictions to connect the new facilities to existing stormwater management facilities.*" There was no discussion of implementation of permanent best management practices (BMPs), to include detention and infiltration facilities to control and treat stormwater runoff caused by an increase in impervious surfaces as a result of project implementation. The SDEIS did not discuss any green BMPs to control stormwater, including the use of pervious pavement at park and ride

[1] Design adjustments to 3A-1 would generally place the proposed light rail alignment and stations within the current freight rail right-of-way, and the freight rail alignment would be moved approximately 45 feet north onto right-of-way currently owned by the Hennepin County Regional Railroad Authority (HCRRA) (purchased as future light rail right-of-way and where light rail would have been under the conceptual design of LRT 3A and LRT 3A-1 within Draft EIS). In addition, the Cedar Lake LRT Trail, which is a permitted temporary use within the HCRRA-owned right-of-way north of the existing freight rail alignment, would be reconstructed further north within that same right-of-way, staying north of the repositioned freight rail alignment.

areas. Most importantly, the SDEIS did not confirm that stormwater detention basins will not be built in any wetland areas.

Recommendations: All stormwater BMPs and detention areas should be built and located outside of natural wetlands and streams. Existing natural wetlands should not be used as primary detention facilities, and any treated stormwater discharged to natural wetlands should not cause a change of existing use of the wetland (e.g., should not change an emergent wetland to an open water wetland, etc.) Green stormwater technologies, including the use of pervious or porous pavement, should be utilized throughout the project where feasible. The FEIS should include figures and project plans detailing stormwater basin locations, and ensure that no stormwater/sediment/erosion control measures are proposed to be constructed in wetlands or other Waters of the U.S. This should be clearly stated and supported in all figures provided with the Final EIS.

- The SDEIS did not discuss any construction access or staging areas that may be required to implement the LPA.

Recommendations: The FEIS should include proposed construction measures, including a discussion of staging areas and their locations, access to the worksite(s), and detailed discussion on any proposed in-stream construction. EPA recommends that equipment not work actively from within any stream, and that dewatering measures such as temporary portable dams or cofferdams be installed to isolate stream flow from any active work areas. Temporary impacts to wetlands and other Waters of the U.S. should be first avoided, then minimized. Any unavoidable temporary impacts to wetlands and other Waters of the U.S. should be included in the calculation of impacts and mitigation.

WELL HEAD PROTECTION - DRINKING WATER SUPPLY

The SDEIS (page 3-59) states: *"The west end of the Eden Prairie Segment, including the area around the Mitchell Station, is located within the Wellhead Protection Area, and the remainder of the segment is located in the Drinking Water Supply Management Area. In advance of construction, the Council will coordinate with the City of Eden Prairie to insure that the construction and operation of the LPA meets the provisions of the Wellhead Protection Plan (WHPP)."*

Recommendation: We recommend the FEIS disclose how construction and operation of the LPA could meet the provisions of the WHPP.

ACRONYMS AND ABBREVIATIONS

Recommendation: Include TPSS (Traction Power Substation) in *Acronyms and Abbreviations (pages xvii – xix).*

SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION

Environmental Impact of the Action

LO-Lack of Objections
The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns
The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections
The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory
The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1-Adequate
The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alterative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information
The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment

From: Cathy Deikman
To: swlrt
Subject: SWLRT SDEIS response
Date: Tuesday, July 21, 2015 11:52:12 PM

I endorse the SWLRT SDEIS response submitted today by the organization LRT Done Right.

Cathy Deikman
Minneapolis

From: Jacobson, Nani
To: swlrt
Subject: FW: SWLRT Supplemental DEIS
Date: Tuesday, July 21, 2015 11:21:12 PM

From: dougildner [mailto:dougildner@aol.com]
Sent: Tuesday, July 21, 2015 10:54 PM
To: Jacobson, Nani
Subject: SWLRT Supplemental DEIS

Dear Ms. Jacobson,

After attending meetings too numerous to count, we hold little hope that anyone on the Metropolitan Council is paying attention to the "voice of the people," but we will add our comments for the record.

As Rep. Linda Runbeck (Mn. House of Representatives) has stated, "The proposed SWLRT poses a multitude of problems."
Unfortunately the SDEIS seems to gloss over many of these problems and does not address adequately the very large issue of public safety.
As Rep. Frank Hornstein (Mn. House of Representatives) so eloquently said when he listed the many safety issues surrounding this project, "We need more information in this SDEIS document." As you will remember, he urged the Council to delve into the dangers of hazardous materials zooming through the Kenilworth Corridor side by side with trains transporting people. He also emphasized that the dangers will increase during the construction period. Earlier in the year, he urged a "wake up call" for oil and transportation safety. In his remarks at the Dunwoody open house, he said the SDEIS "should emphasize the effects on houses and people." The SDEIS has not done so.

Many aspects of the project have changed since the original DEIS was published. However, the SDEIS virtually ignores issues like vibration and noise ("a moderate non-residential noise impact would occur at the Kenilworth Channel") pays scant attention to dewatering and deforesting, and from a perfunctory study, minimizes the potential damage to our Chain of Lakes. The construction alone poses severe threats to Cedar Lake and Lake of the Isles. The long-term damage could take years to make itself known, yet the document suggests that there will not be adverse effects. Though the SDEIS "evaluates visual and aesthetic impacts," the solutions to what are clearly man-made structures intruding on nature, are hardly in keeping with a peaceful green space. Perhaps further study would point out many more "substantial overall levels of impact." There is also the issue of railroad contamination during construction and the contamination inherent in the Cedar Lake Yards (Six potentially contaminated sites have been identified...") To what extent will mitigation be needed and what will it cost?

These and other important issues have been studied in depth and reviewed by the LRT Done Right Group. We support their comments and will add in closing, comments made by Rep. Jenifer Loon (Mn. House of Representatives.) "Overall, this project simply does not achieve the goals of connecting workers, shoppers and people in a cost effective manner."

You will note that the concerns voiced by our elected officials from both sides of the aisle, echo the concerns of the citizens they represent.
Why is it that we are not being heard by the Metropolitan Council? It is time to re-think, re-scope and re-route the SWLRT

Thank you,

Gretchen and Doug Gildner
24 Park Lane
Minneapolis

From: Julia
To: swlrt
Subject: SWLRT
Date: Tuesday, July 21, 2015 7:24:38 PM

I am writing in support of the SWLRT. We just returned from Norway and Denmark, and we so impressed with the trains and mass transits options available to all people, everywhere. In the mountains, along the fjords, in the cities, and the outskirts. For the health of our city, ourselves, we need to make this line happen. We need another spoke in the transit system that will build this area into a real community that will last for generations.

Please do everything in your power to make this line happen, these trains run. And please keep the 21st station. I'm all for creativity. Put in a highline for bikes and walkers in the narrows of Kenilworth.

The other amazing thing about Copenhagen and Oslo and cities along the way, was how little car traffic there was. We are SO blind to cars, their noise and pollution. Ditto for highways. We've come to see them as the norm, so much so, that we don't even see them anymore. With 394 being worked on, the noise of engines, cars, is down significantly. I'm not sure any of my Kenwood neighbors will admit to noticing this, being so car dependent and anti-lightrail, but it is true.

I want Minneapolis to rank with the small European cities are so livable. I want the best Minneapolis possible. And that means SWLRT.

Sincerely,
Julia Singer

From: George Puzak
To: swlrt
Subject: SWLRT--Comments on SDEIS--Please acknowledge receipt
Date: Tuesday, July 21, 2015 5:42:40 PM
Attachments: Comments on SWLRT SDEIS July 21 2015.pdf

Dear SWLRT Project Office staff,
I submitted the attached comments by email today, July 21, 2015, at 11:46 am.
Please acknowledge receipt of them. Thank you.

George Puzak
cell 612.250.6846
greenparks@comcast.net
1780 Girard Avenue South
Minneapolis, MN 55403

From: George Puzak [mailto:greenparks@comcast.net]
Sent: Tuesday, July 21, 2015 11:46 AM
To: 'swlrt@metrotransit.org'
Cc: 'adam.duininck@metc.state.mn.us'; 'gary.cunningham@metc.state.mn.us'; 'gail.dorfman@metc.state.mn.us'; 'steve.elkins@metc.state.mn.us'
Subject: SWLRT--Comments on SDEIS

Dear Ms. Jacobson and SWLRT Project Office staff,

Please accept these comments on the Supplemental Draft Environmental Impact Statement (SDEIS) for SWLRT.

The SDEIS does not adequately address alternatives for SWLRT, nor does it adequately address the impacts of freight rail in the Kenilworth Corridor. The SDEIS cannot fix this project's fundamental flaw—**Hennepin County's failure to include freight rail in the project's original "scoping process.**" Hennepin County explicitly omitted freight rail from the project when it selected the SWLRT alignment in 2009, yet added freight rail to the project in 2011. The flaw is that when Hennepin County added freight rail (a new mode) after selecting the route, it failed to re-open scoping and re-examine all alternatives and alignments. The new mode fundamentally changed all aspects of the project.

Required by the National Environmental Policy Act (NEPA), scoping is the first step in environmental review. It identifies the issues, alternatives, locations, and modes of transport to be studied in a transit project's environmental impact statement (EIS). But Hennepin County, in both its 2009 Scoping Report and 2010 Locally Preferred Alternative (LPA), failed to include freight rail as part of SWLRT. Five cities then proceeded to vote and approve the 2010 LPA. In 2011, despite receiving notice from the Federal Transit Administration (FTA) that freight rail is part of SWLRT, Hennepin County failed to amend the scoping report and re-open scoping for public comment, and thus violated NEPA.

Compounding the problem, in summer 2014, the Met Council imposed yet another, fundamentally different plan to be approved, this time through municipal consent: while the 2010 LPA approved by five cities had omitted freight rail in Minneapolis' Kenilworth corridor, the 2014 plan included it. Yet, the Met Council provided no Draft EIS on freight rail, LRT tunnels, and soil conditions before the vote. Citizens lacked critical information and officials from Minneapolis and four other cities were forced to vote on municipal consent.

The current plan would run electric-sparking LRT trains as close as 15 feet from freight trains (carrying as many as 100 cars of ethanol — an explosive whose flash point is below that of oil) through residential neighborhoods, over the Chain of Lakes Kenilworth Channel, and through downtown next to Target Field. *But this arrangement was never included in the original scoping phase. This omission limited the choice of transit options and alignments that citizens and decision makers considered.* Further, neither citizens nor public officials had information about the 2014 plan's environmental and public safety risks before the vote. Thus, the cities gave blind consent, not informed consent.

The government's own errors in following legally-required processes have now caused a conflict—the 2014 municipal consent plan includes freight rail, but the 2010 Locally Preferred Alternative (LPA) does not. The Met Council must update the LPA—triggering a new round of public hearings and municipal votes. The government's own studies also contradict the current plan. According to the December 2012 DEIS, co-location of freight rail and light rail in Kenilworth would not adequately preserve the environment and quality of life in the surrounding area. What has changed since 2012?

Contrary to law, the Met Council has limited the choice of reasonable alternatives and alignments. Reducing costs, studying freight rail in the Supplemental DEIS, and repeating municipal consent are not sufficient remedies. There are only two remedies:

1. Eliminate co-location of freight and LRT by re-locating freight rail out Kenilworth and build the plan approved in 2010; or
2. Re-open and include freight rail in SWLRT's original scoping process. This remedy will allow government and citizens to study all reasonable alternatives for LRT alignments, while acknowledging freight rail's routing, costs, and impacts.

Thank you for your consideration.

George Puzak
1780 Girard Avenue South
Minneapolis, MN 55403
cell 612.250.6846
greenparks@comcast.net

George Puzak
1780 Girard Avenue South
Minneapolis, MN 55403
cell 612-250-6846
greenparks@comcast.net

July 21, 2015

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
via email: swlrt@metrotransit.org

Dear Ms. Jacobson and SWLRT Project Office staff,

Please accept these comments on the Supplemental Draft Environmental Impact Statement (SDEIS) for SWLRT.

The SDEIS does not adequately address alternatives for SWLRT, nor does it adequately address the impacts of freight rail in the Kenilworth Corridor. The SDEIS cannot fix this project's fundamental flaw—**Hennepin County's failure to include freight rail in the project's original "scoping process.**" Hennepin County explicitly omitted freight rail from the project when it selected the SWLRT alignment in 2009, yet added freight rail to the project in 2011. The flaw is that when Hennepin County added freight rail (a new mode) after selecting the route, it failed to re-open scoping and re-examine all alternatives and alignments. The new mode fundamentally changed all aspects of the project.

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2. Re-open and include freight rail in SWLRT's original scoping process. This remedy will allow government and citizens to study all reasonable alternatives for LRT alignments, while acknowledging freight rail's routing, costs, and impacts.

Thank you for your consideration.

George Puzak

George Puzak

From: louschoen .
To: swlrt
Subject: The Plan
Date: Tuesday, July 21, 2015 3:20:54 PM

The biggest problem you have is that the choice for the route between Kenilworth and St. Louis Park was a false choice in the beginning.

Why not route the line through Uptown and South Minneapolis, where there's a multitude of potential passengers, instead of through Kenilworth!

--

Lou Schoen
952-374-9719
cell 612-558-0720

From: Fred Sewell
To: swlrt
Subject: Light Rail Done Horribly Wrong
Date: Tuesday, July 21, 2015 4:34:45 PM

We have just spent literally over one hour reading the document: SouthWest Light Rail Supplemental DEIS. It is terribly important that each of you on the Metropolitan Transit Office take the time to study the findings contained therein. We are disturbed beyond belief with what we have learned. How in the world can you possibly let this project continue? IF THIS PROJECT IS ALLOWED TO PROCEED AS PLANNED, THE IMPACT ON OUR BEAUTIFUL CITY WILL BE BEYOND HORRIBLE.

Please, PLEASE think about the impact of this plan, as well as the things that you have not addressed, and STOP the project immediately until all of the issues outlined in the study have been satisfactorily addressed.

Sincerely,

Fred and Gloria Sewell
16 Park Lane
Minneapolis

Comment #208

RECEIVED
JUL 23 2015
BY:

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

SUBJECT: Southwest LRT SDEIS Comments

Ms. Jacobson:

The City of Eden Prairie has reviewed the Southwest LRT Supplemental Draft Environmental Impact Statement (SDEIS). We appreciate the opportunity to review the SDEIS and respectfully submit the following comments for consideration:

General Comments

1) The City of Eden Prairie continues to support an alignment that matches the alignment evaluated in the SDEIS. This includes an end-of-line Mitchell Station located on City Center property and a Town Center Station that is centrally located midpoint between Flying Cloud Drive and Prairie Center Drive as well as Technology Drive and Singletree Lane. The City Council provided Municipal Consent to this plan on July 14, 2014.

2) The design of the Southwest LRT must complement and be coordinated with the services offered by Southwest Transit. Future Southwest Transit operations are critical to the design and operation of the Southwest LRT line. Southwest Transit needs to be an active partner in the development of Southwest Station plans. Impacts to Southwest Transit's operations during construction of LRT should be minimized.

3) The Southwest LRT bridge structure adjacent to Purgatory Creek Park and the Veteran's Memorial will be a primary visual component of the park once constructed. The bridge must be designed with appropriate context and to compliment the park setting and experience. Due to its location and its visual impacts enhanced aesthetic treatment for the bridge should be included in the base project costs. In addition the bridge will permanently impact the park's entry area and signage board located near the Prairie Center Drive / Technology Drive intersection. The Southwest LRT design must restore these park amenities to a similar or better condition.

4) The Southwest LRT construction will have temporary impacts to the Purgatory Creek Park and trail system which must be eliminated or minimized and appropriately coordinated with the City of Eden Prairie. The Purgatory Creek Park has a number of programs and events throughout the year that can be scheduled up to a year in advance and have the potential to be impacted by the SWLRT construction. It is imperative that avoiding and minimizing the impacts on these activities be accounted for in the construction schedule. In addition, the loop trail around the Purgatory Creek pond and wetland area is a primary and heavily used recreation amenity within Eden Prairie and its functionality must be maintained throughout construction.

5) The grade separated LRT crossing of Valley View Road at Flying Cloud Drive should be refined to eliminate curves. A straightened alignment significantly reduces the SWLRT travel time and has the additional benefit of reducing private property impacts, better coordinating with future improvements in the TH 212 / Valley View Road interchange area, and preserving excess right-of-way for future potential development.

6) Should the alignment, number of stations, and parking distribution be modified from the SDEIS, additional analysis should be completed to ensure adequate roadway, parking, sidewalk and trail infrastructure exists to serve the changed traffic patterns and parking demand.

7) The location, placement, and screening of the Traction Power Sub-Stations (TPSS), signal bungalows, and other LRT accessory cabinets and equipment must be closely coordinated with the City of Eden Prairie. This equipment must be located, screened, and designed as appropriate to avoid impacts to existing and future developments.

8) The project must evaluate alternatives and determine solutions for mitigating design and construction impacts of the project on all businesses, residents, and properties along the corridor. These should include ongoing communication methods such as social media, newsletters, and wayfinding signage. The City should be included as a partner in determining the appropriate solution for the identified impacts.

Detail Comments

1) Section 3.2.1.1 (Land Use)
    a. Planned land uses in the east portion of the segment tend to be office, industrial, and mixed use.
    b. The location of the proposed Mitchell Station is adjacent to Eden Prairie City Center. The Town Center refers to another area along the alignment farther to the east.
    c. Eden Prairie has prepared a TOD ordinance that will be proceeding through the

public review process. Adoption of the ordinance is anticipated for August/September 2015.

2) 3.2.1.3 (Cultural Resources) - Three areas of archeological potential were identified within the revised Eden Prairie Segment. Evaluation of one site (site C) was completed. There are two remaining sites that have not been evaluated according to the SDEIS. The City of Eden Prairie recommends that the two remaining sites (sites A and B) are fully evaluated and if any of those sites are found to meet NRHP criteria, potential effects to those sites and mitigation measures should be considered.

3) 3.2.1.5 (Visual Quality and Aesthetics) - The analysis completed with the SDEIS indicates a decrease in visual quality and aesthetics in nine out of the ten vantage points. The other vantage point maintains the same visual quality and aesthetics as in the original condition. Considering the significant impacts of the project to the built environment of the Eden Prairie community, particularly Purgatory Creek Park, aesthetic improvements such as lighting, structure design elements, and other visual treatments will be essential to maintain the quality of the character of areas adjoining the LRT line. The Southwest Project Office should closely coordinate the design of all architectural and aesthetic elements with the City of Eden Prairie. In addition, the City of Eden Prairie supports and encourages the Southwest Project Office to actively engage in outreach to residents, property owners and other stakeholders regarding the aesthetic design elements of the project.

4) 3.2.1.5 (Visual Quality and Aesthetics) - The City does not concur with the conclusion that eight of the ten vantage points evaluated will not have a substantial level of visual and aesthetic impact. As stated above the project is expected to significantly change the built environment within the corridors it is constructed. Aesthetic and visual quality treatments must be primary elements of the SWLRT design in order to best integrate the SWLRT into the existing environment. In particular, the viewpoints adjacent to and within Purgatory Creek Park will have a substantial level of visual and aesthetic impact as SWLRT and the bridge structure along Prairie Center Drive will be a primary visual component of the park once constructed. The bridge must be designed with appropriate context and to compliment the park setting and experience. Due to its location and its visual impacts enhanced aesthetic treatment for the bridge should be included in the base project costs.

5) Section 3.2.2.1 Subp. B. (Groundwater) - The SDEIS references our 2004 Wellhead Protection Plan (WHPP), the modeling has since been updated and the draft WHPP (Parts 1 & 2) sent to the MDH for approval. The Draft WHPP has been through all the relevant reviews (local government units and public comment hearings) and has been submitted to the MDH for review and approval. Approval from the MDH is expected soon. The FEIS

should be updated based on the new WHPP as the DWSMA and Wellhead Protection Area have both changed significantly.

6) Section 3.2.2.2 Subp. A. (Floodplains) - The SDEIS only references FEMA, but both Nine Mile and Riley-Purgatory-Bluff Creek Watershed Districts have done flood profile modeling and they are both close to finishing Atlas 14 models which could impact the amount of potential floodplain fill. The findings should be incorporated into the FEIS.

7) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts) - The SDEIS includes the statement that "No additional public watercourses were identified by analysis of MnDNR GIS data for the Eden Prairie Segment." There are a number of DNR Protected Wetlands on this corridor (including EP-EP-07, EP-EP-15, EP-EP-16 and EP-EP-23 that are listed as being impacted by the project as well as the creeks. These would typically be identified as public waters. The FEIS should include some clarification should be added on what is included in the definition of public watercourses (is it just lakes?). Purgatory and Nine Mile Creeks are listed as public waters later on in some of the discussions under the subtitle of Public Waters, so these should be indicated here to avoid confusion. It would also help if in the Wetlands Section a statement for those that are MnDNR public wetlands or waters was added into the individual paragraphs for each wetland.

8) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts – Wetlands)
   a. In the third sentence of the introductory paragraph it is stated that "The total wetlands filled in this segment…" This statement seems to indicate that 16 wetlands would be completely filled, whereas some of them will only be partly filled. The FEIS should state how many would be completely filled and how may would be partially filled to provide better clarity.
   b. In the list they state that EP-EP-15 is part of a larger wetland complex. However, this is actually 2 distinct areas. The northern piece (City ID 15-13-E) is a constructed wetland mitigation site. The larger, southern piece (15-14-A) is a natural wetland complex (and Purgatory Creek). The discussion for this wetland should indicate that the impacts will occur within that part that is a wetland mitigation area as this will have greater protections that must be dealt with than the remaining wetlands will.

9) Exhibit 3.2-5 - There is a map error; DIG-EP-EP-04 and associated impacts are actually north of Technology Drive.

10) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts – Floodplains) - Calculations for floodplain impacts are based on the FEMA maps only.

The FEIS should re-evaluate based on the Watershed District models once they are completed (for the Final EIS).

11) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts – Public Waters and Stormwater Management)
    a. The first paragraph states that Purgatory Creek, a public waterway, would be spanned by the proposed light rail alignment immediately south of where Technology Drive currently spans the creek. However, the next sentence states that the LPA construction limits would be close to Lake Idlewild. This is an error; the Purgatory Creek crossing is not located by Lake Idlewild, but flows between EP-EP-17 and EP-EP-15.
    b. The fifth paragraph includes the statement "Eden Prairie and the Riley-Purgatory-Bluff Creek Watershed District have stormwater management regulations and program." This should be corrected in the FEIS to read "Eden Prairie and the Nine Mile Creek and Riley-Purgatory-Bluff Creek Watershed Districts have stormwater management regulations and programs."

12) Section 3.2.2.2 Subp. B. (Short-Term Water Resources Impacts – Public Waters and Stormwater Management) - The SDEIS states that "An MnDNR-certified erosion and sediment control specialist would be employed…" This should be a University of Minnesota certified and/or MPCA approved erosion and sediment specialist.

13) Section 3.2.2.2 Subp. C. (Mitigation Measures) - This section indicates that the Section 404 permit application will identify compensatory mitigation and that this plan would be reviewed by the USACE prior to submittal of the Section 404 permit application. However, a compensatory mitigation plan will also need to be submitted to the appropriate Local Government Units for review and approval. The process for this local review and approval of the mitigation measures should be added to this section.

14) Section 3.2.2.3 (Noise) – The methodology section indicates that grade crossing bells have the highest level of cumulative noise impact and their potential use in areas of residential land uses must be evaluated and reviewed with the City. Any modification to the proposed LRT operational assumptions and how they impact grade crossings must be accounted for in the updated FEIS analysis and if necessary appropriately mitigated.

15) Section 3.2.4.1 Subp. B. (Transit – Long Term Impacts) – The City supports and see benefits in operating Express Bus Service along with LRT from Southwest Station

16) Section 3.2.4.2 Subp. B. (Roadway and Traffic) – This section identifies several intersections that are expected to operate at unacceptable level-of-services (LOS E or F) in the build condition without mitigation. Acceptable mitigation strategies must be identified and implemented for each intersection identified. Any modification to the

proposed LRT operational assumptions and how they impact traffic operations must be accounted for in the updated FEIS analysis.

17) Section 3.2.4.2 Subp. B. (Roadway and Traffic – Long Term Impacts) – Bulleted list of key changes should indicate that Technology Drive will be converted from a four-lane roadway section to a three-lane section.

18) Section 3.2.4.2 (Roadways) - The City has identified through various planning studies and processes the following locations where future roadways and trail/sidewalk crossings of SWLRT may be desired. The potential for these future crossings should be acknowledged:
    - Additional or relocated access for the UHG / Optum campus on Technology Drive
    - A second north-south roadway to the west of the proposed north-south main street and the Town Center Station
    - An east-west roadway south of West 70th Street and the Golden Triangle Station
    - An east-west roadway north of West 70th Street and the Golden Triangle Station

19) Section 3.2.4.2 Subp. B. (Roadway and Traffic – Short Term Impacts) – First bullet indicates potential roadway closures for construction of the Flying Cloud Drive / Valley View Road LRT bridge may be necessary. No long term closures of these roadways or any other roadway impacted by LRT construction should be considered. It is understood that weekend or evening closures may be necessary for certain construction activities. These closures must be coordinated with the City and all impacted businesses, residents, and properties.

20) Section 3.2.4.2 Subp. B. (Roadway and Traffic – Short Term Impacts) – Temporary construction impacts must be evaluated and to the extent possible minimized and mitigated. This includes providing viable access to all properties at all times.

21) Section 3.2.4.2 and 3.2.4.3 (Roadway and Traffic / Parking) – The parking demand and roadway impacts for end-of-line parking should be planned for in the design of the build project. This is in reference to the statement in Note 20 on page 3-82 that indicates that the structured park-and-ride lot at Southwest Station would increase by approximately 600 spaces if Mitchell Station were eliminated and Southwest Station was the western terminus of the line.

22) Section 3.2.4.3 Subp. B. (Parking) – The SDEIS does not identify the parking impacts to the Eden Prairie City Center building (8080 Mitchell Road). There are both short and long term impacts for the property that would need to be mitigated.

23) Section 3.2.4.4 Subp. B. (Bicycle and Pedestrian) – The loop trail around the Purgatory Creek pond and wetland area is a primary and heavily used recreation amenity within

Eden Prairie and any closure of this trail would have significant impacts. The functionality of this trail must be maintained throughout construction.

24) Section 3.2.4.4 Subp. B. (Bicycle and Pedestrian) – The design of Southwest LRT should not preclude or increase the cost of providing a direct trail connection between the Prairie Center Drive / Technology Drive intersection and the Southwest Station platform.

25) Section 3.2.4 (Utilities) – The City of Eden Prairie has a number of large diameter collector and distribution water lines within the proposed SWLRT project limits. Shut down of these lines would have a significant impact on the City's water operation and cannot be permitted during the peak demand months. Shut downs to other lines may also need to restricted. All watermain shut downs must be coordinated with the City and impacted businesses, residents, and property owners. In addition any impacts to sanitary sewer lines and services must also be coordinated with the City and impacted businesses, residents, and property owners.

26) Exhibit F-32 (LRCIs) – LRCIs 5 and 7 should also be shown along Eden Road.

Sincerely,

Rick Getschow
City Manager

CC: Mayor and City Council

CITY OF EDEN PRAIRIE, MINNESOTA
8080 Mitchell Rd | Eden Prairie, MN | 55344-4485
Engineering

ZIP 55305
02 1W
$ 001.20⁰
0001386502 JUL 22 2015

Nani Jacobson
Assistant Director, Environmental & Agreements
Metro Transit - Southwest LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

RECEIVED
JUL 23 2015
BY: SPO

M.2-1021

From: Chris Johnson
To: swlrt
Subject: SWLRT SDEIS
Date: Wednesday, July 22, 2015 10:30:12 PM

Dear Met Council,

I support LRT Done Right's response to the SDEIS.

Kenilworth is the wrong place to route SWLRT, and everyone knows it.

Co-location of freight, light rail, bicycle, and pedestrians in the narrow corridor is beyond absurd and totally unsafe.

The successful metro areas of the future will prioritize green space, walkability and bikeability in addition to mass transit. More bike paths, walking paths, and green spaces. More public transit options. Healthier citizens. Less cars. Therefore...

LRT should displace cars, not trees. New LRT infrastructure should take the place of automobile infrastructure, rather than bike paths, walking paths, parks and woods.

I have not seen any reasonable explanation for why the SWLRT can't be routed away from Kenilworth. Through Uptown, for example, or along existing freeway corridors.

Please do what is right, and change the route!

Christopher J. Johnson

From:	Jacobson, Nani
To:	swlrt
Subject:	FW: Comments- Southwest Light Rail Transit (Metro Green Line Extension), Hennepin County, Minnesota
Date:	Wednesday, July 22, 2015 5:07:07 PM
Attachments:	er15-311.pdf

SDEIS comment.

From: Mathis, Gregory (DOT) [mailto:greg.mathis@state.mn.us]
Sent: Wednesday, July 22, 2015 3:09 PM
To: Jacobson, Nani; Leon Skiles (skiles@comcast.net)
Cc: Campbell, Kelcie
Subject: FW: Comments- Southwest Light Rail Transit (Metro Green Line Extension), Hennepin County, Minnesota

Nani and Leon – FYI

Greg Mathis
Cultural Resources Unit
Office of Environmental Stewardship
Minnesota Department of Transportation
395 John Ireland Boulevard, Mail Stop 620
St. Paul, MN 55155
Office: 651-366-4292 / Fax: 651-366-3603
greg.mathis@state.mn.us

From: Sarah Beimers [mailto:sarah.beimers@mnhs.org]
Sent: Wednesday, July 22, 2015 11:20 AM
To: Mathis, Gregory (DOT)
Subject: Fwd: Comments- Southwest Light Rail Transit (Metro Green Line Extension), Hennepin County, Minnesota

FYI

Sarah Beimers
Manager of Government Programs & Compliance | Minnesota Historic Preservation Office
Heritage Preservation Department | Minnesota Historical Society | 345 Kellogg Boulevard West | St. Paul MN 55102
tel: 651-259-3456 | e: sarah.beimers@mnhs.org

---------- Forwarded message ----------
From: **Barbara Howard** <barbara.howard@mnhs.org>
Date: Sat, Jul 18, 2015 at 6:59 AM
Subject: Fwd: Comments- Southwest Light Rail Transit (Metro Green Line Extension), Hennepin County, Minnesota
To: Kelly <kelly.graggjohnson@mnhs.org>, Sarah Beimers <sarah.beimers@mnhs.org>

Sent from my iPad.

Begin forwarded message:

From: "Darby, Valincia" <valincia_darby@ios.doi.gov>
Date: July 17, 2015 at 10:56:21 AM CDT
To: <Marisol.simon@fta.dot.gov>
Cc: <barbara.howard@mnhs.org>,
<commissioner.mclaughlin@hennepin.us>
Subject: Comments- Southwest Light Rail Transit (Metro Green Line Extension), Hennepin County, Minnesota

Ms. Simon,

The U.S. Department of the Interior offers the following comments on the subject project. If there are questions, please contact this office at (215) 597-5378.

Best Regards,

Valincia

--

Valincia Darby

Regional Environmental Protection Assistant

Department of the Interior, OEPC

200 Chestnut Street, Rm. 244

Philadelphia, PA 19106

Phone: (215) 597-5378 Fax: (215) 597-9845

Valincia_Darby@ios.doi.gov

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

IN REPLY REFER TO:

July 17, 2015

9043.1
ER 15/0311

Ms. Marisol Simon
Regional Administrator, Region 5
Federal Transit Administration
200 West Adams Street, Suite 320
Chicago, Illinois 60606

Dear Ms. Simon:

As requested, the Department of the Interior (Department) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) and Section 4(f) Evaluation for the Southwest Light Rail Transit (Metro Green Line Extension), Hennepin County, Minnesota. The Department offers the following comments and recommendations for your consideration.

Section 4(f) Comments

This document considers effects to properties identified in the project study area as eligible to be considered under Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 U.S.C. 303 § 771.135) associated with a 15-mile light rail transit (LRT) line in the Minneapolis/St. Paul region, the proposed Southwest Transitway (Project). The Federal Transit Administration (FTA), along with the Hennepin County Regional Railroad Authority (HCRRA) and the Metropolitan Council Regional Transit Board (RTB), have proposed the Project that connects downtown Minneapolis to the cities of St. Louis Park, Hopkins, Edina, Minnetonka, and Eden Prairie. The intent of the Project is to improve access and mobility to the jobs and activity centers in the Minneapolis Central Business District, as well as to the expanding suburban employment centers. The Project was identified by the RTB in the late 1990's as warranting a high-level of transit investment to respond to increasing travel demand in a highly congested area of the region. A draft environmental impact statement (EIS) for the Project was released in the late fall of 2012 and the Department provided comments on the Section 4(f) impacts. We felt at that time the analysis in the Section 4(f) was too preliminary to be able to concur in any findings.

In 2013 and 2014, the FTA determined that design adjustments made to the preferred alternative that was identified in the Draft EIS needed to be evaluated for environmental impacts not documented in the Draft EIS and with the potential to result in new adverse impacts. The FTA, with the RTB, further determined those design changes in the preferred alternative warranted a specific review in a supplemental draft EIS document.

In the SDEIS, the FTA considered the impacts to several 4(f)-eligible resources; 12 were parks or recreation areas and 28 were historic properties either individually eligible for or listed on the National Register of Historic Places (NRHP), or were contributing elements to historic districts. A few properties were eligible both as park/recreation and historic properties. After considering the changes to the preferred alternative and its impacts on these resources, the FTA has made preliminary determinations that of the 12 park properties, 1 property (Purgatory Creek Park) would be affected only temporarily by construction (no permanent use), and 3 properties (Kenilworth Channel/Lagoon, Cedar Lake Park, and Byrn Mawr Meadows Park) would have *de minimis* impacts; the rest of the eligible park properties would have no 4(f) use. Of the 28 eligible historic properties, the FTA made preliminary determinations that the Project would have adverse effects on two properties (the Grand Rounds Historic District and Kenilworth Lagoon), and a *de minimis* effect on one property (the St. Paul, Minneapolis & Manitoba Railroad Historic District). In addition, two properties (the Minikahda Club and Cedar Lake Parkway/Grand Rounds Historic District) would be temporarily affected by construction activities, but no permanent use would occur.

The FTA will allow the public to comment on the SDEIS and this 4(f) evaluation before finalizing their determinations. For now, the FTA has concluded at least preliminarily that there are no feasible or prudent avoidance alternatives, other than the preferred alternative, that results in disturbances to 4(f) eligible properties. The Department concurs with the preliminary determinations of effect by the FTA, assuming that there are no subsequent changes to the preferred alternative or in the impacts to the eligible properties. We have no authority to agree to the determinations of *de minimis* impacts, but we would state that those determinations appear to have been decided correctly. The Department would likely concur with the preliminary determination that all measures to minimize harm have been employed concerning the two historic resources that will be subject to 4(f) use. This concurrence assumes the FTA and the State Historic Preservation Officer, along with the Section 106 consulting parties, come to some agreement on the mitigation necessary for the two resources, and an agreement document is signed by all parties. We will reserve our concurrence until we are provided a copy of the signed agreement.

The Department has a continuing interest in working with the FTA and the RTB to ensure impacts to resources of concern to the Department are adequately addressed. For issues concerning section 4(f) resources, please contact Regional Environmental Coordinator Nick Chevance, Midwest Region, National Park Service, 601 Riverfront Drive, Omaha, Nebraska 68102, telephone 402-661-1844.

We appreciate the opportunity to provide these comments.

Sincerely,



Lindy Nelson
Regional Environmental Officer

cc:
SHPO-MN (Barbara Howard barbara.howard@mnhs.org)
HCRRA (Peter McLaughlin commissioner.mclaughlin@hennepin.us)

From: JoycElvira@aol.com
To: swlrt
Subject: decision making for the future
Date: Wednesday, July 22, 2015 8:01:18 AM

To one and all whose seats and power rest on unelected office

I am writing to ask those in power to reconsider your decisions about where to locate the SWLRT line here in Minneapolis. Minneapolis is a beautiful and unique city. It is probably one of the few cities in the world, that still has so much wilderness and natural beauty left within its parks and borders. And then there are the unique lakes for the use of our citizens for pleasure from walking to playing to swimming and fishing.

I am asking you to consider this when you make use of your power to make your decisions about destroying these historic attributes You may not even have the right to make these decisions to destroy the historic attributes of this city for the future. Once they are gone they are gone Why should a few people have the right to make this decision for the future citizens of this city to destroy this historic beauty We should be stewards of this beauty rather than destroyers I am not even sure that these few unelected few have the right to do this If they proceed they become tyrants the few deciding for the many and the many having no rights or power to conserve

Another reason to locate this rail line and trains across the street from a public swimming beach where there will be small excited children running across the line to get to the beach This is an accident or death waiting to happen and then the tears will flow and hand wringing begin but it won't matter nor bring back lives. Right now all of you unelected decision makers have the opportunity to make this crossing safe When was the last time you had the opportunity to prevent tragedy? Right now you do have that opportunity to do the right thing and locate the SWLRT line in a less dangerous, destructive, and I might add expensive location. There are so many reasons to not place this line in this spot as the recent ongoing controversies and lawsuits have pointed out so listen and do the right thing

Minneapolis lover and citizen, Joyce Murphy

From: Bonnie Black
To: swlrt
Subject: Endorsement of Done Right SWLRT comments
Date: Wednesday, July 22, 2015 9:15:04 AM

I fully concur with the DONE RIGHT organization's comments on the SWLRT. The project has been seriously flawed from the onset, contains many potential problems, and has been pushed through "to get the federal money" without careful consideration of many aspects of the project. There has been gross distortion of ridership at several of the Minneapolis stations, some political conflict of interest issues. The entire plan should be chucked.

I'm a strong advocate for light rail when it is carefully, thoroughly, and wisely done, none of which seems to be the case in the present plan.

With literally a hundred apartments buildings being built along the Greenway between Hennepin Ave and Lyndale (and beyond) with thousands of residents living there, why oh why is the SWLRT bypassing this Minneapolis population and going through 3 miles of relatively upopulated area in the Kenilworth area. This makes no sense. I thought the federal money was dependent upon "serving the populace of Minneapolis." The present plan does not.

Edith Black

From: Laura Kinkead
To: swlrt
Subject: I endorse LRT Done Right
Date: Wednesday, July 22, 2015 12:09:51 PM

I fully support the comments submitted to the Met Council by LRT Done Right regarding the SDEIS.

Let's do this right and not negatively impact a shared metro wide resource!

Laura A. Kinkead
Guiding People, Guiding Ideas
612-926-0290

Upcoming programs: Courage and Renewal Academy for Leaders starting October 2015. Learn more here http://www.couragerenewal.org/events/2015-16-leaders-academy-mn/

From: Louise Delagran
To: swlrt; peter.wagenius@minneapolismn.gov
Subject: I endorse LRT Done Right"s statement
Date: Wednesday, July 22, 2015 9:33:10 AM

Dear Members of the Met Council:
Please read this thorough and careful analysis of the issues surrounding LRT in the Kenilworth corridor. As someone who lives a block from the tracks, a particular concern to me are the safety issues around freight rail carrying large volumes of flammable material and light rail electricity close by, not to mention concerns during construction of LRT. I strongly oppose changing oversight of this track from the FRA.

In addition, I would like you to get serious and specific about mitigation efforts to address the visual and auditory impact the LRT track and 21st station will have. To quote from the LRT Done Right response:

At Viewpoint 6, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point"— that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. **The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the projec**t.

This area is part of the greatly loved Chain of Lakes and Grand Rounds in Minneapolis, used by millions of bikers, walkers, skiers, bird watchers, fishermen, and canoeists each year. The focal point is the water, the green spaces, the trees, the birds and animal life--not a concrete station that we can see anywhere else in the city. Please keep it that way.
--
Louise Delagran
2456 W 24th St.

From: Thad Spencer
To: swlrt
Subject: LRT Done Right
Date: Wednesday, July 22, 2015 10:33:27 AM

Dear Ms. Jacobson,

I am writing you as a concerned resident of Minneapolis to tell you that am in complete agreement with the comments submitted by Light Rail Transit Done Right, (LRTDR).

Please add this letter to the record of comments on the Southwest Light Rail Supplemental DEIS.

Sincerely,

Thad & Shiela Spencer
1918 Queen Avenue South
Mpls, MN 55405

From: Melissa Lally
To: swlrt
Subject: LRT Done Right"s comments to the SDEIS
Date: Wednesday, July 22, 2015 8:57:05 AM

ATTN: Met Council

I fully support LRT Done Right's comments to the SDEIS and hope you will take these concerns and conclusions to heart for the well being of our fine city.

Respectfully,

Melissa Lally

Melissa Lally

PERSONNEL ¦DIRECTIONS
☎ **612.339.3408**
✉ mlally@personneldirections.com
www.personneldirections.com
, LinkedIn

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From: Laila Schirrmeister
To: swlrt
Subject: LRT-Done Right comments
Date: Wednesday, July 22, 2015 7:52:58 AM

I am a Kenwood resident who STRONGLY ENDORSES the comments recently submitted by the LRT-Done Right Minneapolis residents organization.
You would do well to take advantage of the research done by this group since you have not been capable of doing this level and quality of research on your own.

Laila Schirrmeister
1940 Sheridan Ave S
Mpls

From: hgetting@aol.com
To: swlrt
Cc: friedarlene@hotmail.com; info@lakesandparks.com
Subject: SWLRT
Date: Wednesday, July 22, 2015 8:58:54 AM

Metropolitan Council

RE: **SWLRT Comments (SDEIS)**

I support all comments. concerns and recommendations regarding SWLRT as communicated in the Lakes & Parks Alliance / LRT Done Right letter which was forwarded to your offices yesterday. I would also hope that you consider the wide range of **non-LRT options for transit** originally requested by Governor Dayton and documented in the letter from Mr. Bob Carney to the Metropolitan Council.

Sincerely yours,

Harvey Ettinger
Chair, East Isles Residents Association Parks Committee

From: herb jones
To: swlrt
Subject: SW LRT
Date: Wednesday, July 22, 2015 1:21:28 AM

I would like to see the project routed along 394 or lake street where there will be many more opportunities for use instead of thru a few miles of beautiful park/lake land that is used by thousands daily who enjoy the beauty and quietude of the Kenilworth Trail. I use the trail daily to bike to work at HCMC. While I do not live in close proximity to the line (3508 W. 28th street) I feel bad for the people who do and I think it could dramatically injure one of the most special commuting and recreational routes.

Thank you,

Herb Jones

Larkin Hoffman
ATTORNEYS

Larkin Hoffman

8300 Norman Center Drive
Suite 1000
Minneapolis, Minnesota 55437-1060

GENERAL: 952-835-3800
FAX: 952-896-3333
WEB: www.larkinhoffman.com

RECEIVED
JUL 23 2015
BY: SPO

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Re: Southwest Light Rail Transit ("SWLRT") Supplemental Draft Environmental Impact Statement

Dear Ms. Jacobson:

This letter supplements our previous comment letters, dated December 28, 2012, and August 12, 2013, on behalf of SFI Partnership 54, the owner of the Claremont (the "Claremont"). In our meetings with officials of Metro Transit and project management, we have continued to express strong concerns that Segment 3 of the SW LRT-LPA severely and negatively impacts the Claremont Apartments and the public recreational trail (the "Public Trail").

Introduction

The Southwest Light Rail Transit (SWLRT) Supplemental Draft Environmental Impact Statement (SDEIS) was released on May 22, 2015. Our comments summarize our review with respect to the anticipated impacts of the light rail project on the Claremont Apartments and the Public Trail, as well as public open space owned by the City of Minnetonka, immediately east and south of the Claremont (the "Open Space"). We have also summarized the relevant noise and vibration findings in the DEIS. Due to the narrow scope of the supplemental information provided in the SDEIS, there was limited supplemental information on any of the issues as they relate to the Claremont, the Public Trail, or Open Space, and in addition, the environmental review for the project once again failed to evaluate the Open Space as a Section 4(f) property.

Discussion

1. Section 4(f) Properties:

Section 4(f) of the US Department of Transportation Act of 1966, 49 USC 303(c) protects "publicly owned parks, recreation areas, wildlife and/or waterfowl refuges, as well as significant historic sites, whether publicly or privately owned." The SDEIS discussion of Section 4(f) evaluations focused primarily on the areas of change in the LPA elsewhere along the route, but not near the Claremont, and did not include the Public Trail or Open Space. The discussion and analysis of Section 4(f) methodologies is described in far more detail in the SDEIS than that DEIS. However, the SDEIS Section 4(f) evaluation update is narrower in scope and addresses only the following issues:

1) design adjustments to the LPA identified by the Council in April and July 2014;

2) preliminary determinations of effect on historic properties on properties within the LPA made by FTA, in consultation with the Council, MnSHPO and consulting parties as part of the project's Section 106 assessment of historical and archaeological resources;

3) provide opportunity for public comment in FTA's intent to make a de minimis impact determination; and

4) revised preliminary determinations for Section 4(f) protected properties, including preliminary non-de minimis and de minimis use determinations and temporary occupancy exception determinations.

SDEIS 3-218. Because the SDEIS Section 4(f) discussion was narrow, it did not include any new information about the Public Trail, Open Space, or Opus Hill. Updated Tables 3.5-1 and 3.5-2 list the Section 4(f) properties that have been determined to be impacted, none of which are the Public Trail or Open Space. Table 3.5-3 also shows all potential Section 4(f) properties evaluated in the SDEIS Section 4(f) update, but focuses on newly impacted Section 4(f) properties that result from the alignment revisions; therefore, it does not include the Public Trail or Open Space.

It is worth noting that despite not classifying the Open Space as impacted Section 4(f) property, or potential Section 4(f) property, Exhibit 3.5-2 of the SDEIS does identify the Open Space as "Parklands, Recreation Areas, and Open Spaces," within the Section 4(f) study area. *See Attached Exhibit 3.5-2.* No information or analysis is provided to explain why, despite being publicly-owned and classified as a "parkland, recreation area, and open space" in the SDEIS, the Open Space was not treated as a Section 4(f) property. Thus, the SDEIS has failed to provide the necessary and required analysis for permanent occupation and use of a Section 4(f) property.

2. Noise and Vibration

The Supplemental Draft EIS noise impact analysis is based on the same noise standards and methodology used for the Draft EIS, including the same FTA noise impact thresholds for severe and moderate noise impacts, which can be found in Transit Noise and Vibration Impact Assessment (FTA, 2006). *SDEIS 3-12.* The SDEIS does not revise or amend the calculations for noise or vibration levels for the Claremont, the Public Trail or Open Space, but it does provide further insight on methodology. Based on the additional information provided in the SDEIS, we believe the Council used flawed methodology in performing both the noise analysis and the vibration analysis. The issues with the methodology are described further below.

a. Noise Levels

For classification of noise impacts, the DEIS classifies affected properties as either "No Impact," "Moderate Impact," or "Severe Impact," depending on the anticipated volume and frequency of noise. The anticipated noise levels qualify as a "Severe Impact" for the Claremont. The Claremont is identified as a Category 2 (residential) Noise Sensitive Land Use. *DEIS Figure 4.7-2.* The noise assessment table identifies properties only by a "cluster identifier," and includes five Category 2 clusters without reference to an address or property. *Noise Assessment Table, Page 2 of 11.* However, using the FTA Noise Impact Assessment Spreadsheet and the assumptions used by the Council as described in the DEIS, we were able to reproduce the analysis with a result of "Severe Impact" classification for the Claremont. *See attached FTA Spreadsheet.* A Severe Impact classification is described as:

> A significant percentage of people are highly annoyed by noise in this range. Noise mitigation would normally be specified for severe impact areas unless it is not feasible or reasonable (unless there is no practical method of mitigating the impact).

DEIS 4-77. Because the Claremont is identified as a Noise-Sensitive Land Use, **we request a copy of the Met Council's FTA Noise Impact Assessment Spreadsheet specifically for the Claremont**. Of the five clusters shown in the Noise Assessment Table, it appears that the Claremont is located in the cluster identified as 3-F-EB-2-18, based on the SWT Noise Assessment Table. *DEIS Noise Assessment Table, Page 2 of 11.*

b. Vibration Levels

For classification of vibration impacts, the DEIS classifies affected properties as either "Impacted" or not impacted. While the DEIS does not identify the specific properties by name or address in the Vibration Assessment Table, the predicted noise levels appear to be 74 VdB for the Claremont, which exceeds the classification of "Residential Annoyance" and qualifies as an "Impacted" property. The DEIS identifies the Claremont as a Vibration-Sensitive Land Use; although, similar to the noise assessment, the vibration data does not indicate the specific properties by name. *DEIS Figure 4.8-2.* There appears to be a discrepancy with the number of properties identified as vibration sensitive land uses and reviewed under the vibration analysis in Segment 3F. The Vibration-Sensitive Land Use map in Figure 4.8-2 identifies three vibration-

sensitive Category 2 (residential) parcels in Segment 3F, including the Claremont; however, the data only lists one such Cluster ID. *DEIS 4-115.* That single Category 2 cluster shows a vibration level of 74 VdB. *DEIS Vibration Assessment Results by Segment, Table 2.* This means that two of the uses were either deemed to have "no impact," were omitted, or all three uses were calculated as one single cluster. If all were calculated as a single cluster, it would likely yield an inaccurate result in light of the fact that the three parcels cover a distance of more than .80 miles. In addition, the single Category 2 cluster also indicates a distance of 133 feet from the track to the building for the 74 VdB forecast. However, the Claremont, which consists of five (5) buildings, includes two buildings at a distance of only 86 feet from the track, and the other three range from 100 to 110 feet to the tracks. A much greater vibration should be felt at a closer distance. **We request the underlying vibration analysis data on Segment 3F for further analysis**.

The DEIS also addresses soils in the LPA and describes the likelihood that soils will affect vibration. The Claremont is located in Segment 3 of the LPA. Given the geologic conditions and increased train speeds anticipated in Segment 3, the DEIS notes that "Segment 3 geologic conditions are predominantly characterized as having a high potential for efficient vibration propagation. There are few homogenous zones of ground with normal propagation characteristics." *DEIS 4-115.* These geologic conditions should be adequately accounted for in the vibration assessment for the Claremont, as they are likely to result in vibration effects that exceed those projected.

c. Noise Methodology Discrepancy

The SDEIS and the DEIS both purport to analyze the noise impacts consistently with the methodology described in the FTA manual titled Transit Noise and Vibration Impact Assessment (FTA, 2006) (the "FTA Manual"). However, according to the methodology described in the DEIS for assessing the number of affected dwelling units, the Claremont was calculated as one dwelling unit, as opposed to the approximately 330 apartments with 600 residents that actually exist. The unit counts for the analysis were determined through Hennepin County GIS parcel data. In counting the number of dwelling units in each multi-family apartment building, the Met Council used the number of property owners to estimate the number of units. *DEIS 4-85.* This methodology is inconsistent with the methodology described in the FTA Manual, and results in a dramatic under-counting the dwellings affected by SWLRT noise and vibration.

The FTA Manual describes the importance of counting dwelling units for noise impacts and states that "In some cases it may be necessary to supplement the land-use information or determine the number of dwelling units within a multi-family building with a visual survey." *FTA Manual, 5-17.* The steps for developing an assessment of noise impact are described as follows:

> 1. Construct tables for all the noise-sensitive land uses identified in the three land-use categories from Section 5.4.

2. Tabulate buildings and sites that lie between the impact contours and the project boundary. For residential buildings, an estimate of the number of dwelling units is satisfactory. This is done for each alternative being considered.

3. Prepare summary tables showing the number of buildings (and estimated dwelling units, if available) within each impact zone for each alternative. Various alternatives can be compared in this way, including those with and without noise mitigation measures.

4. Determine the need for mitigation based on the policy considerations discussed in Section 3.2.4 and the application guidelines provided in Section 6.8.

FTA Manual, 5-17 (emphasis added). Additionally, when establishing the noise-assessment inventory tables for rail and bus facilities, the FTA Manual states that the tables should include the following types of information:

- Receiver identification and location
- Land-use description
- Number of noise-sensitive sites represented (number of dwelling units in residences or acres of outdoor noise-sensitive land)
- Closest distance to the project
- Existing noise exposure
- Project noise exposure
- Level of noise impact (No Impact, Moderate Impact, or Severe Impact)

These tables should provide a sum of the total number of receivers, especially numbers of dwelling units, predicted to experience Moderate Impact or Severe Impact.

FTA Manual 6-34–6-35 (emphasis added). Despite the guidance in the FTA Manual to estimate dwelling units in multi-family units, it appears the Council simply based the calculation off of property owners listed on Hennepin County records. This means that the Council failed to adequately ascertain the number of dwelling units in non-owner-occupied multi-family dwellings, which results in a gross under-calculation of affected dwelling units that disproportionately affects renters.

3. Proposed Cost Reductions

In May and June of 2015, the Council proposed the elimination of two pedestrian underpasses near the Opus station that would result in increased risks and reduced access for the

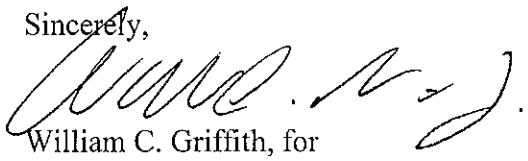
approximately 600 residents of the Claremont who may attempt to use the pedestrian trails near the station. The reduction in access will make it more difficult and dangerous for Claremont residents to access Opus Station and use the SWLRT. While there are no details regarding which two of the four underpasses near the Opus station would be eliminated, any elimination would be detrimental to the residents of the Claremont and would not likely yield the anticipated $1-2 million in savings. These underpasses were included in the original plan for safety to allow the existing trails to be used without disruption. While the details are yet to be revealed, the elimination of underpasses is unlikely to yield the $1-2 million in capital cost savings because any alternative methods of pedestrian access must be constructed, whether it is to reroute existing trails or construct at-grade pedestrian crossings. Not only would any alternative plans be expensive, but they would result in increased risk and reduced access for the Claremont residents.

Conclusion

The SDEIS provides little new information about the evaluation of the impacts of the SWLRT on the Claremont, in terms of noise and vibration, or on the Public Trail, or on the Open Space as Section 4(f) land. It does, however, confirm that the Council has not revised its earlier analysis based on the Section 4(f) information that has been made available by SFI. In addition, the review of the methodology used in both the DEIS and the SDEIS indicates that the approach used for counting dwelling units for the purposes of noise assessments was inconsistent with the Federal guidelines. Similarly, the vibration assessments are not accurate as they pertain to the Claremont and the impact is grossly understated, with vibration levels that are likely significantly higher than the 72 VdB impact threshold and much higher than the 74 VdB represented. In addition, the recently announced elimination of pedestrian underpasses near the Opus station would cause the residents of the Claremont to bear even more of the burden of the SWLRT than previously proposed, by eliminating pedestrian access and decreasing safety.

Please include this comment letter in the official record for environmental review of the project. In addition, please provide the requested data which was highlighted within our comments contained in this letter.

Sincerely,



William C. Griffith, for
Larkin Hoffman

Direct Dial: 952-896-3290
Direct Fax: 952-842-1729
Email: wgriffith@larkinhoffman.com

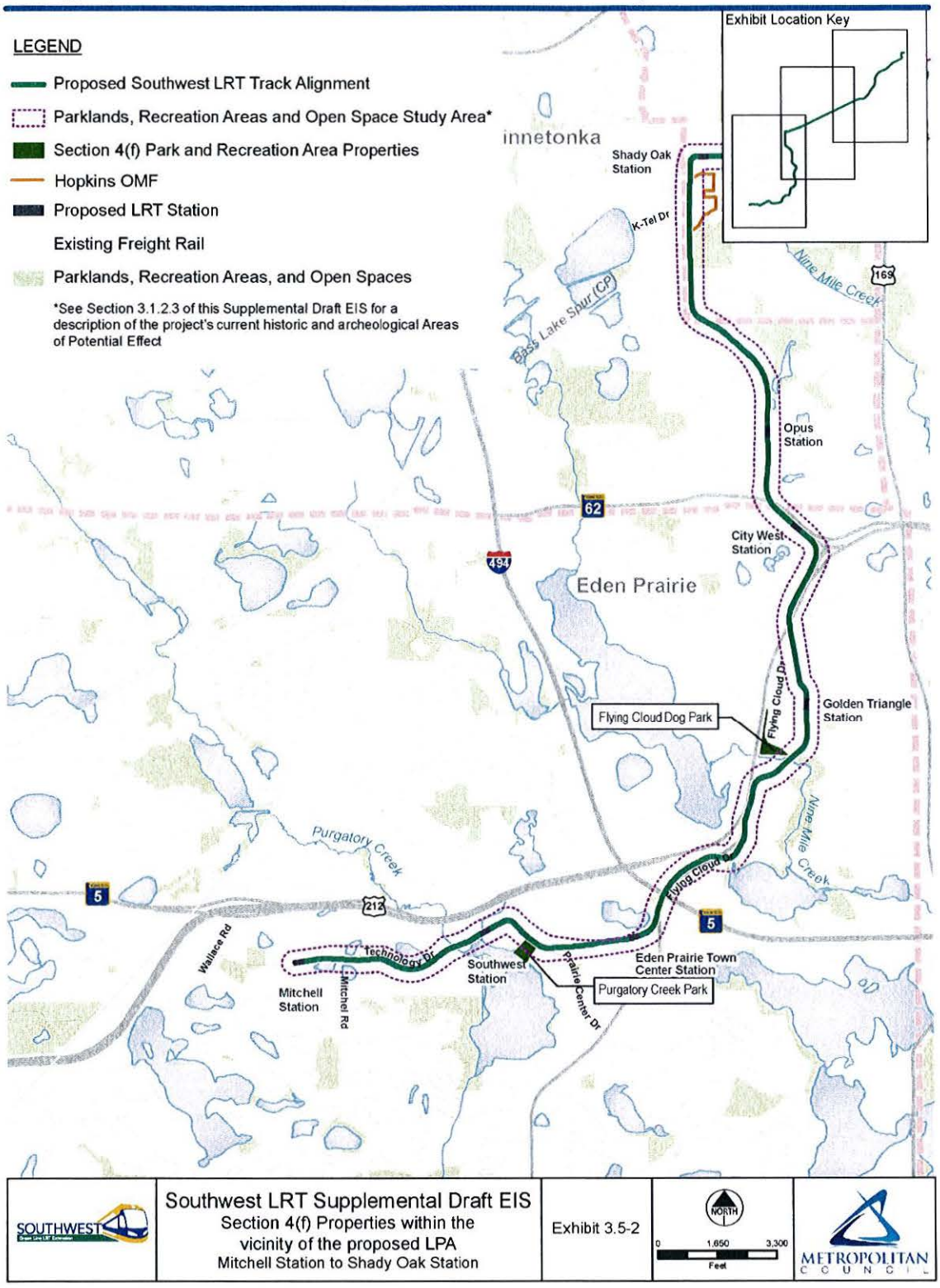
cc: Brian Lamb, Metro Transit
Don Meuting, Metropolitan Council

Mark Fuhrmann, Metro Transit
Members of the Metropolitan Council

4843-2146-2054, v. 2

EXHIBIT 3.5-2

Section 4(f) Properties within the vicinity of the proposed LPA – Mitchell Station to Shady Oak Station



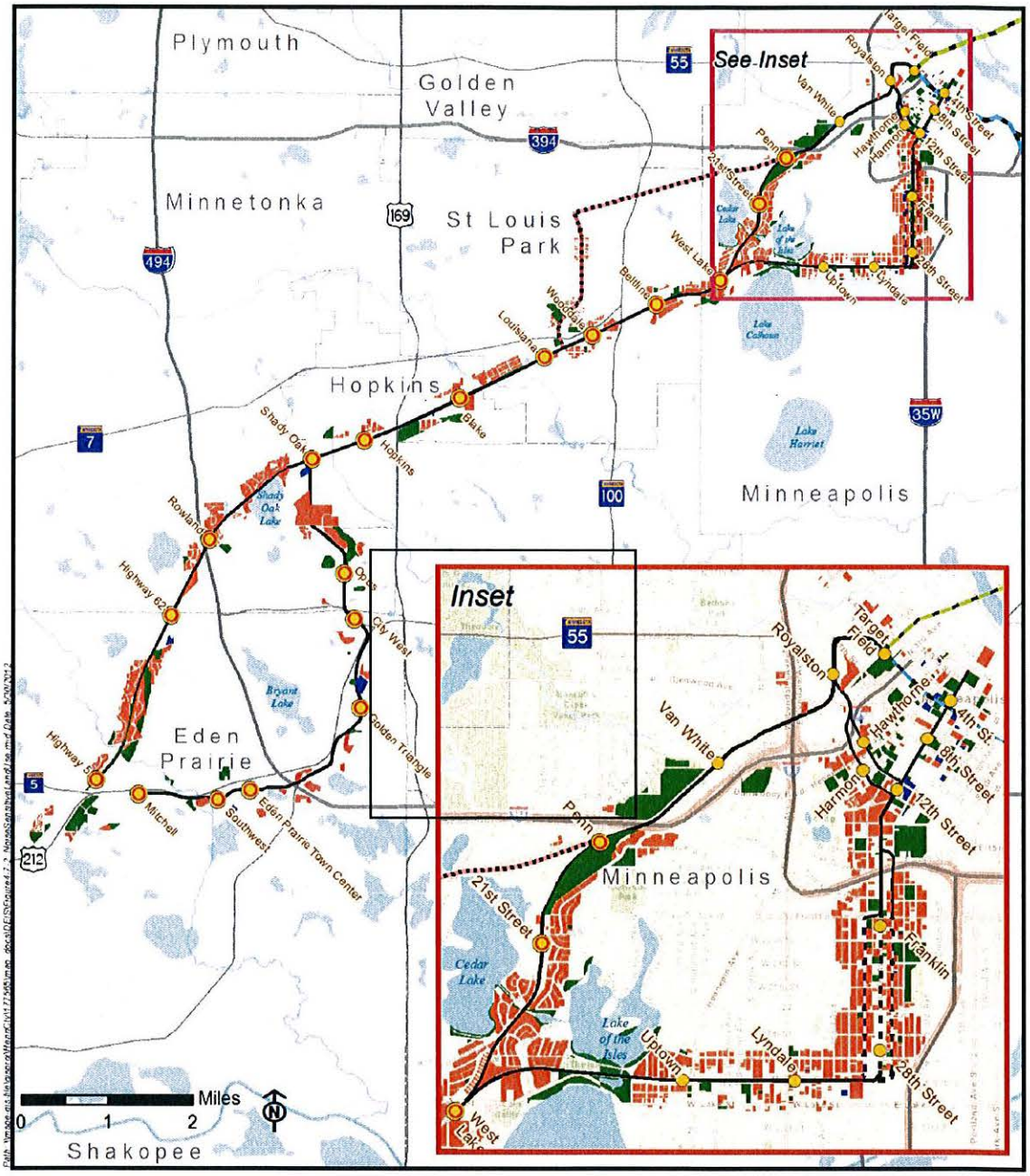


Figure 4.7-2
Noise Sensitive Land Use

Data: MnDOT, DNR, MetCouncil, Hennepin County

Noise Assessment Table

Alternatives with Freight-rail Traffic Relocation

Representative Receptor/Cluster Identifier	Count: Land (qty)	Count: Unit (qty)	Use Category (1,2 or 3)	Side of Guideway (EB/WB)	Distance to Track (feet)	Train Speed (mph)	Noise Assessment Metric (Leq/Ldn)	Existing Noise Level (dBA)	Impact Criteria: Moderate (dBA)	Impact Criteria: Severe (dBA)	Project Related Noise (dBA)	Cumulative Noise Level (dBA)	Increase Over Existing (dBA)	Impact Level	Number of Impacted Receptors: Moderate (land [units])	Number of Impacted Receptors: Severe (land [units])
1-C-EB-2-32	1	1	2	EB	663	40	Ldn	55	55	61	50	56	1	None	-	-
1-C-EB-2-38	6	6	2	EB	89	40	Ldn	55	55	61	60	61	6	Moderate	6 [6]	-
1-C-EB-2-39	8	8	2	EB	312	40	Ldn	55	55	61	51	56	1	None	-	-
1-C-EB-3-7	1	1	3	EB	1407	40	Leq	60	63	68	44	60	0	None	-	-
1-C-WB-2-24	13	13	2	WB	125	40	Ldn	64	60	66	62	66	2	Moderate	13 [13]	-
1-C-WB-2-25	17	17	2	WB	489	40	Ldn	64	60	66	53	64	0	None	-	-
1-C-WB-2-26	13	12	2	WB	443	40	Ldn	55	55	61	54	58	3	None	-	-
1-C-WB-2-33	10	10	2	WB	210	40	Ldn	55	55	61	60	61	6	Moderate	10 [10]	-
1-C-WB-2-34	6	6	2	WB	121	40	Ldn	55	55	61	60	61	6	Moderate	6 [6]	-
1-C-WB-2-35	26	26	2	WB	413	40	Ldn	55	55	61	53	57	2	None	-	-
1-C-WB-2-36	13	13	2	WB	115	40	Ldn	55	55	61	59	60	5	Moderate	13 [13]	-
1-C-WB-2-37	43	43	2	WB	305	40	Ldn	55	55	61	52	57	2	None	-	-
3-A-EB-2-1	1	91	2	EB	20	50	Ldn	63	60	65	71	72	9	Severe	-	1 [91]
3-A-EB-2-2	2	146	2	EB	125	50	Ldn	63	60	65	63	66	3	Moderate	2 [146]	-
3-A-EB-3-1	1	1	3	EB	154	50	Leq	62	64	69	58	63	1	None	-	-
3-A-WB-3-9	1	1	3	WB	1040	50	Leq	62	64	69	51	62	0	None	-	-
3-B-EB-1-1	1	1	1	EB	758	20	Leq	62	59	64	51	62	0	None	-	-
3-B-WB-3-2	1	1	3	WB	912	20	Leq	62	64	69	53	63	1	None	-	-
3-C-EB-2-3	4	4	2	EB	1293	30	Ldn	63	60	65	51	63	0	None	-	-
3-C-EB-2-4	2	2	2	EB	719	30	Ldn	61	58	64	54	62	1	None	-	-
3-C-EB-2-5	2	2	2	EB	702	30	Ldn	61	58	64	51	61	0	None	-	-
3-C-EB-2-6	2	2	2	EB	256	30	Ldn	61	58	64	57	62	1	None	-	-
3-C-EB-2-8	2	97	2	EB	653	30	Ldn	65	61	66	53	65	0	None	-	-
3-C-EB-3-3	1	1	3	EB	240	30	Leq	64	65	71	58	65	1	None	-	-
3-C-WB-2-23	4	4	2	WB	1112	30	Ldn	65	61	66	51	65	0	None	-	-
3-C-WB-2-7	2	2	2	WB	233	30	Ldn	61	58	64	58	63	2	None	-	-
3-D-EB-1-2	1	1	1	EB	213	30	Leq	58	57	62	55	60	2	None	-	-
3-D-EB-2-10	1	1	2	EB	627	30	Ldn	65	61	66	54	65	0	None	-	-
3-D-EB-2-9	1	1	2	EB	269	30	Ldn	65	61	66	56	66	1	None	-	-
3-D-WB-2-11	2	2	2	WB	791	30	Ldn	65	61	66	52	65	0	None	-	-
3-D-WB-3-4	1	1	3	WB	89	30	Leq	58	62	67	57	61	3	None	-	-
3-D-WB-3-5	1	1	3	WB	617	30	Leq	58	62	67	51	59	1	None	-	-
3-E-EB-3-6	1	1	3	EB	768	30	Leq	62	64	69	49	62	0	None	-	-
3-E-WB-2-12	1	1	2	WB	1237	30	Ldn	65	61	66	51	65	0	None	-	-
3-F-EB-2-13	3	99	2	EB	938	50	Ldn	62	59	64	55	63	1	None	-	-
3-F-EB-2-14	1	1	2	EB	187	50	Ldn	62	59	64	66	67	5	Severe	-	1 [1]
3-F-EB-2-15	1	1	2	EB	164	50	Ldn	62	59	64	71	72	10	Severe	-	1 [1]
3-F-EB-2-18	1	1	2	EB	230	50	Ldn	62	59	64	66	67	5	Severe	-	1 [1]
3-F-EB-2-19	3	3	2	EB	528	50	Ldn	62	59	64	63	66	4	Moderate	3 [3]	-
3-F-EB-3-8	1	1	3	EB	607	50	Leq	62	64	69	57	63	1	None	-	-

Federal Transit Administration
Noise Impact Assessment Spreadsheet
Copyright 2007 HMMH Inc.
version: 7/3/2007

Project:	Claremont

Receiver Parameters	
Receivor:	Claremont
Land Use Category:	2. Residential
Existing Noise (Measured or Generic Value):	62 dBA

Noise Source Parameters	
Number of Noise Sources:	4

Noise Source Parameters		Source 1
	Source Type:	Fixed Guideway
	Specific Source:	Electric Locomotive
Daytime hrs	Avg. Number of Locos/train	1
	Speed (mph)	50
	Avg. Number of Events/hr	13.2
Nighttime hrs	Avg. Number of Locos/train	1
	Speed (mph)	50
	Avg. Number of Events/hr	6.66
Distance	Distance from Source to Receiver (ft)	500
	Number of Intervening Rows of Buildings	0
Adjustments		

Noise Source Parameters		Source 2
	Source Type:	Fixed Guideway
	Specific Source:	Rail Car
Daytime hrs	Avg. Number of Rail Cars/train	3
	Speed (mph)	50
	Avg. Number of Events/hr	13.2
Nighttime hrs	Avg. Number of Rail Cars/train	3
	Speed (mph)	50
	Avg. Number of Events/hr	6.66
Distance	Distance from Source to Receiver (ft)	500
	Number of Intervening Rows of Buildings	
Adjustments	Noise Barrier?	No
	Jointed Track?	No
	Embedded Track?	No
	Aerial Structure?	No

Noise Source Parameters		Source 3
	Source Type:	Fixed Guideway
	Specific Source:	Locomotive Warning Horn
Daytime hrs		
	Speed	50
	Avg. Number of Events/hr	13.2
Nighttime hrs		
	Speed	50
	Avg. Number of Events/hr	6.66
Distance	Distance from Source to Receiver (ft)	500
	Number of Intervening Rows of Buildings	0
Adjustments		

Noise Source Parameters		Source 4
	Source Type:	Stationary Source
	Specific Source:	Crossing Signals
Daytime hrs	Signal Duration/hr (seconds)	5
Nighttime hrs	Signal Duration/hr (seconds)	5
Distance	Distance from Source to Receiver (ft)	1500
	Number of Intervening Rows of Buildings	0
Adjustments	Noise Barrier?	No

Project Results Summary

Existing Ldn:	62 dBA
Total Project Ldn:	75 dBA
Total Noise Exposure:	75 dBA
Increase:	13 dB
Impact?:	Severe

Distance to Impact Contours

Dist to Mod. Impact Contour:	---
Dist to Sev. Impact Contour:	---

Source 1 Results

Leq(day):	50.6 dBA
Leq(night):	47.6 dBA
Ldn:	54.6 dBA

Source 2 Results

Leq(day):	47.4 dBA
Leq(night):	44.4 dBA
Ldn:	51.4 dBA
Incremental Ldn (Src 1-2):	56.3 dBA

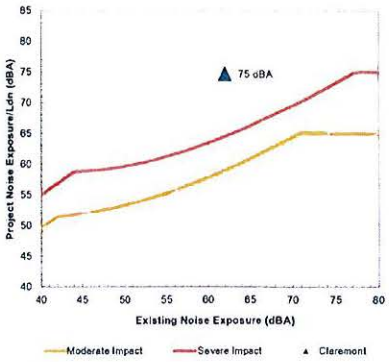
Source 3 Results

Leq(day):	70.6 dBA
Leq(night):	67.6 dBA
Ldn:	74.6 dBA
Incremental Ldn (Src 1-3):	74.7 dBA

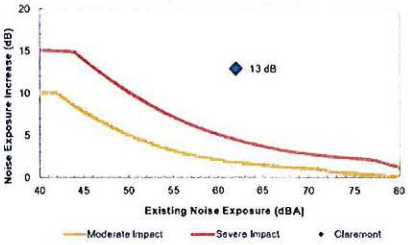
Source 4 Results

Leq(day):	7.9 dBA
Leq(night):	7.9 dBA
Ldn:	14.3 dBA
Incremental Ldn (Src 1-4):	74.7 dBA

Noise Impact Criteria
(FTA Manual, Fig 3-1)



Increase in Cumulative Noise Levels Allowed
(FTA Manual, Fig 3-2)



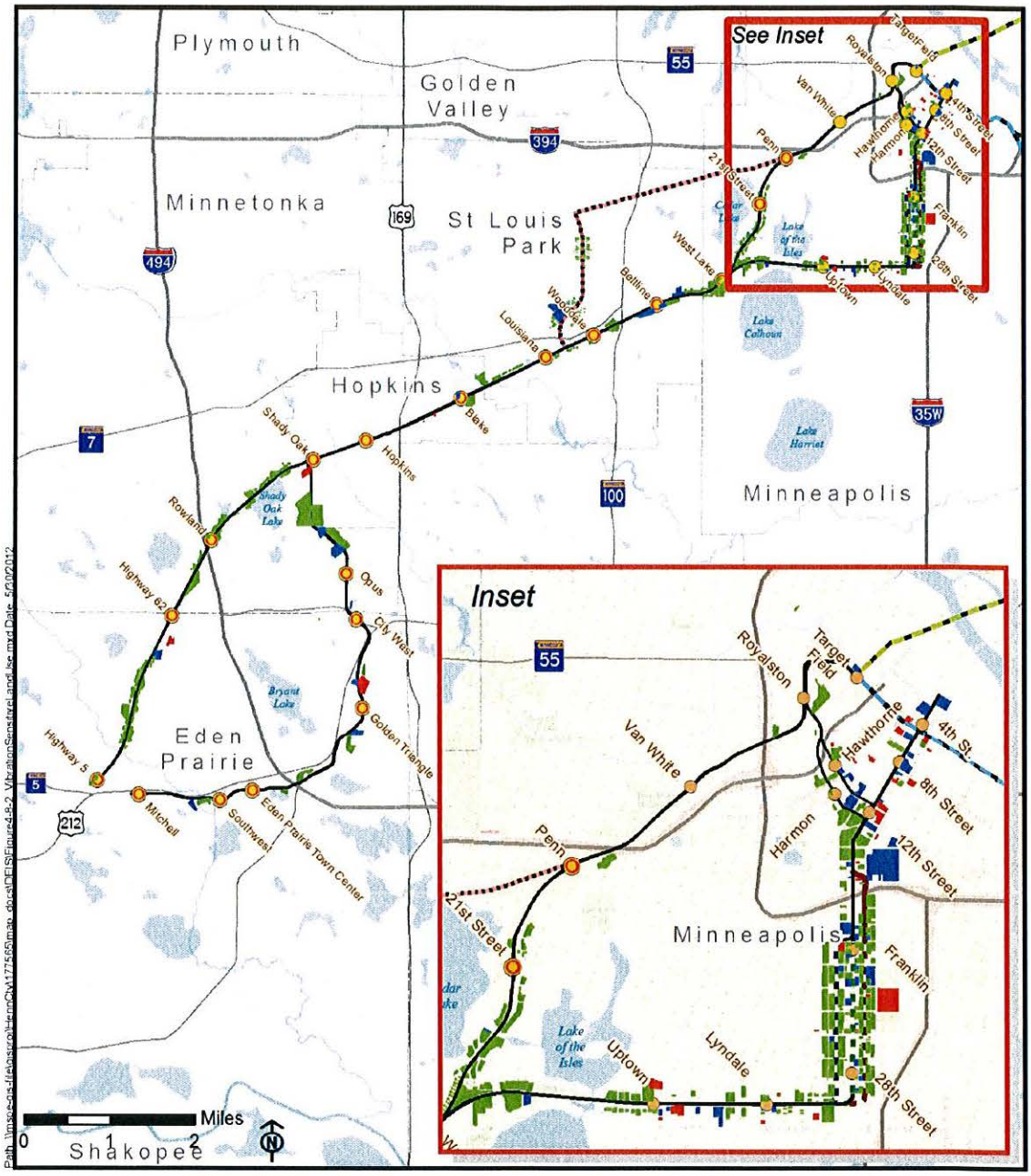

Plymouth
Golden Valley
Minnetonka
St Louis Park
Hopkins
Minneapolis
Eden Prairie
Shakopee
See Inset
Inset
55
394
494
169
7
100
35W
5
212
Royalston
Target Field
Van White
Hawthorne
4th St
8th Street
Harmon
12th Street
Penn
21st Street
Franklin
Lyndale
Uptown
28th Street
Lake of the Isles
Lake Calhoun
Lake Harriet
Bryant Lake
Shady Oak Lake
Cedar Lake
Bellfine
West Lake
Woodale
Louisiana
Blake
Shady Oak
Hopkins
Rowland
Highway 62
Opus
City West
Golden Triangle
Highway 5
Mitchell
Southwest
Eden Prairie Town Center
0
1
2
Miles
N
Legend
LRT Alignment Alternatives
Station
Park & Ride Station
Freight Rail Relocation
Northstar Commuter Rail
Hiawatha Light Rail
Vibration-sensitive Land Use Categories
Land use category 1
Land use category 2
Land use category 3
Figure 4.8-2
Vibration Sensitive
Land Use
SOUTHWEST transitway
Data: MnDOT, DNR, MetCouncil, Hennepin County

Table 2. Segment 3 (LRT 3A, LRT 3C-1, and LRT 3C-2)
General Vibration Assessment Results

Cluster ID	Land Use Category	Side of Track	Distance to Track (feet)	Speed (mph)	Predicted Vibration Level (VdB)	Impact Criterion (VdB)	Number of Impacts (No. of impacted units)
Segment 3 between Mitchell Station and Southwest Station							
3-A-EB-2-1	2	EB	38	50	85	72	1 (91)
3-A-EB-2-2	2	EB	124	50	75	72	2 (146)
Segment 3 between Southwest Station and Eden Prairie Town Center Station							
No Predicted Impacts							
Segment 3 between Eden Prairie Town Center Station and Golden Triangle Station							
No Predicted Impacts							
Segment 3 between Golden Triangle Station and City West Station							
3-D-EB-1-1	1	EB	160	30	68	65	1 (1)
Segment 3 between City West Station and Opus Station							
No Predicted Impacts							
Segment 3 between Opus Station and Shady Oak Station							
3-F-EB-2-7	2	EB	133	50	74	72	3 (3)
3-F-EB-3-3	3	EB	26	50	87	75	1 (1)
3-F-WB-1-2	1	WB	107	50	66	65	1 (1)
3-F-WB-3-4	3	WB	50	50	83	75	2 (2)
					Total Number of Segment 3 Impacts		**11 (245)**

Table 3. Segment 4 (LRT 1A, LRT 3A, LRT 3C-1, and LRT 3C-2)
General Vibration Assessment Results

Cluster ID	Land Use Category	Side of Track	Distance to Track (feet)	Speed (mph)	Predicted Vibration Level (VdB)	Impact Criterion (VdB)	Number of Impacts (No. of impacted units)
Segment 4 between Shady Oak Station and Hopkins Station							
No Predicted Impacts							
Segment 4 between Hopkins Station and Blake Station							
4-B-EB-1-1	1	EB	111	50	76	65	1 (1)
4-B-WB-3-1	3	WB	104	50	77	75	1 (1)
Segment 4 between Blake Station and Louisiana Station							
4-C-EB-2-2	2	EB	162	50	72	72	1 (1)
Segment 4 between Louisiana Station and Wooddale Station							
No Predicted Impacts							
Segment 4 between Wooddale Station and Beltline Station							
No Predicted Impacts							
Segment 4 between Beltline Station and West Lake Station							
4-F-EB-2-11	2	EB	101	40	75	72	12 (12)
					Total Number of Segment 4 Impacts		**15 (15)**

- Light Rail Vehicle horns are sounded at grade crossings and crosswalks where vehicle speeds exceed 45 mph (not including 45 mph).
- Stationary bells are used at preemptive grade crossings and crosswalks for five seconds at each passing of a train.
- This analysis modeled each segment-specific speed to accurately account for proposed operational conditions. Additionally, the acoustical shielding effects of intervening buildings were applied where more than one row of buildings existed. The analysis applied ground attenuation where applicable.

4.7.3.5 Assessment

The unit counts for this analysis were arrived at using Hennepin County GIS parcel data. These data identify multiple property owners for the same parcel of residential property. Using aerial photographs to verify the parcel data, these were determined to be multiunit residences. Each parcel was counted as one land-use, and the number of owners was used to estimate the number of units. This may have omitted from the unit count some multiunit housing where there is one owner with one or more tenants, but these properties would still be counted in the land-uses.

Ambient noise is measured by what is present in existing conditions. Low ambient noise levels cause the impact threshold (the point at which there is an impact) to be lower. Ambient noise levels were as low as 48 dBA on an Leq basis and 51 dBA on an Ldn basis for Segment 1, 55 dBA on an Leq basis and 56 dBA on an Ldn basis for Segment 3, 56 dBA on an Leq basis and 54 dBA on an Ldn basis for Segment 4, 44 dBA on an Leq basis and 52 dBA on an Ldn basis for Segment A, and 58 dBA on an Leq basis and 58 dBA on an Ldn basis for Segment C.

Table 4.7-3 summarizes the results of the noise impact assessment included category 1, 2 and 3 land uses for the four major alternatives. Both the land parcel and individual housing/business unit impacts are presented. Brief discussions of noise impacts along the corridor follow, separated by track segment. A complete list of representative receptors is provided Appendix H, Supporting Technical Reports and Memoranda. Each representative receptor was assessed for project-related noise and it is compared to the existing noise level. LRT 3A (LPA) and LRT 3A-1 (co-location alternative) include the fewest number of moderate and severe impacts overall. LRT 1A has a lower number of moderate and severe impacts than LRT 3C-1 (Nicollet Mall) and LRT 3C-2 (11th/12th Street) because it has a lower number of total units than these alternatives. LRT C-1 (Nicollet Mall) and LRT 3C-2 (11th/12th Street) are located in more densely populated urban areas with a greater number of units per residential parcel.

Larkin Hoffman
8300 Norman Center Drive
Suite 1000
Minneapolis, Minnesota 55437-1060



Larkin Hoffman
ATTORNEYS



TO

Mr. Mark Fuhrmann
Program Director for New Starts
Metro Transit
Park Place West
Suite 500
6465 Wayzata Boulevard
St. Louis Park, MN 55426

M.2-1051

Lebold, BillieJo

From: Susu <susujeffrey@msn.com>
Sent: Thursday, July 23, 2015 9:30 AM
To: swlrt
Subject: Fw: Comments on the Southwest LRT SDEIS
Attachments: SWLRT Comments on the SDEIS 7-21-15.docx

Dear Ms. Jacobson,
I have not yet received a read receipt from this July 21st email.
Kindly acknowledge receipt of this message and the attachment sent in before the deadline expired.
Sincerely,
Susu Jeffrey

From: Susu
Sent: Tuesday, July 21, 2015 8:09 PM
To: Nani Jacobson
Subject: Comments on the Southwest LRT SDEIS

FRIENDS OF COLDWATER

1063 Antoinette Avenue Minneapolis MN 55405-2102 612-396-6966
www.friendsofcoldwater.org info@friendsofcoldwater.org

July 21, 2015

Nani Jacobson, Assistant Director
Environmental and Agreements
Metro Transit—Southwest Light Rail Transit Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park MN 55426
SWLRT@metrotransit.org

Dear Ms. Jacobson,

Please see the attached Comments on the Southwest LRT SDEIS.

Friends of Coldwater is a Minnesota non-profit, non-governmental organization founded in 2001 to educate citizens to protect our water commons.

Sincerely,
Susu Jeffrey

Attachment: Comments on the Southwest LRT SDEIS

FRIENDS OF COLDWATER

1063 Antoinette Avenue Minneapolis MN 55405-2102 612-396-6966
www.friendsofcoldwater.org info@friendsofcoldwater.org

July 21, 2015

Nani Jacobson, Assistant Director
Environmental and Agreements
Metro Transit—Southwest Light Rail Transit Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park MN 55426
SWLRT@metrotransit.org

Comments on the Southwest Light Rail Transit Project SDEIS

The Southwest Light Rail Transit (SWLRT) public process by Hennepin County Commission and Metropolitan Council has been an exercise in pretend democracy. From the beginning the LRT was presented by elected and appointed government officials as a fait accompli.

Although design plans have morphed since 2014 no new municipal consent procedure appears to be planned. With an estimated cost approaching $2-billion, half the funds from federal sources, SWLRT is the most expensive tax-payer program ever imagined for Minnesota.

Co-Location

The off and on again co-location of heavy and light rail traffic was a bait-&-switch tactic. To illustrate the intent to deceive the public about the safety of co-location no "blast zone" map of ethanol rail cars next to the SWLRT was produced for citizen inspection and comment.

From St. Louis Park to the baseball stadium, through the Chain of Lakes, the half mile wide residential and park land remains menaced. The manipulation of promises and threats reifies citizen mistrust of government powers.

The "Equity Train"

The "equity" argument for the SWLRT was a brilliant public relations maneuver to silence guilt-prone white people. Equity is P.C. The pitch was that underserved black

Northsiders would get transportation to jobs in the southwest suburbs. Like the promise to move heavy freight with dangerous ethanol traffic out of the urban zone, the equity promise lapsed.

SWLRT was never planned to move the densely populated Minneapolis black Northside or white Uptown populations. In addition to being a construction jobs program the SWLRT was apparently designed as infrastructure for workers to get to suburban cubical factories.

Urban vs. Suburban

The wealthy southwest suburbs pitted their financial clout against urban public parklands and people—and money won. Furthermore the outcome was assured ahead of time since the elected Hennepin County Commission and the appointed Metropolitan Council are dominated by white suburbanites. Apparently black economic lives do not matter here.

Reducing Cars and Auto Emissions

The Draft EIS predicted no reduction in automobile greenhouse gas emissions with SWLRT until after 2050.

Water

Destruction of parkland is the hallmark of recent transportation development in Minneapolis. Our famous parks, the only undeveloped urban land, are actually lakes, creeks and wetlands previously too wet for development

The Great Medicine Spring and Glenwood Spring

The Interstate-394 corridor is dewatered daily at the rate of 2.5-million gallons. Plastic drain tile pipes with little holes where groundwater infiltrates funnel the water into a series of ponds from the Highway 394/100 intersection to Sweeney Lake and out Bassett Creek, under downtown Minneapolis, to the Mississippi. A sign at the mouth of Bassett Creek used to warn pregnant women and children under six not to eat fish caught there.

Two springs dried up with Highway 394 permanent dewatering: Glenwood Spring, formerly sold as commercial spring (now well) water and the Great Medicine Spring in Theodore Wirth Park. Indian people "came hundreds of miles to get the benefit of its medicinal qualities" Col. John H. Stevens, first white Minneapolis resident, said of the Great Medicine Spring in 1874.

The place is still there but no water runs. Treated city water is now piped into Wirth Park. The Minneapolis Park and Recreation Board waited 10-years for the spring to recharge. In 1999 a 150-foot well was drilled with negligible results.

Coldwater Springs

The Hiawatha LRT project reduced the flow to Coldwater by more than 35-percent. Coldwater is the last natural spring in Hennepin County, is a federally recognized Dakota sacred site, it furnished water to Fort Snelling 1820-1920, and is considered the birthplace of Minnesota where the first Euro-American community developed to service the fort.

MnDOT offered to pump treated city water into the Coldwater reservoir before it was forced to redesign the Hwy 55/62 interchange. Nevertheless Hiawatha LRT and Highway 55 reroute construction resulted in the loss of 46,000 gal/day—from 130,000 down to 84,000. The Hwy 55/62 interchange pipes out 27,500 gal/day but a mysterious 18,500 gallons is simply gone.

“How could your professionals be so far off in their hydrology? What facts were not available to you,” Judge Franklin Knoll asked MnDOT attorneys in Hennepin County court 9/13/01. “MnDOT is one of the largest and most well-staffed departments in Minnesota. Your engineers, geologists and water specialists all signed off on this design,” Knoll said.

MnDOT attorney Lisa Crum said “MnDOT (design) standards were based on reasonable estimates.” Coldwater supporters were repeatedly told that the groundwater would "just flow around" sunken highways built into the water table. The inference was that the water would just flow around and return to its former paths. It did not.

Removing groundwater results in dirty water and dry land. The land dries out when groundwater is prohibited from running through nature's slower filtration system. The water gets dumped into the lakes, creeks and the Mississippi with contaminants adhering to dirt particles. Think of mercury poisoning from fish taken in our northern lakes far from the coal-fired power plants that vented into the air.

Dry soil does not easily absorb the increasingly heavy storms events experienced with climate change. Storm water runs off quickly with top soil, fertilizers, air and road impurities, and goose and duck poop.

Tunnel Through the Chain of Lakes

A half-mile tunnel would be inserted (after tree removal) between Cedar, Lake of the Isles and Calhoun. Solid steel walls would be sunken 55-feet down for the length of the tunnel to anchor the 35-foot wide structure. Otherwise it would float up or down with fluctuating underground water levels.

According to the Burns and McDonnell Engineering Company water study for the Metropolitan Council as much as 24,000 gallons per day from inside and around the tunnel would be pumped out. Less groundwater flow into and out of the lakes would

allow more contaminants and particulate matter to fill in and remain in our public waters, our water commons.

Again citizens are being assured that the groundwater will "just flow around" a half mile long "shallow" tunnel—built into the already saturated land between the lakes. In fact the very same expert consultants in hydrology and geology are employing the very same language to assure Metropolitan Council appointees, Hennepin County Commissioners, Minnehaha Creek Watershed District staff and managers, and concerned citizens that groundwater will "just flow around" a huge underground tunnel in the land between the Minneapolis Chain of Lakes.

The idea that people can "manage" water is being sold like comfort food. Hydrologists, geologists, architects and engineers are hired to plan waterproof structures. Sure—in a virtual world. In our world infrastructure is I-35W falling into the Mississippi or a brain-eating amoeba in Lake Minnewaska.

The US business model did not evolve to plan sustainably. Public works programs are funded on a formula of minimum cost because cost is somehow limited to the cost of construction.

Although SWLRT is the most expensive public works program ever proposed in Minnesota wet soil conditions along the proposed route would multiply costs. "Reasonable estimates" versus digging down into a saturated landscape will become obvious if this project makes it through the legal hurtles set up to protect citizens from government-business collusion.

Conflict of Interest

The last hurtle before golden shovels break the soil is normally a permit from the Minnehaha Creek Watershed District (MCWD). The district purchased 17-acres of land across the street from the proposed SWLRT station at Blake Road with a $15-million tax payer bond.

Odds are the appointed MCWD Board of Managers would vote to permit SWLRT.

When developers take over a watershed the mandate to protect the water commons is compromised. So ownership of a $15-million parcel of land at the proposed SWLRT Blake station appears to have influenced MCWD's favorable study of the proposed shallow tunnel plan.

Below are transcribed legal audio minutes of the May 8, 2014 regular meeting of the Minnehaha Creek Watershed District Board of Managers (appointed by the Hennepin and Carver County Board of Commissioners).

The discussion centers on the SWLRT and 17-acres at Blake Road and West Lake Street, south of Knollwood Mall, in Hopkins, across the street from the proposed Blake

SWLRT station. The station location is now part of a strip mall, just south of the railroad tracks and Pizza Luce at 210 North Blake Road.

The parcel includes a large cold food storage warehouse, and borders Minnehaha Creek and the Cedar Lake bike trail which is next to the RR tracks. The land was purchased about four years ago for $15-million for redevelopment investment, for storm water ponds (water storage) and Minnehaha Creek restoration.

At a MCWD Board of Managers meeting the question of interest payments on the $15-million bond was posed by SWLRT opponent Bob Carney. Managers skirted the question. Approximately $100,000 per year in interest payments would be expected.

The players in this 2014 audio transcription include MCWD Board of Managers:
--Sherry Davis White, president, Orono, term expired 3/15 (wife of former Orono mayor, Jim White who organizes housing developments), reappointed until 3/18
--Brian Shekleton, vice president, St. Louis Park, term expires 3//16 (works for Hennepin County Commissioner Peter McLaughlin)
--Richard Miller, treasurer, Edina, 3/17 (former Wells Fargo employee who arranged bonding, government finance)
--Jeff Casale, secretary., Shorewood, 3/15 (realtor) Kurt Rogness of Minneapolis, architect, was appointed for a three-year term replacing Casale. Minor felony charges against Casale for using MCWD staff in his private real estate business were dropped because "the alleged embezzlement occurred outside the statute of limitations."

Three managers were absent:
--Jim Calkins, Minnetonka, 3/16 (PhD, professor Horticultural Science UMN)
--Pamela Blixt, Minneapolis, 3/17 (MA public administration, City of Minneapolis emergency services)
--Bill Olson, Victoria, 3/16 (engineer Rockwell International)

--Richard Miller "…the worst could be that LRT didn't get approved…we've got to do a quiet plan if LRT doesn't go through and it (the land) doesn't have its commercial value at its highest and best use as a train station site....We've got to build in our budget someplace (for) the losses we're going to absorb on disposing of that site, because we always know [sic] we've got more in it than we'll get from it but the benefits of the (Minnehaha) creek frontage, and the (storm water) storage capacity, etc. you know it had certain value to us and so that could cover the, but you know, if we do have a problem in 2 or 3 years or 4 years you know let's not have it in a situation where we're in a disaster with no plan. And I don't think it would take much of an effort to plan it out, you know, how we're going to pay for the costs.

[The bonding loan to be paid back with tax money comes due in 2017]

--James Wisker, MCWD staff Director of Planning, Projects & Land Conservation: "By the end of July we should have a lot more clarity…worst case scenario planning we should revisit like, July 24th by then all municipal consent should have occurred."

[In a 6/16/14 email Wisker wrote to the author: "Regarding (SWLRT) dewatering. I referenced that there would be no system in place to perpetually dewater following construction completion."

--Richard Miller: "We can't be naked when that $15-million comes due (in) 2017….We're planning for the best but we're ready for the worst".

--unidentified male voice: "When we started on this…we had very strong interest in senior housing…there's no question it's going to be more valuable with light rail…

--Brian Shekleton: "And I will offer that light rail will happen...
--Jeff Casale: (interrupts) "That's going in the minutes I think."
-- (laugh)
--Brian Shekleton continues: "and by every indication I get that commitment from (Minneapolis) city council members."

Jeff Casale: If we're going to have this on the record…disaster is nothing like I would have considered it as. I think the property has been improved significantly from the work that we've done surrounding it…whether or not LRT goes in that property will have significant real estate value and I would not characterize it at all as disaster planning.

Richard Miller: "Well, you can call it what you want but it will be (a disaster) when the note comes due and we got a third of the value of the note."

The rhetorical questions are: who's watching out for the water and is this land purchase a conflict of interest for MCWD managers who would be voting to permit the SWLRT?

It appears that citizens, not officials or paid experts or politicians or white suburban developers, care about the sustainability of keeping Minneapolis waters clean enough for human recreation.

Clearly the voting managers of a permitting agency should be leery of the appearance of a conflict of interest regarding public money and political power. It certainly appears to be conflict of interest, legally actionable or not.

The Minnehaha Creek Watershed District deciders have violated public trust with their ambitious financial scheme that supersedes the preservation and protection of the water commons.

Water Standards Enforcement

Neither the MCWD nor the state Department of Natural Resources (DNR) has enforcement powers. The state legislature did not grant permitting agencies police powers.

It took the DNR three years to win a court order to stop illegal pumping of groundwater from 1800 West Lake Street into the lagoon. Some 240,000 gallons per day of water from a sub-sub basement parking garage was piped into a city sewer emptying into the lagoon between Lake of the Isles and Calhoun.

Two kinds of pollution flowed into the lagoon and Calhoun and down the chain: a temperature differential and garage drippings including grains of heavy metals from cars mixed with oil products. The temperature change was noticed by Loppett organizers when parts of the lagoon failed to freeze which could have allowed skiers to fall through rotten ice.

The problem was "solved" by moving the discharge pipe. Before the 1800 West Lake Street upscale apartment construction the Minneapolis Park Board spent a quarter million dollars on Lake Calhoun clean up.

Calhoun and Cedar lakes have six of the city's dozen swimming beaches. Lake Hiawatha at the butt end of Minnehaha Creek accumulates all the flowing pollutants from much of Hennepin County and most of Minneapolis since water obeys gravity.

The Park Board plans to close the beach at Hiawatha, remove the sand and build an "open pavilion." While the beach is a neighborhood treasure the shallow lake is a pollution catch basin. A new $7-million natural filtration public swimming pool at Webber Park in north Minneapolis seems to be the future of safe swimming.

Small Scale Flexibility

Nobody is disputing the need for transportation.

LRT is 20th century technology—big, clunky, really pricey and fixed. We need to have smaller, more numerous and flexible transport choices. The greater Twin Cities are growing in an expanding circumference with multiple "centers." People commute from a 27-county radius.

The push to build big rather than to decentralize is less efficient in both time and money, does not provide jobs and sabotages our water. The current SWLRT proposal is a dinosaur.

Sincerely,
Susu Jeffrey
for Friends of Coldwater
susujeffrey@msn.com

Lebold, BillieJo

From: Jerry Van Amerongen <jerryvan@comcast.net>
Sent: Thursday, July 23, 2015 9:11 AM
To: swlrt
Subject: LRTDR Draft

I am writing to state that I fully support the LRTDR draft submission. I've lived within a few hundred yards of the channel crossing for the last 25yrs., and I particularly support section 3.4.1.3 of the document. Present plans will massively impact the channel area rendering the area unrecognizable, and dangerous. Freight rail traffic has been allow to increase over the last 12 to 24 mo.'s, large "long haul" engines, pulling heavier longer trains often carrying Bakken crude oil and ethonal is an accident waiting to happen.

Thank you,

Jerry Van Amerongen
2533 Washburn Ave. So

RECEIVED
JUL 24 2015
BY

Comment #223

Tell us what you think!

I will ride this route(s) ~~most~~ often: First, thank-you for your work, keeping hope alive. Now let's have it become reality!

I live in this city: St. Louis Park Thanks for observing cultural resources, like historical bldgs.

How well do you think the plan addresses the ~~five~~ types of ~~bus~~ improvement identified:

- routes that serve new areas
- ~~routes that begin operating earlier and end later~~
- routes that have more frequent trips
- ~~faster travel time~~
- ~~reverse commute service~~

Re parks & historical bldgs., it would have been better to mention Jorvig Park along with its Nationally Registered Depot bldg. & vice versa. St. Louis Pk. & Mpls. were grouped together. This took more time to get through materials to find what directly affects each.

✓ Very well. I like the plan; Move ahead!

✓ It's okay. It needs work in these areas: ~~(check all that apply)~~

- ~~Serving new areas~~
- ~~Routes operating earlier and later~~
- ~~More frequent trips~~
- ~~Faster travel~~
- ~~Reverse commute service~~

___ ~~Not at all. I do not like the plan for these reason(s):~~ *(check all that apply)*

- ~~Serving new areas~~
- ~~Routes operating earlier and later~~
- ~~More frequent trips~~
- ~~Faster travel~~
- ~~Reverse commute service~~

___ No strong opinion.

Other comments: I still am confused as to the later-included but maybe now budget cuts-affected "swap" in central St. L Pk, & whether a wye in the area will be changed w. a South rte. Hope there'll be a further clarification & a chance to voice support, changes, or opposition.

Thanks for keeping the 21st St. Station. It's good for Native Americans to get to jobs. I'm glad there can be mitigations in Kenilworth.

Thank-you for keeping heavy rail out of St. L. Pk.'s neighborhoods & business areas. The rail operators didn't want relocation. The bike trail through Kenilworth was the option that could be moved elsewhere if a crunch came/comes.

To return your completed form, fold it in thirds and attach tape where marked.
Comments must be postmarked by ~~Nov. 29, 2014~~. Jul. 21, 2015

You may also provide comments at public meetings Nov. 5-18, by phone at 651-602-1500 or by email at sip@metrotransit.org.

Learn more at metrotransit.org/sip.

Yours, Diane Steen-Hinderlie
(v. address label)

Metro Transit

M.2-1061

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Ms Diane Steen-Hinderlie
2829 Yosemite Ave S
Minneapolis, MN 55416

MINNEAPOLIS MN 554

21 JUL 2015 PM 9T

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Nani Jacobson, Ass't. Dir.
METRO TRANSIT - SW LRT Proj. Off.
~~560 SIXTH AVE N~~ 6465 Wayzata Blvd., Ste. 500
MINNEAPOLIS MN ~~55411-9208~~ 55426

RECEIVED
JUL 24 2015
BY:

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This side must face out; then tape edges.

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Lebold, BillieJo

From: Jean Thomson <jean.thomson@dashe.com>
Sent: Friday, July 24, 2015 10:59 PM
To: swlrt
Subject: Support of LRT Done Right

My husband and I endorse the comments on the SDEIS in the report "LRT-Done Right", which comments have just been submitted by email to the Met Council.

Thank you,
Jean Thomson and John Sandbo

Jean Thomson
612-387-7725 mobile

Lebold, BillieJo

From: Richardson, Mary
Sent: Wednesday, July 29, 2015 5:39 AM
To: Pfeiffer, Daniel; O'Connell, Sam
Cc: Lebold, BillieJo
Subject: FW: LRT-Done Right comments, corrected
Attachments: LRTDR SDEIS Response_Corrected 7-23-15.doc

From: Mary Pattock [mailto:patto017@umn.edu]
Sent: Tuesday, July 28, 2015 1:50 PM
To: swlrt
Subject: LRT-Done Right comments, corrected

Please see attached, corrected, version of LRT-Done Right's comments on the SDEIS.

The small corrections occur on page 27; they are highlighted for your ready reference.

Would you please use them instead of the previous version we sent you? Thanks you.

MP

Mary Pattock
612-922-7609

LRT-Done Right

Corrected Release July 23, 2015

2782 Dean Parkway
Minneapolis, MN 55416

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit — Southwest LRT Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson:

LRT-Done Right is a grassroots organization of some 500 Minneapolis residents and taxpayers who have conducted exhaustive research and advocacy on the effects of light rail transit and freight lines on community well being. We hereby submit to you our comments on the Southwest LRT Supplemental Draft EIS. They are the product of literally thousands of volunteer hours of research, analysis, and writing. As citizens of Minneapolis and the Metro area, we hope and expect that they will receive appropriate respect, attention, and response.

The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's recommendation is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process. We are an organization that seeks to represent concerns of those most impacted by this unfortunate decision.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor would be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured *from a basis of no freight and no light rail.*

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation would continue to grow as transport of ethanol and other volatile materials expands and freight trains grow longer.

Third, this SDEIS is significantly flawed in it findings regarding environmental impact, safety concerns, and disturbance of livability, if not outright danger, to those living within a half mile of the route, which we will refer to as the "Blast Zone." This is a real issue that was not as prevalent in the news when the alignment was first proposed. In the context of current discussions regarding the increased number of freight accidents across the United States and Minnesota, we are seriously concerned about the safety of families and loved ones who would live in a Blast Zone zone surrounding ethanol trains and sparking LRT wires.

Fourth, we are disturbed by the promises of unspecified remediation activities found throughout the SDEIS. As the Department of the Interior says in its *Handbook on Departmental Review of Section 4(f) Evaluations:* "Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable…. Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties." Such general promises are not acceptable to the federal government. Nor are they acceptable to us.

Finally, the SDEIS fails to address the significant costs associated with the many design and construction, safety, and environmental remedies that it will, based on our assessment, be required to implement — the relocation of a sewer force main that the Met Council installed only months ago, and sound and vibration remediation measures for area residents are but two. Nor does it recognize long-term costs of lost property tax revenue that would erode the tax base of the City of Minneapolis in perpetuity. We estimate that these combined costs would initially total at least $13 million to $24 million, and much more over the years.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor — including "co-location," thus making the temporary freight rail permanent — they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. LRTDR does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

Mary Pattock
On behalf of LRT-Done Right

LRT-Done Right response to Southwest Light Rail Supplemental DEIS

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: We request more information about 3400 Cedar Lake Parkway, a strip of land valued by the City of Minneapolis $2.1 million.[1] For years, the Hennepin County property tax website listed this parkland as owned by the Minneapolis Park and Recreation Board. Meanwhile, in discussions concerning SWLRT, the Met Council disputed this information, maintaining that the property belongs to BNSF. Recently, however, Hennepin County changed its website to say the property belongs to BNSF.[2] What is the basis of the change? What evidence does the Council have that the land is owned by BNSF railroad? Where are the supporting documents, or what was the process by which this change was made? Did the property change hands via a gift of public property? If so, when and why did that happen? If the property is indeed owned by the Park Board, then a compliance analysis will need to be conducted to comply with both Section 106 and 4(f).

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see:
http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Based on figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately $240,000. Yet Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Association, Cedar Lake Shores Townhomes, and other private property in Minneapolis, but identifies no property tax loss for Minneapolis. The Council should explain the calculations it used to conclude that that the property tax losses are so low or even nonexistent. Although we understand that the Council may not wish to release dollar figures for specific property acquisitions at this time, the public must nevertheless be assured that the Council is not both minimizing the costs of acquiring these properties and ignoring the fact that taxpayers will need to compensate for a shrunken property-tax base, which we estimate would exceed $4 million annually (based on an estimated 5 percent decline in property value for private homes and commercial buildings most impacted by SWLRT).

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office (MnSHPO), an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

[1] See http://apps.ci.minneapolis.mn.us/PIApp/ValuationRpt.aspx?pid=3202924120001 and http://apps.ci.minneapolis.mn.us/PIApp/GeneralInfoRpt.aspx?pid=3202924120001
[2] See https://gis.hennepin.us/property/map/default.aspx

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that *may* be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

None of these measures can avoid, minimize or mitigate the long-term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. *Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS.* Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The proposed bridges over the Lagoon would have an adverse impact because of their size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure would alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation with MnSHPO and certain unidentified avoidance/minimization/mitigation measures. Throughout this table, "consultation" is offered as mitigation. But "consultation" is not the same as "mitigation." Consulting means talking; mitigation means doing something. The SDEIS does not identify what it could do that would mitigate negative impacts. In any event, the possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. *The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.* See also our comments below on 3.5 Draft 4(f) Section Evaluation Update.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short-term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need real plans to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction, as well as an agreement that specifies how these potential impacts will be monitored and mitigated. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction to establish baselines and mitigation commitments.

Table 3.4-5 is confusing in that it lists station area development as a possible effect on the Kenwood Parkway Residential Historical District that will require continued consultation. The Met Council needs to explain what development it is referring to, because none is anticipated in this district. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station

See also
http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: As noted in our comments on 3.4.1.2 above, we request more information about 3400 Cedar Lake Parkway. This parkland has long been listed on the Hennepin County property tax website as belonging to the Minneapolis Park and Recreation Board. What evidence has the Council or Hennepin County discovered to recently change the website to indicate that this $2.1 million property is owned by BNSF railroad? Does the conclusion of "no long-term direct impact" of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood? Is the conclusion a way to avoid conducting a compliance analysis as would be required under Section 106 and 4(f) if the property belonged to the Park Board?

The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial" (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be *substantial throughout the corridor.*

The SWLRT plan proposes clear-cutting in the Kenilworth Corridor, a rare urban natural resource. It would remove a large amount of green space and thousands of trees, replacing them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the visual impact of deforestation of this area will be great, especially given that the Kenilworth Trail is used by well over 600,000 annually. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

The SDEIS says the consultant determining the *visual qualities* of the corridor relied on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). It does not say the consultant actually set foot in the area, or consulted any stakeholders. Assuming that is the case, we are most discouraged at the slipshod research methods used in this important document, and find it even less credible.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station, a slab of concrete and metal with fencing and catenaries, will indeed "create a focal point" — that is to say, a negative one. It is not credible, and it is even laughable, to assert that a concrete slab will positively impact the visual qualities of a spot immediately adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. We find it absurd and disingenuous for the Council to claim otherwise. The Council must stop pretending that this problem does not exist, and get serious about identifying robust and meaningful mitigation measures for incorporation into the project.

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: LRT Done Right demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming.

Further, LRTDR is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contamination is likely to be found, and while the additional contamination is stated to be covered by the contingency fund, LRTDR finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contaminations in such soil due to its former use. LRTDR strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor.

The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design, construction, and cost implications on the shallow tunnel, which are not addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council is clearly aware of this complication, since it refers to replacing 200 feet of the dual 18-inch sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, it nevertheless does not address its design impacts and costs in the SDEIS in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then crosses under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan says a pit would be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The distance to the top of the casing pipe is approximately 17 feet and the distance to the bottom is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts:

Economic costs:

Long term increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:
Short-term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:
Short-term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration:
Short-term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

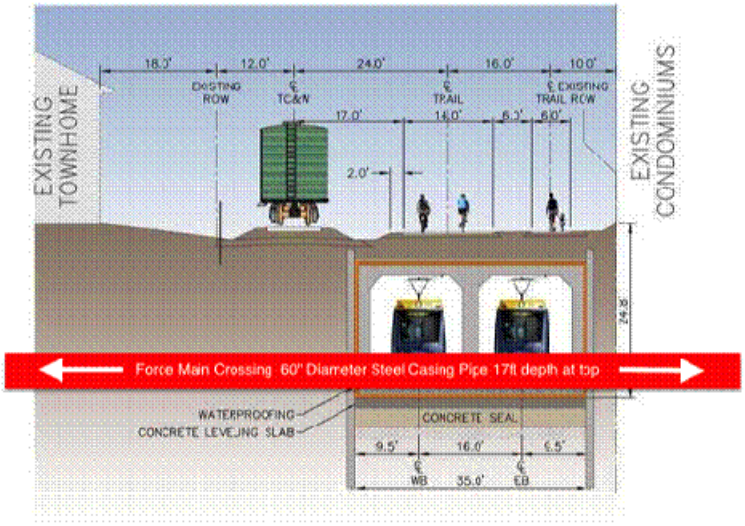


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

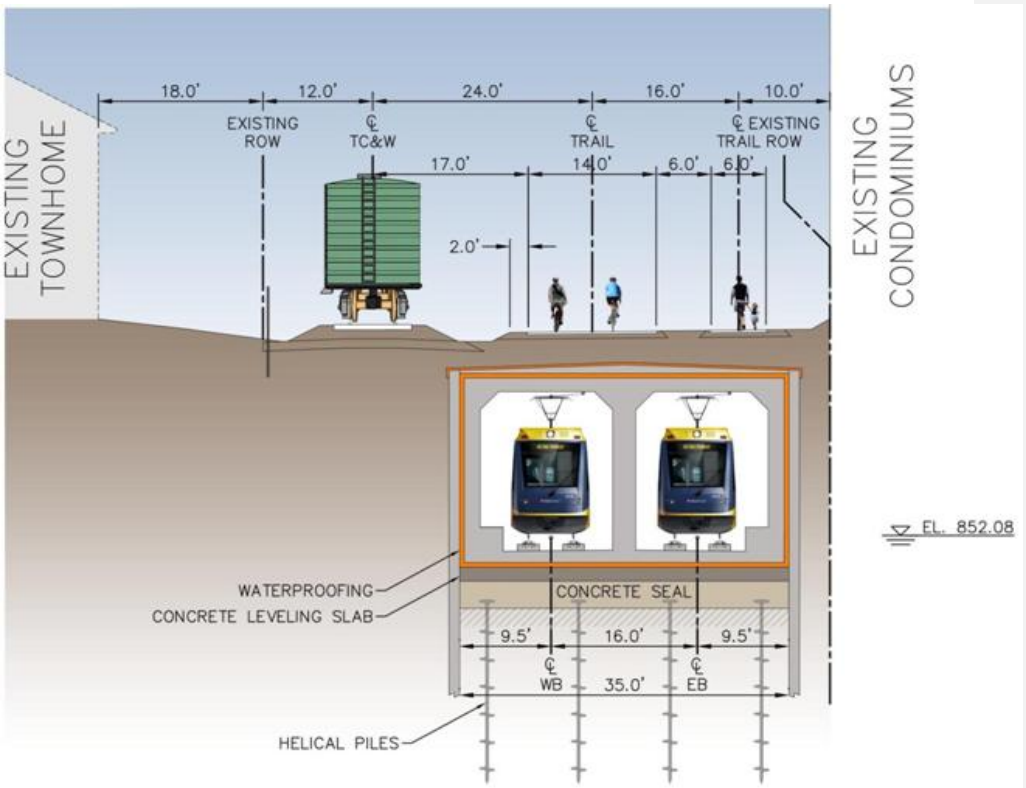
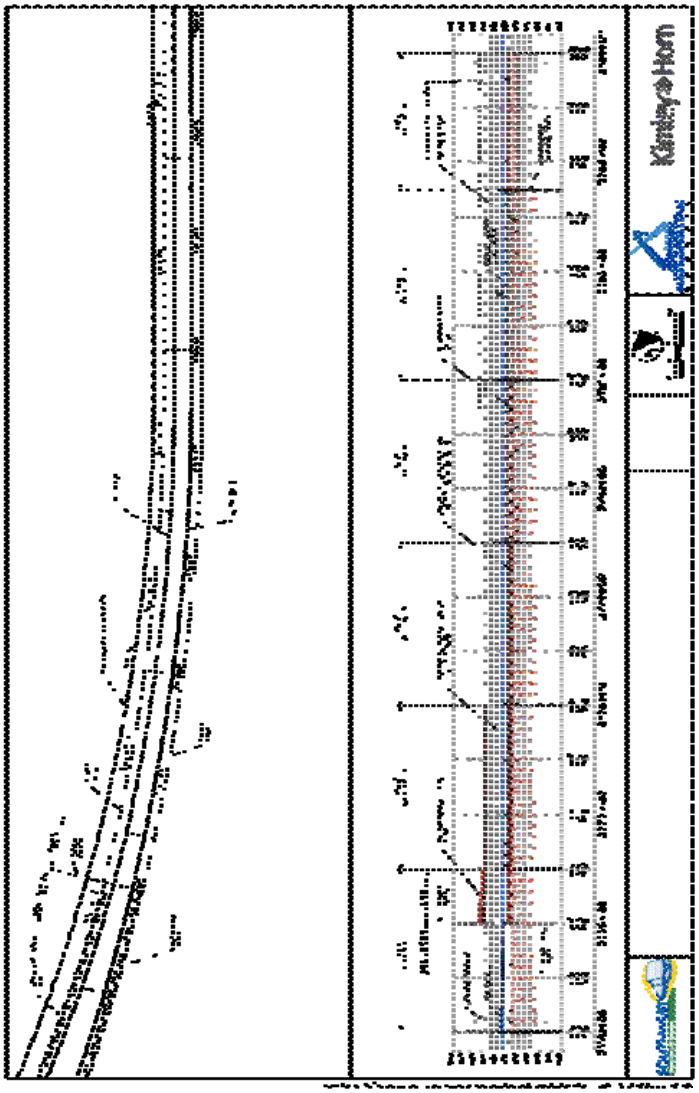


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 AND 3.4.2.3 NOISE AND VIBRATION

Comment: The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] *This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.*

- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.

- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

Comment: When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

SWLRT noise impacts substantially minimized: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. Some have compared the proposed SWLRT route with the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue). But such comparison is inappropriate, since the Blue and Green lines run immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**. [4] By contrast, the Kenilworth Corridor is a unique, quiet environment, part of the Grand Rounds National Scenic Byway.

The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact. Translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration at sound levels up to 106 dBA (the sound of warning bells — equal to the sound of a jet take-off 1,000 feet away). As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet (equivalent to freeway noise at 50 feet), 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT three-car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, drastically increasing the noise generated. This would hold true even if the only noise increase were from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

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[3] http://metrocouncil.org/swlrt/sdeis

[4] A National Scenic Byway is a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. Congress established the program in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).

Our conclusion that the LRT trains in the midst of a residential and recreational area would be an overwhelming intrusion is supported by the analysis below, which assesses the combined impacts of LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency identified in Appendix H, SDEIS p.3-13 and p.3-18.

LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train; 21st Street is also a grade crossing.
- Bells are sounded twice at stations — once entering and once exiting station platforms, such as the 21st Station (SDEIS gives no duration. We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6 to 8 trains per hour equals 9 to 12 trains per day between 4:00 AM and 5:30 AM
- This means 1 SWLRT train at 66 to 76 dBA every 7.5 to 10 minutes
- Would produce 25-plus + seconds of bell noise (5 seconds at 88 dBA, plus + 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour equals 186 trains per day between 5:30 AM and 9:00 PM
- This means 1 SWLRT train at every 5 minutes
- Would produce 25-plus + seconds of bell noise (5 seconds at 88 dBA, plus + 20 seconds at 106A dBA , plus + unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- *At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise*

Evening to early morning 9 PM to 2 AM

9 PM to 11 PM

- 6 to 8 trains per hour equals 12 to 16 trains per dayevening between 9 PM and 11 PM
- This means 1 SWLRT train at every 7.5 to 10 minutes
- Would entail 25-plus + seconds of bell noise (5 seconds at 88 dBA, plus + 20 seconds at 106 dBA, plus + unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

11 PM – 12AM

- 2 trains per hour equals 2 trains per day night between 11 PM and 12 AM
- This means 1 SWLRT train every 30 minutes
- Would entail 25-plus + seconds of bells ((5 seconds 88 dBA, plus + 20 seconds at 106 dBA, plus + unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

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Very early morning 12 AM – 2 AM

- 1 to 2 trains per hour equals 2 to 4 trains per day between 12 AM and 2 AM
- This means 1 SWLRT train every 30 to 60 minutes
- Would entail 25 plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 30 to 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains equals baseline — current noise levels

Total equals 211-220 SWLRT three 3 car trains per weekday

WEEKENDS

Early morning 4:30 AM to 9 AM

- 6-8 trains per hour equals 26 to 36 trains per day between 4:30 AM and 9 AM
- This means 1 SWLRT train every 7.5 to 10 minutes
- Would entail 25 plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour equals 120 trains per day between 9 AM and 7 PM
- This means 1 SWLRT train every 5 minutes
- Would entail At at least 25 seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106A dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will would consist of bell noise at 88dBA and 106 dBA bell noise
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of bell noise at 88dBA and 106 dBA bell noise

Evening 7 PM to 9 PM

- 8 trains per hour equals 16 trains per day between 7 PM and 9 PM
- This means 1 SWLRT train every 7.5 minutes
- Would entail 25 plus seconds of bell noise (5 seconds at 88 dBA, plus 20 seconds at 106 dBA, plus unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour equals 12 to 16 trains per day 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25 plus seconds of bell noise (5 seconds 88 dBA plus 20 seconds 106 dBA unspecified seconds of bell noise as train enters and exits the station) every 7.5 to 10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour equals 4 trains per day between 11 PM and 12 AM
- This means 1 SWLRT train every 15 minutes
- 11 PM to 12 AM weekend train frequency is double the weekday frequency of 11 AM to 12 AM

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- Would entail 25-plus+ seconds of bell noise (5 seconds 88 dBA, plus+ 20 seconds at 106 dBA, +plus unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM to– 2 AM

- 2 to 4 trains per hour =equals 4-8 trains per day between 12 AM and– 2 AM
- This means 1 SWLRT train every 15 to– 30 minutes
- 12 AM to– 2 AM the weekend train frequency is double the weekday frequency of 12 AM to– 2 AM
- 25-plus+ seconds of bell noise (5 seconds at 88 dBA, plus+ 20 seconds at 106 dBA, plus+ unspecified seconds of bell noise as train enters and exits the station) every 15 to– 30 minutes

Very early morning 2 AM – 4 AM

- No trains — =equals current existing conditions

Total =equals 180 -195 SWLRT three3-car trains every weekend day.

The result of LRT noise would be that the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, and a highly desirable residential area to an area severely disrupted by the noise of a highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> Emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article continues:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [5]

There is growing evidence that the opportunity to benefit from greenspace — what some mental health experts have referred to as "soft fascination"[6]— supports social and psychological resources and recovery from stress. The perpetual and repetitive noise from SWLRT would interrupt the restful and restorative experience enjoyed by tens of thousands of people in the Kenilworth Corridor, at nearby beaches, parks, in the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Such

[5] *Sleep Science,* Volume 7, Issue 4, December 2014, Pages 209-212

[6] British Journal of *Sports Medicine* 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG"

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opportunities to enjoy nature and relieve stress, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally critical for their mental health.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be ignored. *We request a study of the physical and mental health impacts of the noisy, hyper-mechanization of this currently placid area, which plays a key role in the life and character of our neighborhood and the entire City of Minneapolis.*

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

Comment: As noted above, the SDEIS uses wrong data as the fundamental framework for noise analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[7] *This defect renders the noise section of the SDEIS fundamentally flawed and misleading. It needs to be reworked with appropriate and correct data.*

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted, "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise occurring every 5 minutes is measured as having a lower impact than that actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as only 51 – 64 dBA in Tables 3.4-11, 3.4-12. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non–existent, Moderate or Severe. *This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.*

The 25-plus seconds of repetitive bell noise described in the LRTDR Analysis of SDEIS Appendix H Table 1 & p. H-4 Data above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of

[7] http://metrocouncil.org/swlrt/sdeis

noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well-established noise barrier currently in the path of noise from freight and future SWLRT. *The SDEIS does not address the impact of clear-cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.*

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel: We strongly challenge the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word — the term "passive" — to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Significantly, the consequences of placing the Kenilworth Channel in Category 3 are 1) that the obligation to mitigate impacts is lowered, and 2) that the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Violates the *System* of Minneapolis Parks: Horace Cleveland's visionary master plan, *Suggestions for a System of Parks and Parkways for the City of Minneapolis,* proposed a park *system* of connecting sites of beauty and natural interest

throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a coherent Minneapolis Park System.

The presence of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area violates the larger system of the Minneapolis Parks.
Site N 17 (p. 3-182)

21st Street Station Noise Impacts: At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted. The LRTDR Analysis of the SDEIS Appendix H Table 1 & p. H-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations. We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely: According to the federal Train Horn Rule[8], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals: Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS. First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System: Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a

ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations: The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. *We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.*

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment*, the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system, which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[9]

The SDEIS says that 54 residences[10] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels (dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states: [11]

[9] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*
[10] All of them are Category 2 receivers: "residences and buildings where people normally sleep."
[11] Chapter 7: *Basic Ground-Borne Vibration Concepts*, 7-6

> …the degree of [ground-borne vibration and noise] annoyance cannot always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

SHORT-TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within weeks of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The contractor, Trammel Crow, had to halt the project and extract the piles, since going forward was deemed to be catastrophic. Yet, the pile driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Trammel Crow incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile driving for SWLRT is planned. The SDEIS does not address this problem.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the SWLRT project cost estimates. There is a "contingency" line item in the budget, but it should be reserved for genuinely unpredictable costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.
Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION

The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel

storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.

The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.

We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. However, the SW Project Office provided only the highest, most general, level of information, claiming that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project.

We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: LRT Done Right disputes the statement that SWLRT will positively impact property values, especially around the 21st Street station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect affecting the value of properties along the line, one that would only be magnified by co-location of SWLRT. This is precisely why some residents argued against co-location. The threat of a collision and derailment — such incidents are gaining increased attention in the news media — will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and (nighttime) light from SWLRT, without the previously promised removal of freight rail, would exponentially increase aesthetic disturbance in a neighborhood that until now has been desirable for its park-like feel and up-north atmosphere. The increased adverse effects of co-location will represent a permanent defect to homes within earshot and sight of the line; based on the audible sounds of the current freight line, auditory adverse effects would reach as far as Lake of the Isles Parkway, but those sounds would no longer be the low rumble of freight, but a much more disruptive cacophony of bells and horns.

Further, while studies such as rtd-fastracks.com and others show that access to light rail can increase property values in areas of high density, especially in transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor does not wholly represent those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods, which also comprise this neighborhood, do not experience the same positive impact on property values and rentals as do lower-to-middle-income neighborhoods where public transit is more generally used.

While the Met Council's 1,600 rides-per-day estimate is unrealistic and unsubstantiated, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing street parking in front of their homes. This would be a disincentive to potential buyers, and negatively impact home values.

We do not support changing the character of the neighborhood with dense development (with the exception of the West Lake Station area, assuming that land is available). Such development would not be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and minimal available free space. Development would denigrate the existing green space in the corridor, especially around the 21st Street station, which is the access point for the beach and trail access for the neighborhood.

We believe the negative economic impact on the entire "brand" of the City of Minneapolis incurred by running a divisive, noisy, and environmentally unsound line through one of the crown jewels of "The City of Lakes" park area will forever have a negative

impact on tourism as LRT will disturb the current serenity of the channel, lagoon and lake. The larger, oppressive, industrial-scale bridge will downgrade the experience currently enjoyed by kayakers, walkers, bikers, etc., and cause tourists to leave the city to obtain that natural experience they once enjoyed in Minneapolis.

Finally, we have identified a number of issues not recognized in the SDEIS that will require, by our calculation, initially at least $13 million to $24 million of investment above and beyond the projected $1.65 billion budget goal, and additional costs in perpetuity.

- *$1 million to $5 million* — For permanent dewatering of contaminated soils; this will require an extra sewer line in Kenilworth. The City of Minneapolis will need to approve this, since it owns the sewer. The city did not approve this for the 1800 Lake building and went to court over it; would they approve it, on a much larger scale, for SWLRT?

- *$5 million to $10 million*: For polluted soil removals. Known polluted soil conditions will require mitigation of thousands of tons of soil, but since the extent of pollution is unknown, the cost may be much higher. This cost will likely be in the millions for Kenilworth section alone; MPCA will need to approve and may add scope/cost.

- *Unknown millions:* For construction-related damage to existing buildings, including possible buy-out of impacted buildings. We understand that there is no way to guarantee that the Calhoun Isles Condominium towers will not be damaged by construction beneath their foundations. What is the current value of these condos?

- *$3 million to $5 million*: For relocation of existing sewer force main, pump station, ongoing operational costs of a new pump station.

- $4 million annually: In lost property tax revenues. Approximately $2 billion of the City of Minneapolis' net $35 billion tax base is located within 1,000 feet of the Kenilworth Corridor. Most of this $2 billion is commercial property taxed at 4 percent of value and some is from some of the city's highest-priced homes. Annual taxes from these properties are about $80,000,000. A decline of just 5 percent in property tax value in this area would equate to an annual loss of $4,000,000 per year to the City of Minneapolis. Forever. The Met Council would be clobbering one of the golden gooses that currently supports Minneapolis Equity Transfer Payments. This area is built out already and limited by zoning from growing further, so there is no net benefit to the city if there is no new growth.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

Comment: LRT Done Right is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Comment: LRT Done Right is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests. as well as emergency access to those homes, especially in winter when streets are narrowed. LRTDR strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

A. Existing Conditions

Comment: It is very troubling that, contrary to all previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (page 1-1). With little public awareness of this new "need," the project has morphed so that approximately $200 million in local and federal *transit* dollars will be used to improve *freight* rail.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. All along, this promise was made to the City of Minneapolis, the Cedar Isles Dean neighborhood, the Kenwood neighborhood, and others as a basis for agreement to the project. That none of the responsible parties, including elected officials who are still deeply involved in the SWLRT planning process, secured appropriate legal documentation of this agreement at the time is beyond disturbing.

The 2005-2007 Alternatives Analysis assumed that "freight would be relocated to make way for light rail." Since freight was not taken into account at this stage, neither Hennepin County nor the Met Council conducted an honest and realistic analysis of alternative ways to serve the southwest suburbs' transit needs. The financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered.

When the Locally Preferred Alternative (LPA) was selected in 2009-2010 under the assumption that freight rail would be relocated and that LRT would run at-grade in Kenilworth, the costs and concerns of freight relocation were again not addressed.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

The Municipal Consent process was designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS, the City of Minneapolis was pushed in 2014, under threat of project cancellation, to grant municipal consent without foreknowledge of the risks to both community and environmental safety.

Now this SDEIS is similarly devoid of important human and environmental safety information around co-location of freight and SWLRT. It is remarkable more for what is **not** included than what is included. Substantive issues remain unexamined, especially in Sections 3.4.4.4 (Freight Rail) and 3.4.4.6 (Safety and Security). The SDEIS only addresses the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not the environmental and safety effects of co-location of freight and light rail through the corridor. It says nothing about substantive safety concerns of co-locating high-hazard freight feet from LRT construction and LRT trains in operation.

Kenilworth — and the SWLRT with co-location — is in the "Blast Zone."



Nationwide, communities are becoming increasingly aware of high hazard freight – often referred to as "bomb trains" — operating in their midst. High-hazard trains have long run through our towns and cities, but never with the frequency nor the amount of dangerous materials now being hauled. Running such trains through any populous areas is undesirable and puts many human lives within a "blast zone," running 1/4-1/2 mile on either side of the track.

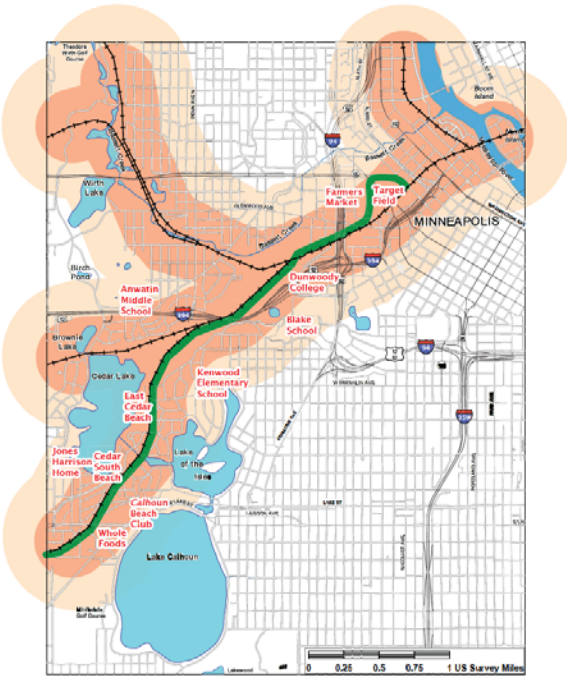
The Kenilworth corridor is a high-risk evacuation blast zone.



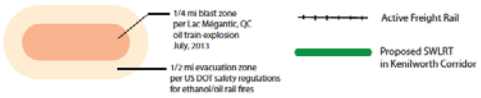
Below are two representations of the Blast Zone. The map applies the definition of the Blast Zone, as commonly defined by many national groups with interest in the issue, and the chart depicts the number of residents in the blast zone. Each green circle represents 100 residents.

- THIS IS THE BLAST ZONE -

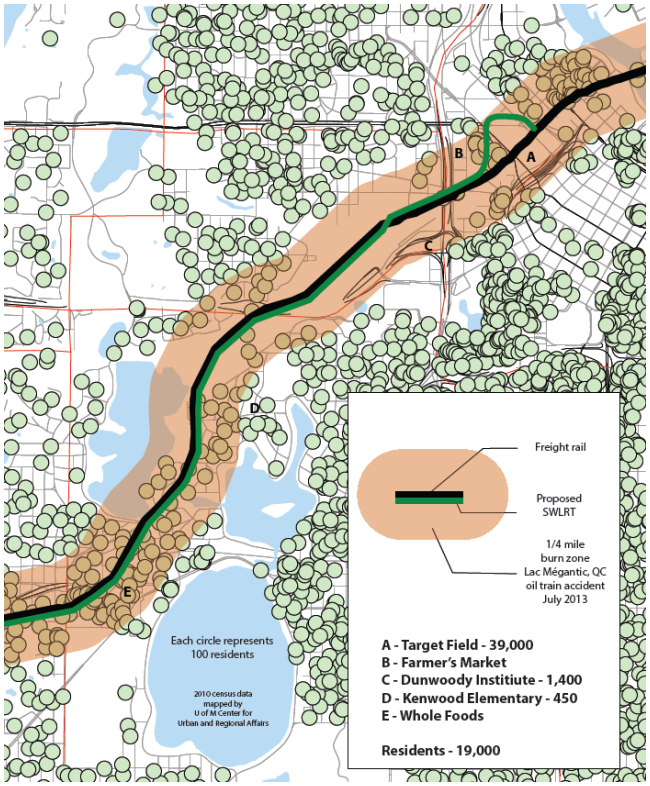
SWLRT co-location with high hazard freight trains in the Kenilworth corridor



Ethanol and Oil Train Disasters:



Population density map of the Blast Zone – Kenilworth Corridor. Please note that the blast zone includes Target Field.



Comment: Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high-hazard products, and the use of much longer trains have increased freight safety concerns. The privately owned TC&W is currently the only freight company that is allowed to take trains through the corridor, but it can connect to any other carrier and currently partners with Canadian Pacific to carry its products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service.

In order to provide elected officials, policy makers, and members of the public with current, factual, and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson,[12] "TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia." Ethanol, propane, fuel oil and fertilizers are all high-hazard products. Distiller's oil and potash are also *flammables.* Exposure to even small amounts of anhydrous ammonia

[12] *Economic Impact of TC&W Railroad's Freight Operations,* September 2013; http://tcwr.net/wp-content/uploads/2013/10/TCW-Impact-Final.

can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach.

Through 2012, the report says, "customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities." That number continues to expand annually, with "the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years — almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010." As the economy continues to improve since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to increase ethanol in gas to 20 percent, we can also expect the production and transport of these high-hazard products through the corridor to increase dramatically. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they "have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states." Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chlorine, and other hazardous freight. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, *at any point TC&W could sell their company to one of the major railroads,* such as BNSF, which could generate 10 times as much traffic and introduce exponentially more hazardous materials into the corridor. *Making freight rail permanent in Kenilworth increases the chance that this will happen.*

The Pipeline Hazardous Materials Safety Administration (PHMSA) controls the safety of freight trains. Historically, PHMSA standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened some safety standards for high hazard freight trains. ***Please see LRT Done Right's prior correspondence on this matter at the end of this response, starting on page 38 .***

TC&W is a Class III rail carrier with short lines and lower revenues, which means it has less ability to cover the liability of a catastrophic event such as a high hazard freight train derailment. TC&W hauls ethanol in DOT-111 tanker cars and this type of car will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed braking mechanisms on the hazardous cars. They have lobbied to go from mandated two-person crews to a one-person/operator requirement. A single-person crew would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double-hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazardous freight *may not apply to TC&W, such as the braking requirement, and this increases the risks of riding the SWLRT Green Line Extension in the Kenilworth corridor.* Class III railroads typically have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single-weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and the missing rail spikes that hold the rails in place. From May 2015 to July 2015, deep potholes have bordered the track at the Cedar Lake Parkway crossing, and have gone unfixed despite calls to TC&W and MNDOT.

The mix of commodities that TC&W carries has changed over time, with an estimated 30 percent of TC&W's freight being ethanol. It has only been in the last 5 to 10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities were much more common. *Unit trains of 100 cars of ethanol*, a highly flammable product, now frequently traverse the corridor. Through the planning process, the Met Council repeatedly told members of the public that the primary products carried by freight through Kenilworth were agricultural — which sounds innocuous enough. But while ethanol may be an agricultural product, it is hardly innocuous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosive potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosive potential). With respect to oil, only Bakken Crude matches its danger due to the high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough (3,488 degrees F) to melt steel structures. The freight through Kenilworth currently runs only feet from bridges and mere inches from a high-rise condominium that would be vulnerable in the case of a derailment.

The Freight Rail Administration (FRA) estimates that there will be at least 10 to 20 oil or ethanol derailments per year going forward. Nationwide, we had over 7,000 train derailments of some kind in 2014. *These concerns are not just theoretical.*

Further, *we strongly object to the Met Council requesting that the FRA abdicate its jurisdiction over freight rai*l in the Kenilworth Corridor and elsewhere along the SWLRT line. The Met Council has requested waivers from the FRA to put jurisdiction of the co-located corridor under FTA. We have no evidence that the Met Council or the FTA are qualified to oversee the combination of LRT and freight rail in the same corridor, particularly in such close proximity. We are extremely concerned that the FRA may be relinquishing its jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents and users of the Kenilworth Corridor. The construction of SWLRT running right next to high hazard freight is alarming. *None of these facts or concerns is reflected in the current SDEIS.*

B. Potential Freight Rail Impacts

Long-term direct and Indirect Freight Rail Impacts

For reference to LRT Done Right's commitment to freight safety in the Kenilworth Corridor, please see the addendum at the end of this response.

Comment: Hazardous freight has become a nationwide problem. By choosing to co-locate freight and light rail, despite all previous planning, the Met Council is choosing to exacerbate this problem in the Kenilworth Corridor. The addition of LRT to a corridor that does not meet the minimum American Railway Engineering and Maintenance-of-Way Association (AREMA) safety guidelines of a 25-foot separation center-to-center rail is shockingly unsound. In fact, AREMA now recommends a 200-foot separation as optimal. Although narrow corridors that contain both freight and passenger trains and do not meet minimum safety standards currently exist in parts of our country, an increasing awareness of freight dangers has meant that going forward, communities are much more exacting with regard to safety standards and meeting minimum AREMA guidelines. In fact, we can find no other project currently under construction that won't meet at least the minimum 25-foot grade separations. *The SWLRT project does not meet current AREMA best practices.*

The many risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is nothing in the SDEIS that deals with an *evaluation of risk or readiness of dealing with a derailment,* especially of a high-hazard product.

LRT catenary wires that regularly spark off the pantographs will run in some places 10 to 15 feet from freight trains. In 2014 alone, FRA reported 43 "accidents" in the United States related to pantographs. There was one in St. Paul within the last few months. Even with the eventual placement of crash walls, catenary electrification would run immediately adjacent to highly flammable unit trains (80 to 125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. Vents at the top of ethanol tanker cars will run close to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains regularly traverse the Kenilworth Corridor carrying ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers' oil, and potash. These old-generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double-hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high-hazard products like ethanol and crude oil because they are prone to punctures, spills, fires, and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a six-year time period. Loopholes exist in the regulations, however, making it all but certain that single-hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail cars. PHMSA first launched Operation Classification in the

summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61 percent of high-hazard oil was misclassified. Sometimes the train manifest may not actually reflect what being transported by the freight. The extent of misclassification of TC&W's rail cars is not currently known.

According to the Department of Homeland Security, high-hazard train tankers are vulnerable to terroristic threats. The proposed electrically-powered SWLRT would run adjacent to ethanol-bearing freight through St. Louis Park and the Kenilworth Corridor all the way into downtown. Around the area of Dunwoody, the TC&W tracks merge with those of BNSF tracks, which have been documented as carrying crude oil.[13] Farther on, the freight trains (some carrying ethanol and some carrying Bakken crude oil) join LRT and Northstar Commuter rail in tri-location, until they stop at the Target Station. Thus, while ethanol and crude oil trains already represent risks to Twins Stadium and Target Station, the addition of LRT would expose even more people to potential danger.

The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high-value targets vulnerable to terrorism. The co-location of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster that can and should be prevented. Were high-hazard freight not running through this corridor, as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath the Twins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Regarding the multiplicative risks and risk readiness related to tri-location of high-hazard freight, Northstar, and SWLRT under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement.

In fact, even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the relocation of freight proposed the 2012 DEIS, *the current SDEIS does not contain one word acknowledging high-hazard freight through Kenilworth.* There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business changes in ways that would increase risk. They also have no ability to intervene if TC&W should choose to sell. These risks to the Kenilworth area are only likely to increase as federal mandates to increase the mix of ethanol from 10 percent to 20 percent in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, likely increasing the frequency and length of trains in this corridor and transportation of an even greater mix of hazardous chemicals.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. The necessity of slow freight (even beyond the LRT construction period) is critical in an urban recreational corridor and a *long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.*

Further, heavy freight causes vibrations that travel through the ground. The ground substructures affect vibrations, with waterlogged soils tending to increase those vibrations. We see no evidence that the potential for long-term damage to LRT structures from vibrations of heavy freight – and the related long-term costs in terms of maintenance dollars and human safety – have been considered. Potential damage to residences and other buildings from freight vibrations is also ignored in this SDEIS.

Finally, the SDEIS does not explore Met Council liability if SWLRT or freight derail or otherwise cause damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor, *this insurance liability assessment should be done* prior to building SWLRT, then made public and included in construction and operating cost estimates.

Short-Term Freight Rail Impacts

[13] Photos taken on 7/21/15 of a BNSF train in this segment of the route, before and after it merges with the TC&W route, show cars bearing 1267 petroleum crude oil DOT placards; presumably these cars are carrying Bakken crude.

Comment: During construction, the dangers to the community will be exacerbated due to the fact that freight, particularly freight carrying hazardous materials, will continue through the corridor.

First, it's not clear that there is room in corridor for the construction plan as described. While we've seen various calculations of the corridor's narrowest point, our understanding is that it measures 59 feet. This point is located between the historic grain elevators – the Calhoun Isles Condominiums – on the east and the Cedar Shores town homes to the west. The SDEIS states that the freight tracks will be moved 2 to 3 feet closer to the town homes. The tunnel trench (35 feet wide) will be dug at the base of the Calhoun Isles Condominiums about 18 inches from its footings. There will be a buffer between town homes to the east of 22 to 24 feet; the freight train is about eight feet wide. Thus: 35 feet trench + 2 feet from condos + 24 feet from town homes + 8-foot wide freight train = 69 feet — to fit into a 59-foot pinch-point. This math does not inspire confidence in the safety of the construction plan.

During construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at the edge of a 35-foot construction trench. It will continue to carry high-hazard freight including ethanol, fuel oil, and fertilizer. (Under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling.) "Bomb trains" will travel at the edge of a construction pit that will take two years to complete. Even with the precautions suggested in the SDEIS, a derailment is far from unimaginable in this scenario. The proximity of the condominiums and town homes puts hundreds of people at risk for devastating consequences.

It is also important to note that the current poor condition of freight rail infrastructure increases the risk for a short-term freight derailment both during and after construction. A recent obvious example: From late May through July 2015, two pot holes immediately next to the rail at the Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TC&W. In 2010, there was a derailment in the neighborhood of a TC&W train; Hennepin County replaced the track through Kenilworth with a safer single-weld track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. That these were not repaired when the rail was replaced indicates poor maintenance and raises concerns about the competence that Hennepin County and the Met Council will bring to the co-location element of the SWLRT project.

Construction debris in the corridor will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train if it begins to tip into the construction pit. Tip guardrails have been suggested as a solution (not in this SDEIS), but these can build up with snow and actually cause derailments.

Nighttime running of freight (also not considered in the SDEIS) will be perhaps even more dangerous than daytime. Construction debris may be left near or on tracks and may not be visible to the freight engineer at night. Final day inspection of track is imperfect and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure, and rain could wash out the surrounding already disturbed soils, increasing the derailment risk during construction. While this is true under any construction scenario, the risk multiplies with freight running next to the tunnel construction pit.

If a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the nature of the corridor: in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st Street or Cedar Lake Parkway. Fire equipment must be accessible in case of a derailment emergency, and in-depth coordination among the fire department, the Met Council, and the citizens has not been attempted or even mentioned in this SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually foam specific to the chemical spill. These fires cannot be fought with water, which can actually spread a chemical fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at local fire stations, but our understanding is that it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire.

Currently, TC&W reports that trains go 10 miles per hour through the Kenilworth Corridor, but this is voluntary, not mandated.

Going forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

According to TC&W president Mark Wegman, there has been one meeting as of June 2015 (i.e., in preparation for the SDEIS) with SWLRT project staff to discuss issues of joint construction concern. This seems shortsighted. Our community expects more than superficial consideration of these serious construction-related concerns prior to decisions about the feasibility of moving forward with the SWLRT project.

Finally, the SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be completed and made public prior to SWLRT construction.

C. Mitigation Measures

Comment: It is difficult to respond to this section surrounding freight since no problems with co-location have even been acknowledged in the SDEIS. There is no real analysis of the effects of co-location and the danger of running high-hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines, let alone best practices. This SDEIS is astounding more for what it does not contain than what it does. The mitigation proposed concerns only making sure that the freight schedule is unimpeded; it ignores concerns about the safety of neighborhood residents, construction and freight personnel, park and trail users, or future SWLRT riders.

Minimally, during construction, high-hazard freight MUST be diverted from the corridor. Long term, crash walls between freight and LRT are critical. In the short term, without crash walls, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present. The idea of running high hazard freight during construction at the edge of a construction trench without crash walls is extremely concerning.

The treatment of freight rail in this SDEIS indicates that the Met Council is not even aware of the danger to area residents, waterways, parks, trails, or SWLRT passengers. The many issues related to making freight rail permanent in the Kenilworth Corridor and co-locating freight and light rail need much greater study and consideration before this project advances.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

Comment: At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current "north woods" feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.



3.4.4.6 Safety and Security

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer of 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow

for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior.

SHORT-TERM IMPACTS

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue Bridge. (This situation existed even before the construction at Highway 100 in St. Louis Park.) The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction. Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. As noted earlier, we understand that the sewer project would need to be re-done as part of the SWLRT tunnel-construction.

3.5 Draft Section Evaluation Update

Comment: The SDEIS is almost incomprehensibly dense and convoluted as it discusses the application of Section 4(f) to the LPA. For the benefit of the reader, the Section 4(f) statutory mandate is clear:

> "Section 4(f) protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance and historic sites of national state, or local significance from use by transportation projects. These properties may only be used if there is no prudent or feasible alternative for their use and the program or project encompasses all possible planning to minimize harm resulting from its use. If transportation use of a Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives is not required."

Conversely, if there is more than a *de minimis* impact, an analysis of avoidance alternatives is required. Thoughtful analysis of avoidance alternatives is absent from the SDEIS.

A cursory reading of the SDEIS will reveal that there is not a good-faith analysis of prudent or feasible alternatives. "No Build" and "Enhanced Bus Service" were the only two alternatives considered, and only superficially; they were presented to the public in a cursory manner and without documentation. Not surprisingly, neither of them is considered feasible or prudent. Alternatives that *would* likely be considered feasible and prudent, such as a deep tunnel or rerouting, were not considered. Consequently, the bulk of the 4(f) analysis is used to contend that any adverse impact on 4(f) property will be *de minimis*.

These comments will focus almost entirely upon the Kenilworth Channel/Lagoon section of the LPA but are equally applicable to other section 4(f) properties identified by the SDEIS. The FTA, although identifying property subject to Section 4(f), fails throughout to adequately analyze or identify specific mitigation steps that would render impacts *de minimis*.

The Kenilworth Channel/Lagoon

At page 3-259, referencing the Kenilworth Channel/Lagoon, the SDEIS concludes:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect

> the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon.

To understand the absurdity of this conclusion, one first should acknowledge that the Kenilworth Channel/Lagoon is one of the most important elements in the Minneapolis Park Board's Chain of Lakes (and also identified as subject to Section 106 because of its historic character). It is primarily appreciated for its pastoral quality and is used by walkers, bikers, kayakers, cross country skiers, ice skaters, fishermen, picnickers, and visual artists.

The FTA's own analysis identifies these activities and elements and acknowledges that the LPA would constitute 4(f) use but then, after an evaluation of the impacts, concludes that the use of the protected land will be *de minimus.* This of course means that there need not be a feasible and prudent alternative analysis.

Visual Impact

Per the SDEIS, visual impacts to the Kenilworth Channel/Lagoon will be:

1. Removal of two existing and potentially historic wooden bridges
2. Construction of massively larger bridges
3. Modification to topographical features, vegetation and WPA-era retaining walls.

Particularly astonishing is the statement at page 3-254 that the

> "horizontal clearances between the banks and the new [bridge] piers would be of sufficient width to accommodate recreational activities that occur within the channel lagoon"!

The same thing could be said about an 8-lane super highway bridge spanning the channel. The point is that the altered scale of the proposed bridges will in fact be jarringly disproportionate to the channel's features. Not a *de minimis* impact by any stretch of the imagination.

The SDEIS goes on to note that the vegetation clearing necessitated by the new bridges would cause some reduction to the "visual quality of the view'. But, the document goes on to reassure –

> "[T]he bridges as currently conceived would have an attractive design that would become a positive focal point in the view. The overall change to the view's level of visual quality would be low. Because of the recreational activity in the channel, this view is visually sensitive. Even though the view is visually sensitive, because the potential level of change to visual quality will be low the potential visual impact will not be substantial."

Thus the reader is simultaneously warned and reassured that everything will be visually pleasing because a planner's aesthetic judgment about the visual quality of yet-to-be-designed bridges will be "attractive."

Noise Impact

It gets worse as the FTA pursues *de minimus* findings. The SDEIS acknowledges that two separate areas of the Kenilworth Channel/Lagoon are noise receptors and would be subjected to moderate noise impacts. There is a non-specific undertaking to utilize mitigation measures to reduce the area of Moderate noise impacts closest to the new bridges.

No such undertaking is offered with respect to the northern bank of the lagoon. Instead the SDEIS states:

> "The northern bank of the lagoon [section 4(f) property], generally between West Lake of the Isles Parkway and South Upton Avenue (termed the Kenilworth Lagoon Bank in the noise analysis), was classified as a Category 1 land use, with stricter noise impact standards than the Category 3 land use. However, because of the distance between the light rail

> tracks and the western point of the Category 1 land use, *noise levels under the LPA at that location would not exceed FTA's Severe or Moderate criteria."*

Apparently there is not an intent to mitigate noise in this area as legally required.

Not Mentioned

Completely missing from the 4(f) analysis of the Kenilworth Channel/Lagoon is an analysis of the impacts of vibration and safety.

Minneapolis Park and Recreation Board

The SDEIS fails to address the previous objections of the MPRB: Instead it attempts to portray the MPRB as a willing partner:

> "Through coordination with MPRB to date and based on the design and analysis to date as described in this section, FTA has preliminarily determined that the proposed permanent and temporary uses by the LPA would not adversely affect the features, attributes or activities that qualify the Kenilworth Channel/Lagoon for Section 4(f) protection. Consistent with the requirements of 23 CFR 774.5(b), FTA is, therefore, proposing a *de minimis* use determination for the LPA at the Kenilworth Channel/Lagoon. Supporting this preliminary determination is FTA's expectation that mitigation measures will be incorporated into the project that will avoid adverse effects to the protected activities, features, and attributes of the property. Those measures will be identified through continued coordination with the MPRB, which will continue through preparation of the project's Final Section 4(f) Evaluation. The MPRB must concur in writing with the *de minimis* impact determination after the opportunity for public comment on the preliminary Section 4(f) determination."

Even if the MPRB were to concur with a *de minimis* impact determination, such concurrence would hardly be credible given MPRB's earlier official statements on the topic. For instance, in November of 2012 the MPRB clearly itemized a series of concerns with respect to the selection of the Kenilworth Corridor as the LPA and, specifically, with respect to co-location stated:

> "The MPRB opposes the co-location alternative and supports the findings presented in the DEIS regarding Section 4(f) impacts for the co-location alternative. In review of the documents, the loss of parkland described for the co-location alternative *cannot be mitigated within the corridor.* " (emphasis added)

Although the MPRB ultimately entered into a Memorandum of Understanding with the Met Council providing for a consultative role in the design process (March 12, 2015) ("MOU") the MPRB has never agreed that adequate mitigation is possible. Most recently in a letter to the Met Council summarizing its most recent comments about the SDEIS, the MPRB unequivocally concluded:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail *poses the potential for significant disturbance* to a corridor that, once disturbed, may [not] realize a restored look for decades."

Although these Park Board statements are encouraging, the objectivity and independence of the MPRB with respect to its "consulting" role is in serious doubt, given the enormous political pressure applied by the Governor and the Met Council via real and documented threats of massive budget retaliation. The Park Board's abdication of protection of 4(f) status followed Governor Mark Dayton's threat to cut $3 million from its budget — this in retribution for the Park Board's legitimate attempt to protect the channel. The Park Board desperately needed the funds and, to date, has acquiesced to the governor's threat, despite its belief that:

> "Visual quality and noise are key areas of concern for the MPRB. The introduction of LRT in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may [not] realize a restored look for decades. "

No-Build or Bus Rapid Transit Alternative

Although repeated throughout the SDEIS, the following statement is representative of its treatment of 4(f) property:

> "No Build Alternative and Enhanced Bus Alternative as evaluated in the Draft EIS are the only full Section 4(f) avoidance alternatives identified to date and neither of them would be prudent because they would not meet the project's purpose and need."

This facile and conclusory assertion is entirely inconsistent with well-understood precedent. This analysis falls short of what is required under the law. If the proposed use is not *de minimus*, then alternatives must be evaluated — presumably in good faith.

The Kenilworth Channel/Lagoon is comprised unquestionably by Section 4(f) lands and "are "...not to be lost unless there are truly unusual factors present...or...the cost of community disruption resulting from alternative routes reaches extraordinary magnitudes." (Citizens to PreserveOverton Park v. Volpe, 401 U.S. 402 (1972))

Given the impact on 4(f) property, planners are required to evaluate alternatives – alternatives beyond the two choices proffered in the SDEIS – No Build or Bus Rapid Transit. For example there has not been a good faith determination that an adjustment to the proposed SWLRT alignment wouldn't have the same beneficial purpose, outcome or cost as the current LPA. The law requires a deeper analysis. That such an analysis would result in a delay of the project is not sufficient justification to fail to undertake it. The following guidance from the Department of the Interior *Handbook on Departmental Review of Section 4(f) Evaluations* is instructive:

> CEQ regulations, as well as DOT Section 4(f) regulations, require rigorous exploration and objective evaluation of alternative actions that would avoid all use of Section 4(f) areas and that would avoid some or all adverse environmental effects. Analysis of such alternatives, their costs, and the impacts on the 4(f) area should be included in draft NEPA documents.

It is clear that the SDEIS falls far short of this standard and that additional analysis is essential for meaningful public participation.

The Tunnel

The SDEIS contains a lengthy discussion of the shallow tunnel under the Kenilworth lagoon/channel versus a tunnel with a bridge over the channel. The conclusion, not surprisingly is that there will be a non-de minimis use of the Kenilworth Lagoon/Grand Rounds property. The document promises that "all possible planning to minimize harm will be conducted and implemented . . . ."

In order to reach this conclusion the analysis first had to reject the No Build Alternative and the Enhanced Bus Alternative. The latter was rejected because it would be "inconsistent with local and regional comprehensive plans." Again, no other avoidance options were considered.

Conclusion

The Section 4(f) property identified in the SDEIS has received inadequate review and in many cases incorrect findings of *de minimis* impact. There is glaringly inadequate identification of specific mitigation and avoidance strategies and resulting outcomes as required by Section 4(f). The following statement from the Department of the Interior, which has consultative jurisdiction over this project, is clarifying:

> Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. Reviewers are alerted that a general statement indicating that the sponsor will comply with all federal, state, and local standards and specifications to minimize harm is not acceptable. Also not acceptable is a statement that all planning to minimize harm has been done because there is no feasible and prudent alternative. *Reviewers should make sure that all possible site-specific planning has been done to identify and list the measures which will be undertaken, at project expense, to minimize harm to Section 4(f) properties.* (emphasis added)

Addendum: Kenwood Isles Area Association
Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position were reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of**

space for light rail and the existing trails. Currently, rails and trails safely coexist in more than 60 areas of the United States.

LRT Done Right Addendum on previous communication concerning freight and safety

Date: September 30, 2014

To: Pipeline and Hazardous Materials Safety Administration and Federal Railroad Administration

From: LRT-Done Right

Re: **Docket No. PHMSA-2012-0082 (HM-251) – Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains**

INTRODUCTION AND BACKGROUND

LRT-Done Right is a grass roots organization that has done much research and advocacy regarding the effects of light rail transit and freight lines on community well being. Limited resources typically prevent community organizations from having the same access to federal regulators that industry representatives do. This opportunity to contribute a meaningful comment is greatly appreciated, as is the Pipeline and Hazardous Materials Safety Administration's (PHMSA) earnest consideration of our comments.

It is noted that relative to the importance of the PHMSA standards, very few parties comment on these proposed rules. At the time of this submission, elected officials have not submitted a comment on behalf of the interest/protection of Minneapolis/St Paul or generally on behalf of Minnesota (i.e. mayor, city council, state legislators, Governor, etc.) and only a few federal politicians have made comment. This is concerning because communities rely on elected officials to serve the best interest of the community residents. Most comments, related to Docket No. PHMSA-2012-0082 (HM251), were generated by individual citizens, small communities or cities, or by industry representatives. As citizens, we have expended great care and effort to learn about the issues of freight safety, and have had to do it quickly.

The large-scale shipment of crude oil and ethanol by rail simply didn't exist ten years ago, and safety regulations need to catch up with this new reality. While this energy boom is good for business, the people and the environment along rail corridors must be protected from harm. Crude oil shipments by rail have increased by over 40-fold since 2005, according to the Association of American Railroad's Annual Report of Hazardous Materials. In fact, more crude oil was transported by rail in North America in 2013 than in the past five years combined, most of it extracted from the Bakken shale of North Dakota and Montana (Stockman).

The National Transportation Safety Board (NTSB) noted their concern to PHMSA, that major loss of life, property damage and environmental consequences can occur when large volumes of crude oil or other flammable liquids are transported on a single train involved in an incident, as seen in the Lac Megantic, Quebec, disaster, as well as several disasters that the NTSB has investigated in the United States. The NTSB recommendations to the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration include reroutes of trains carrying hazardous cargo around populated and environmental sensitive corridors, development of an

audit program to ensure rail carriers that carry petroleum products have adequate response capabilities to address worst-case discharges of the entire quantity of product carried on a train and an audit of shippers and rail carriers to ensure that they are properly classifying hazardous materials in transportation and that they have adequate safety and security plans in place (NTSB).

RULE ANALYSIS

LRT-Done Right commends PHMSA and FRA for the effort to improve rail safety with the development of this proposed rule. While understanding the need to balance community safety with the needs of railroads as a profitable enterprise, there are several omissions in the proposed standards that we wish to address. It is clear that PHMSA standards for too long have been overly influenced by industry (Straw R), but as recent rail disasters have shown, the necessity to protect the public's interest is imperative. Because we are citizens with limited rail engineering expertise, we will use our own experiences with a small short line railroad called Twin City & Western (TC&W) to illustrate issues with PHMSA standards. TC&W is a Class III railroad with connections to Canadian Pacific, Union Pacific, Burlington Northern and Canadian National. Under current PHMSA guidelines, which apply to Class I railroads, these enhanced tank car standards and operational controls for High-Hazard Flammable Trains (HHFT) would not apply. This is gravely concerning. Our comments will cover issues of rail routing, notification to State Emergency Response Commissions, tank car specifications, and additional requirements for HHFTs.

Rail Routing -

Missing from standards are guidelines on construction of new transit lines in an active freight rail corridors. Increasingly, light rail transit (LRT) through suburban and urban areas is being run through established freight corridors, which were designed in a different era of rail safety (Sela, et al). LRT routes are planned by local and regional public officials who typically are not adequately addressing the safety of these transit routes, leaving it to affected neighborhoods to advocate for community safety. The trend toward locating LRT adjacent to freight must be addressed in these PHMSA standards. We understand this to be complicated by issues of governance; the Federal Railroad Administration (FRA) regulates freight trains while the Federal Transit Administration (FTA) guides LRT lines. However FRA has ultimate authority and PHMSA writes rules for safety. This particular comment regarding rail routing may be currently beyond the purview of these particular proposed PHMSA standards, never the less we submit these comments to stress their importance to freight safety in shared use corridors, and for immediate consideration and inclusion in this joint PHMSA and FRA rule.

Shared FRA/FTA guidelines are written with respect to Amtrak, and give responsibility to the freight companies for managing shared track (Federal Register, Part VII). Currently, there are no specific safety requirements for either existing or yet to be constructed commuter lines in shared corridors, where track is not shared (Resor R). When track is shared, then commuter lines must meet strict safety guidelines, but when track-separated right of way (ROW) is shared, there are no regulations whatsoever, and localities must police themselves. No guidelines exist that guide either the construction phase of adding LRT lines through an existing freight corridor, or corridor minimum level safety standards. Hence, there are many co-location projects nationwide moving forward, which do not meet minimum American Railroad Engineering and Maintenance-of-way Association (AREMA) guidelines. AREMA guidelines recommend minimum standards for grade separation of 25 feet center rail to center rail. The Rail Safety Improvement Act of 1988 gives the FRA jurisdiction over most types of railroad including shared track LRT (Pub. L. No 100-342), however the FRA has historically not chosen to exercise this authority. This has left shared ROW LRT in a netherworld of un-regulation, which we believe seriously compromises the safety of people, property and environment along these types of corridors.

A case in point is Southwest Light Rail Transit (SWLRT), currently in the early engineering phase and being

considered for construction by the FTA through the Kenilworth corridor in the Minneapolis, MN area. If constructed, LRT will run less than 12 feet from freight rail at a point along the Kenilworth Corridor that regularly carries Class 3 flammable liquids, including long unit trains of ethanol. During the construction phase of a proposed tunnel in an area that can not accommodate both LRT, a freight line, and an existing heavily used bike trail, the freight line, which will continue full service throughout the construction will run just 11 feet from a 35 foot construction pit in an populated area of Minneapolis. In no other instance, could we find current plans to co-locate LRT next to a freight rail line that carries Class 3 flammable liquids. There are other lines that exist where co-location occurs, but these were built many years ago prior to the awareness of the danger existent with oil and ethanol trains. The TC&W freight regularly runs unit trains of 60-100 ethanol train cars through the Kenilworth corridor within feet of the proposed LRT line. Ethanol is highly combustible, which may form explosive mixtures with air and where exposure to electrostatic charges should be avoided (ODN). Yet these electrified LRT lines will literally be next to tanker cars carrying ethanol and other chemicals.

Over the 20-year interval from 1993 to 2012, there were 1,631 mainline passenger train disasters, including 886 grade crossing accidents, 395 obstruction accidents, 263 derailments, 71 collisions, During the same time period, there were 13,563 freight derailments and 851 collisions (Lin et al). Derailments and collisions were identified as the most potentially significant train accident types while human factors accidents and track failures, including obstructions were the primary causes of those accidents (Lin et al). Adjacent tracks, occupied by freight and passenger rail - refers to train disaster scenarios where derailed equipment intrudes adjacent tracks, causing operational disturbance and potential subsequent train collisions on the adjacent tracks (Lin and Saat). Lin and Saat created probability models assessing risk along adjacent tracks to determine risk and severity of a crash leading to a collision or derailment. Identified risk factors included distance between track centers, train speeds, train densities, different train control systems, and level of hazardous train cargo. In the case of SWLRT, this model assessed Kenilworth to be a high-risk rail corridor, yet due to a lack of regulation of co-location, this project progresses.

For transit located on adjacent track to active freight, FRA's concern is that operations of a freight railroad in close proximity to LRT could present safety risks for both. In considering our SWLRT case study, track centers distances are as narrow as 12 feet (11 feet during construction), with 220 LRT trains proposed daily. A derailment of either freight or LRT could be disastrous. With distances of 11-12 feet between SWLRT and freight, if either were to encroach and cause intrusion upon the other, this would likely bring death and destruction, and depending upon the cargo carried, could mean broad evacuation of 1000s of area residents. AREMA's 25 foot standard would be more likely to prevent intrusion onto the adjacent track, and would keep electrified lines away from highly flammable fuel carrying tankers.

None of this accounts for issues related to trains as targets of terrorism or using those trains for terrorist purposes (Brodsky), using chemicals such as chlorine or fossil fuels to create 'bomb trains' or mayhem. Minneapolis is a high threat urban area as determined by the Transportation Safety Administration (TSA); our case study SWLRT parallels freight up to and past the Target Center and the Twins Stadium, two large venues for sports and entertainment. This is another scenario that begs for a solution that would set safety rules for co-location of freight and passenger rail through shared ROW near sites at high risk for terrorism.

The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. There are short line railroads that are shipping ethanol, and due to common carrier obligations, may be called upon to ship oil, chlorine or other Class 3 flammable liquids. Due to entity size and revenues, these short line railroads typically are Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of conveying Class 3 flammable liquids. The relevance of these standards only to Class I railroads, to trains of 20 or more rail cars of hazardous cargo, and to only population areas of 100,00 or more, leave many communities endangered. The safety requirements for HHFT should apply to Class I, Class II, and Class III railroads. The revenue generating capacity of a railroad should not govern the safety standards to which it is held. If a railroad or shipper does not have the capacity to adhere to the HHFT tank car standards and operational controls, it is dangerous for that entity to be in the business of

conveying Class 3 flammable liquids. Additionally, the absence of regulation guiding construction of adjacent rail lines through shared ROW carrying tanker chemicals pose danger to residents along these corridors. Regulatory action must be more broadly addressed to all railroads, on any trains carrying any hazardous materials through any community of any population size.

PHMSA standards are proposed only for communities with population greater than 100,000. We understand the necessity of setting population density standards, but suggest that the threshold of 100,000 is too high. It is discriminatory to penalize a small community and to put them at greater risk due to safe guards not being applicable. Further, it is those communities that would be least likely to absorb the cost of disaster. Railroads must be accountable for safety and exercise due diligence for one tank car or 100 tank cars, in urban and on rural routes. Many of the rail disasters that have occurred happened in areas where populations were less than 100,000 (e.g. Lac Megantic). These communities deserve to be protected too.

Notification to State Emergency Response Commissions (SERCs)-

The proposed PHMSA rule would require notification to SERCs only if trains containing one million gallons of Bakken crude are operating in their States. The requirement ignores the dangers ethanol and does not acknowledge that as little as one carload of oil or ethanol can trigger disaster, as is evidenced by the summary of selected major oil and ethanol train disasters shown in Table 3 provided in the Docket No. PHMSA-2012-0082 (HM-251).

Ethanol is a Class 3 flammable liquid and is considered as dangerous as oil by the National Transportation Safety Board. Ethanol is appropriately classified as a Class 3 flammable and should not be referred to simply as an agricultural product. Ethanol is caustic to the skin, harmful if breathed, highly flammable and very difficult to clean up especially if released in bodies of water. The reason for this clean up challenge is that ethanol is soluble in water. Unlike petroleum, which can be extracted from the top of the water, concentrated ethanol would require full liquid removal (i.e., in the event of an ethanol spill in a lake, the affected would need to be drained). In groundwater, ethanol does not respond to typical remediation techniques, like air stripping and filtration.

To achieve the best protection for our communities, emergency responders and railroad workers – SERCs must have advance notice that oil and ethanol is being shipped through their states. Further all railroads/shippers of oil or ethanol must design and implement a comprehensive spill response plans. These response plans must be provided in advance to the relevant SERCs, Tribal Emergency Response Commissions, Fusion Centers and any other State designated agencies.

These safety preparedness requirements must apply to all railroads/shippers of Class 3 flammable liquids, regardless of their classification (i.e., Class I, Class II or Class III). Without this requirement there will not be adequate training and incentive to minimize collateral damage to communities.

If a railroad or shipper does not have the manpower and fiscal capacity to develop and execute a Class 3 flammable liquid spill response plan, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. Spill response plans should take in to account the terrain, natural geography and municipal development along the route used for transport. Specifically if lakes and rivers are present, the plan must provide for containment to prevent water contamination and plan for the de-contamination of bodies of water. Additionally the presence of other freight and/or public transit modes in the same ROW corridor, along with the proximity to residential and school areas, must be addressed in developing the appropriate spill response plan.

Tank Car Specifications -

PHMSA recognizes that DOT-111 tank cars can almost always be expected to breach in the event of a train crash and resulting in spills, explosions and destruction, yet the proposed new rule on train operation and tank car

design would fail to take a single DOT-111 car off the rails. New designs for DOT-111s include increased minimum head and shell thickness, top and bottom fitting protection, a thicker head shield, and head and shells constructed of normalized steel. The guidelines recommend that new DOT-111s ordered after October 1, 2011, be built to this standard. We appreciate these new standards. However, the type of crude involved in the Lac Megantic disaster could be carried on the least safe DOT-111 tank cars until Oct. 1, 2018. An immediate ban on shipping volatile crude and ethanol in the DOT-111 tank cars is in order.

Short line railroads like TC&W in Minnesota are small and often unable or unwilling to purchase these new tanker cars because their ability to invest capital in new cars is limited. They instead tend to purchase used tanker cars from other larger railroads that are retiring those for newer tank cars, and they retrofit older used cars to meet minimum safety standards. It is ironic that these short line railroads which are often run through heavily populated urban corridors have the worst quality tank cars in all the fleets, yet run through the most densely populated corridors. Of the 94,178 cars in flammable service, currently only 14,150, or 5 percent of the total DOT-111 fleet (15 percent of the flammable service fleet), have been manufactured to comply with new standards (Pumphrey et al).

Additionally, as the amount of oil being shipped by rail has increased, train companies have moved to using unit trains for shipping higher volumes (Pumphrey et al). Unlike a manifest train, which might carry a variety of different commodities, a unit train carries only one commodity (e.g., ethanol or crude oil). Unit trains consist of between 50 and 120 tank cars, the equivalent of 50,000 to 90,000 barrels of oil, becoming a "virtual pipeline" or a potential bomb train. Unit trains may increase efficiency but also increase risk. According to the American Association of

Railroads (AAR), "a single large unit train might carry 85,000 barrels of oil". There is no publicly available data on how much oil or ethanol is being shipped in unit trains versus non-unit trains (Pumphreys et al). Shippers of crude oil currently are not required to prepare a comprehensive oil spill response plan (OSRP). Shippers should be required to report even one tanker car of oil or ethanol. And limits should be placed on the number of tanker cars in any single train, especially through high population density areas.

In the case of SWLRT, nearly all ethanol trains that run on the freight track are unit trains. Substandard tank cars combined with the fact of unit trains and a high number of tanker cars means that the Kenilworth Corridor is at high risk. The proximity of an electrified LRT a mere 12 feet from tanker cars could mean than this neighborhood could become ground zero in case of derailment.

The next generation tank cars should exceed the previous 2011 standards, and that should be phased in at a quicker pace than proposed. It is clear that rail company lobbyists are actively trying to minimize PHMSA regulatory tanker car standards (Straw). You must steal your resolve and demand improvements for public safety, and for short line railroads demand similar standards with no waivers.

Small short line railroads are often not given the attention or training of larger railroads, yet they often utilize the worst tanker cars and have the least emergency training. Short Line Railroad Safety training for short line railroads transporting crude and ethanol must be a greater priority, because they often run through high-density urban corridors.

Additional Requirements for High-Hazard Flammable Trains (HHFTs)-

The proposed rule defines a HHFT as a single train carrying 20 or more carloads of Class 3 flammable liquid. The definition does not serve the safety interests of the United States. It is documented that one carload of Class 3 flammable liquid can trigger a disaster and devastation. For that reason, a HHFT should mean a single train carrying one or more carloads of Class 3 flammable liquids.

Further the proposed rule applies only to trains operated by Class I railroads. The PHMSA and FRA safety rules related to Class 3 flammable liquids should be in effect for all railroads/shippers that convey Class 3 flammable

liquids. The class (i.e., Class I, II or III) of a railroad is determined by its revenue generation. It is not reasonable to exempt a railroad from important safety requirements based of it revenue generating capacity. If a railroad/shipper does not have the capacity to adhere to relevant HHFT and Class 3 flammable liquid safety standards, it is not prudent for that entity to be in the business of conveying Class 3 flammable liquids. This important safety rules must apply to all classes of railroads, otherwise there are opportunities to circumvent necessary precautions and responsibilities.

Further the proposed rule does not address the liability insurance requirements for railroads/shippers of Class 3 flammable liquids. This is a complicated topic especially when the condition of a share ROW exists. Goals of insurance requirement should address:

1. Allocating the liability from risks between the freight railroad and the transit agency

2. Managing the additional risk by developing a prudent insurance strategy

3. Ensuring the safety of passengers in mixed freight and transit operations

4. The willingness of freight railroads to grant access to their ROW for transit operations

5. Providing satisfactory conditions for continuing service to freight customers Without adequate insurance requirements, the public will be exposed to uncompensated losses when freight and transit disasters occur.

RECOMMENDATIONS

These proposed PHMSA rules are a beginning toward building a safer rail industry. However, the more we investigated the rules, the clearer it became that the rules do not go far enough to protect the public. The current standards are remarkable more for what they do not regulate than for what they do. Much more needs to be done to ensure public and environmental safety. We recommend that PHMSA immediately incorporate the recommendations listed below to expand this rule on safety standards to better protect the public and the environment:

1. Modifythedefinitionofahigh-hazardflammabletrainprovidedinSection171.8toread as follows: High hazard flammable train means a single train carrying 1 or more carloads of a Class 3 flammable liquid.

2. ThePHMSAandFRArulesmustapplytoalltrainsconveyingClass3flammableliquid regardless of railroad classification (i.e., includes Class I, Class II and Class III railroads). This would extend PHMSA regulatory actions to all railroads regardless of Class.

3. ThePHMSAandFRAsafetyrulesshouldapplyequallytohhftsthatareconveyingoil and/or ethanol. The NTSB views ethanol as dangerous as oil. Having safety rules that address the conveyance of oil but do not apply to ethanol carriers is flawed, as both are Class 3 flammable liquids.

4. BantheuseofDOT-111tankcarsnowfortransportinganyamountofhazardous materials, instead of focusing solely on trains with more than 20 railcars of crude oil. The proposal to allow continued use of DOT-111 cars on trains of fewer than 20 cars would fail to protect public safety and the environment.

5. DOT-111carsshouldnotbeusedforthetransportofanycrudeoilsorfossilfuels, regardless of classification.

6. Retrofittedcarsthatfailtomeeteverystandardofthemostprotectivenewtankcar design should be barred from use for all shipments of hazardous materials, regardless of class and have regular safety

inspections to assess their continued safety.

7. Requirethatanyandallrailroads/shippersconveyingonecarloadormoreofClass3 flammable liquids are required to notify SERCs about the operation of these trains through their States. Further it is recommended that comprehensive spill response plans be submitted for review and approval by relevant federal agencies under the National Contingency Plan, along with PHMSA. Given the relatively few number of railroad entities, it is not anticipated for this to be an undue burden. To minimize risks due to outdated comprehensive spill response plans, it is strongly recommended that plans be updated at least on a 3-year cycle and whenever there is a change of ownership in the railroad or shipper.

8. EnforcementofPHMSA/FRA/FRArulesandinspectionsdonothappenregularlydue to minimal federal staffing. An increase in the frequency of inspections is recommended, with funding provided by railroad fees.

9. Implementfederalstandardsandrulesthatwouldminimizetheoccurrenceofthekey causes of train derailments resulting in spills; namely, the size of trains, state of infrastructure and human error. The proposed rule enumerates the most common causes of hazardous train derailments but fails to propose meaningful solutions such as limits on the number of cars permitted in each train, the use of unit trains, requirements for new build outs in shared row, infrastructure and inspection improvements, and management and oversight.

10. Derailments and spills can happen everywhere. Instead of selectively protecting only the most densely populated cities, apply these standards everywhere. As written, the proposed rules are designed to reduce risk to communities of greater than 100,000 people, but protections should be afforded all communities. These standards specifically acknowledge that it is putting people at risk solely because of where they live. This is immoral.

11. Sensitive environments including but not limited to areas near water, drinking water supplies, parks and animal habitat should be protected by all available safety standards.

12. Require full public disclosure to first responders of all hazardous rail shipments. There should be no exemptions for trains with fewer than 35 cars. Even one car of hazardous cargo should be disclosed so that emergency responders can act appropriately in the case of a disaster.

13. Uniform federal level guidelines should be developed to guide all future construction and management of LRT/commuter rail lines in shared freight/transit corridors, in particular along corridors that carry Class 3 flammable liquids.

14. A comprehensive study of derailment probability in shared ROW should be undertaken to understand the effect of track spacing, electrification of LRT adjacent to gas/oil/ethanol bearing trains, train speeds, train cargo, and train ownership (long range vs. short line railroads).

15. Minimum standards should be set for co-location of passenger and freight co-location, including that ROW should meet the AREMA minimum safety standard of 25 feet center rail to center rail (Caughron B et al). Immediately institute a moratorium on the building of LRT lines adjacent to freight lines that are conveying any amount of Class 3 flammable liquids in corridors that do not meet AREMA's 25 feet center rail to center rail standard.

16. All trains conveying Class 3 flammable liquids should be re-routed outside of high risk urban areas and away from areas at high risk for derailment or terrorism including urban neighborhoods, downtown areas, malls and major sports and entertainment complexes.

CONCLUSION

Given the exponential increase in shipments of oil and ethanol, the need to upgrade and implement relevant freight rail safety standards is urgent and necessary to the well being of our communities and environment. The coordination of oversight authority for all railroads (i.e., ClassI -III) and public transit projects safety must also

improve. The proposed rule along with the aforementioned recommendations will serve to protect our nation and place the responsibility for safety precautions with the appropriate entities and not place undue burden on communities and residents.

SOURCES

Brodsky B. Industrial Chemicals as Weapons: Chlorine. NTI: Building a Safer World. http://www .nti.org/analysis/articles/industrial-chemicals-weapons-chlorine/.

Caughron B, Saat MR, Barkan C. Identifying and Prioritizing Shared Rail Corridor Technical Challenges. AREMA Conference 2012. http://railtec.illinoise.edu/CEE/pdf.Conference%20Proceedings/2012/Caughron%20et%20al %202012.pdf

Federal Register, Part VII, 49 CFR Parts 209 and 211.

Lin CY, Saat M, Barken C. Causal Analysis of Passenger Train Accident on Shared-Use Rail Corridors. Transportation Research Board 93rd Annual Meeting. Nov 2013. http://assets.conferencespot.org/fileserver/file/64876/filename/14-2181.pdf.

Lin CY, Saat, M. Semi-quantitative Risk Assessment of Adjacent Track Accidents on Shared-Use Rail Corridors. April 2014. Proceedings of the 2014 Joint Rail Conference JRC2014. http://railtec.illinois.edu/articles/Files/Conference%20Proceedings/2014/JRC2014-3773.pdf.

ODN. Online Distillery Network. Ethanol Materials Data Safety Sheet. http://www .distill.com/materialsafety/msds-eu.html.

NTSB. NTSB calls for tougher standards on trains carrying crude oil. Press Release. Jan 23, 2014. http://www.ntsb.gov/news/2014/140123.html.

Pumphrey D, Hyland L, Melton M. Safety of Crude Oil by Rail. March 2014. Center for Strategic and International Studies. http://csis.org/files/publication/140306_Pumphrey_SafetyCrudeOilRail_Web.pdf.

Resor R. Catalogue of Common Use Corridors. USDOT/FRA/ORD03/16. April 2003

Sela E, Resor R, Hickley T . Shared Use Corridors Survey of Practice and Recommendations for the Future. Crossing and Shared Corridors. www.onlinepubs.trb.org/onlinepubs/circulars/ec058/08/_04_sela.pdf.

Straw R. White House Agency Under Pressure From Big Oil & Rail – Accused of "Coddling" the Industries. The Benecia Independent. June 2014. http://beniciaindependent.com/white-house- agency-under-pressure-from-big-oil-rail-accused-of-coddling-the-industries/.

TSA. Part 1580. Appendix A. http://www.gpo.gov/fdsys/pkg/CFR-2011-title49- vol9/pdf/CFR-2011-title49-vol9-part1580-appA.pdf.

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July 10, 2015

Marisol R. Simon
Regional Administrator
U.S. Department of Transportation
Federal Transit Administration
200 West Adams Street
Suite 320
Chicago IL 60606

Dear Ms. Simon,

As the Chair of the Minnesota House of Representatives Transportation Committee, I would like to inform you about a recent funding proposal by the Metropolitan Council for the Southwest Light Rail Transit (SWLRT) project in our state.

As recently as late April, it was announced by the council that the cost of the SWLRT Green Line extension had grown to almost $2 billion while initial estimates were $1.2 billion. The council's current approach denies our state and our communities adequate time to deliberate the costs and issues associated with the SWLRT project.

Please find enclosed a letter detailing my concerns that was delivered to the Chair of the Metropolitan Council Adam on June 23, 2015.

Please do not hesitate to contact me directly with any questions or concerns.

Sincerely,



State Representative Tim Kelly
Chair, House Transportation Committee

Tim Kelly
State Representative
District 21A
Goodhue and Wabasha Counties

Minnesota House of Representatives

COMMITTEES:
CHAIR, TRANSPORTATION POLICY AND FINANCE
ETHICS
HEALTH AND HUMAN SERVICES REFORM
RULES AND LEGISLATIVE ADMINISTRATION

June 23, 2015

Via Electronic Delivery

Mr. Adam Duininck, Chair
Metropolitan Council
390 Robert St. North
St. Paul, MN 55101-1805

Dear Chair Duininck,

At a Met Council Transportation Committee meeting on June 10th, 2015, Light Rail Transit Director Mark Fuhrmann and Finance Director Mary Bogie presented a cash flow financing plan for the Southwest Light Rail Transit (SWLRT) project that raises serious concerns.

In short, the proposal would use Certificates of Participation (COP) with Motor Vehicle Sales Tax (MVST) funds as a funding stream for these obligations. The council's proposal would take $13 million from MVST reserves and uses COPs to fund another $165 million in SWLRT costs. Belying the council's claim that COPs are not debt, COPs are the same funding mechanism used to authorize construction of the controversial Senate Office Building.

As recently as late April, it was announced by the council that the cost of the SWLRT Green Line extension had grown by nearly 70 percent (initial estimates were $1.2 billion and recent reports stated a new cost of $1.994 billion). Even Governor Mark Dayton was rightfully "shocked and appalled" at this continued escalation in costs. I agree with the governor's statement that this dramatic increase "raises serious questions about its viability and affordability".

Despite the fact Minnesotans and the public servants elected to represent them have raised concerns about the current SWLRT project due to recent increased costs as well as ongoing litigation, the Met Council appears to be moving forward full steam ahead.

In late April, Governor Dayton said he "would not entrust additional public money for the organization of the council for this project" until questions about how the costs skyrocketed and why officials were not informed earlier have been answered. In light of the bipartisan concerns about the line's ballooning cost, and the unusual funding scheme proposed by the council, I have additional questions we need answered with supporting documents:

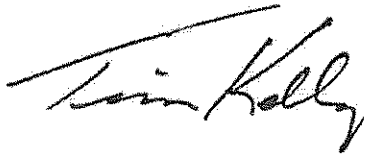
P.O. Box 412, Red Wing, MN 55066
559 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd. St. Paul, Minnesota 55155-1298
(651) 380-4345
(651) 296-8635
FAX: (651) 296-5378 Email: rep.tim.kelly@house.mn

- Is there statutory authority allowing the Met Council to issue COPs?
- What is the legal basis for being allowed to use COPs as a funding source for transit projects? Is there precedent?
- Who would issue these COPs?
- What terms and debt service would be required to pay these obligations off?
- What transit projects will not be funded now because of the use of these MVST funds being reserved to pay off these COPs?
- For what other projects, or elements of projects, does the Met Council envision COPs as proper and legitimate funding source?
- What precedent would be set by committing the use of funds from a state dedicated constitutional revenue stream for bonding without any legislative approval?
- How would this impact state debt guidelines?

The implications of the council's proposed alternative funding scheme are staggering for taxpayers and state and local policymakers. Greater consideration of the proposal's legality and risk are needed before any further action is taken.

Respectfully, I request a response to the above questions, and any additional documentation that supports the proposal, no later than July 12, 2015.

Sincerely,



State Representative Tim Kelly
Chair, House Transportation Committee

Attachment 3: Master Responses to Comments Received on the Supplemental Draft EIS

Master Responses to Comments Received on the Supplemental Draft EIS

MR ID[a]	Topic	Master Response	Original Comment Number
1	Invalid NEPA/MEPA Scoping Process because original scoping report did not include freight rail co-location	The Southwest Transitway Scoping Process did not initially include the analysis of freight rail changes (either relocation of freight rail to the MN&S Spur or co-location of freight rail and light rail in the Kenilworth Corridor), because at that time potential freight rail modifications were not considered part of the Project. Prior to 2011, freight rail relocation out of the Kenilworth Corridor was the subject of separate action being undertaken by Hennepin County and MnDOT. The Project's Scoping Process began with a notice published on August 23, 2008, and publication of a notice of intent in the EQB Monitor on September 8, 2008, and the Federal Register in September 23, 2008. The Scoping comment period ended on November 7, 2008. The Project conducted three formal public hearings and one agency meeting where written comments were received and where verbal comments were recorded. A Scoping Booklet was published that explained the EIS process (including the Scoping Process, how to comment, which agencies were involved, and how to stay involved after the Scoping Process). Exhibits at the scoping meetings explained the Scoping Process in more detail, the alternatives that were under consideration, and the upcoming EIS process. Approximately 250 people attended the three Scoping public hearings and comments were received from 295 individuals, groups, and agencies during the Scoping period. During the Project's Scoping comment period, the City of St. Louis Park requested, in their October 14, 2008, letter that HCRRA ensure that issues associated with the potentially rerouted freight rail through the City of St. Louis Park, including identification of funded mitigation measures to address associated adverse impacts, be included within the Project's EIS. At that time, the potential freight rail relocation was considered a separate, disconnected action from the Southwest Transitway project due to its history. As such, HCRRA responded to the City of St. Louis Park and stated that impacts and mitigation associated with the relocation of the freight rail line in St. Louis Park were part of an independent study being undertaken by MnDOT and Hennepin County (See Appendix J(2) and Appendix K of the Scoping Summary Report for the City's comment letter and HCRRA's response, respectively). In response to similar comments from other jurisdictions and individuals, the Scoping Summary Report similarly noted that the potential relocation of the freight line St. Louis Park was outside the scope of the Southwest Transitway Draft EIS. The documentation of the Project's Scoping Process, including comments received and responses to those comments, was published in the Southwest Transitway Scoping	1, 42, 47, 66, 74, 83, 112, 131, 133, 205

MR ID[a]	Topic	Master Response	Original Comment Number
		Summary Report in January 2009 (see Appendix C of the Final EIS for instruction on how to access that report). While the relocation of freight trains onto the MN&S Spur and Wayzata Subdivision was considered to be a separate action not connected to the Southwest Transitway Project and would, therefore, be outside the scope of the Southwest Transitway EIS (see Section 5.3 of the Southwest Transitway Scoping Summary Report), nonetheless, comments on freight rail relocation and co-location were received from agencies and the public and were accepted by HCRRA and are documented in Appendix J of the Southwest Transitway Scoping Summary Report. As previously noted, HCRRA responded to those comments (Appendix K) by stating freight rail relocation was considered part of an independent study by MnDOT and Hennepin County. During and prior to the Scoping Process for the Southwest Transitway, HCRRA and MnDOT, in cooperation with the City of St. Louis Park, were conducting an evaluation to determine the preferred permanent home for freight rail operations using the Kenilworth Corridor. In addition, HCRRA, in cooperation with MnDOT and the City of St. Louis Park, also conducted an analysis of seven alternatives for co-location of freight rail and light rail operations in the Kenilworth Corridor (Kenilworth Corridor – Analysis of Freight Rail/Light Rail Transit Co-Existence; HCRRA, December 2010). In June 2010, the St. Louis Park City Council passed Resolution 10-071, which requested that the HCRRA reanalyze the potential routes in the TCWR Freight Rail Realignment Study, 2009 in greater detail. The St. Louis Park City Council also requested that the HCRRA conduct an analysis of routing both freight rail and light rail in the Kenilworth Corridor. In response to this request, the HCRRA, in partnership with MnDOT, the City of St. Louis Park, and the affected private freight railroads, began an Environmental Assessment Worksheet (EAW) on the MN&S freight rail study. The purpose of the EAW was to provide an analysis and overview of the potential environmental impacts for the proposed freight rail project and to assist MnDOT (the RGU) in determining if there would be any significant impacts from the proposed freight rail project that would require the preparation of an Environmental Impact Statement. In May 2011, MnDOT and HCRRA issued notice of availability for the Environmental Assessment Worksheet for the MN&S Freight Rail Study in St. Louis Park and Minneapolis, and they conducted a public open house on the EAW on June 8, 2011. The comment period on the EAW concluded on June 15, 2011. On June 30, 2011, MnDOT issued a negative declaration regarding the need for an environmental impact statement for the proposed freight rail project.	

MR ID[a]	Topic	Master Response	Original Comment Number
		In its September 2, 2011 letter to the Council approving the entry into Preliminary Engineering, FTA directed the Council to analyze impacts of relocating freight rail as part of the Project's EIS. Additionally, in response to public comments received on the Scoping Process for the Southwest Transitway, FTA requested that the EIS also include an alternative that would co-locate freight rail and light rail in the Kenilworth Corridor to meet the requirement under 40 C.F.R. 1502.14(a). In response, on September 25, 2012, HCRRA amended the Southwest Transitway Scoping Summary Report (which serves as the Scoping Decision Document under MEPA) to include the impacts of relocating freight rail for each of the build alternatives, and for a co-location alternative in which freight rail, light rail and the commuter bike trail would be co-located between Louisiana Avenue and Penn Avenue. The amendment was authorized with approval of Board Action Request 12-HCRRA-0049. Notice of the amendment to the scoping report was issued in the EQB Monitor on October 15, 2012. Further, MnDOT vacated the MN&S Freight Rail Study EAW that identified and evaluated freight rail relocation alternative on December 20, 2011. While it is true that at the Scoping meetings in 2008 HCRRA may have noted that the freight rail relocation effort was part of an independent study not connected to the Southwest Transitway, subsequent to the Scoping Process, FTA and the Council considered the written and verbal testimony summarized in the Scoping Report. In summary, the Scoping Process for the Southwest Transitway Project met MEPA requirements (Minnesota administrative rule 4410.2100) and NEPA requirements (40 CFR 1501.7). After the close of the Draft EIS public comment period in December 2012, the Council assumed local lead agency responsibility for the Project from Hennepin County. As previously noted and described in Section 2.2 and Appendix F of the Final EIS, the Council developed and evaluated a range of design adjustments as a result of comments received on the Draft EIS, including those related to freight rail relocation and co-location. The design adjustment process included a four-step process to develop and evaluate adjustments to LRT 3A and LRT 3A-1 directly related to the following: (1) whether TC&W freight trains currently operating along the Kenilworth Corridor should be rerouted to sections of the MN&S Spur and Wayzata Subdivision; or (2) whether the TC&W freight trains should continue to operate along the Bass Lake Spur and Kenilworth Corridor as they currently do. As part of the design adjustment process, the Council held four workshops in June and July 2013 addressing the location of freight rail as part of the Southwest LRT Project. The Council received over 400 comments during and after these workshops. Based on the analysis, committee recommendations, and public comments received during the design adjustment process, the Council identified in April 2014 the design adjustments to be incorporated into the Project, which would allow for the co-location of light rail and freight rail in the Kenilworth Corridor. The Council found, that relative to the other options considered, the Shallow LRT Tunnel – Over Kenilworth Lagoon (i.e., LRT 3A-1 – co-location) design adjustment would best balance	

MR ID[a]	Topic	Master Response	Original Comment Number
		costs, benefits, and environmental impacts, and best meet the Project's Purpose and Need. The Council and FTA published a Supplemental Draft EIS in May 2015 that documented the design adjustments to the Project, with the co-location of freight rail and light rail in the Kenilworth Corridor. Three public hearings on the Supplemental Draft EIS in June 2015 provided additional opportunity for public input. Appendix M of the Final EIS documents the comments received on the Supplemental Draft EIS and responses to those comments.	
2	Project sought municipal consent prior to the publication of the Supplemental Draft EIS	Minnesota law does not require the Council to publish any particular Draft EIS prior to participating in the municipal consent process. Municipal consent is a process, entirely separate from environmental review, which is required to be completed under Minn. Stat. § 473.3994. Under this process, the Council must provide the physical design component of the preliminary design plans for the Project to municipalities and the county in which the route is proposed to be located and all such entities hold public hearing(s) regarding those plans within their boundaries. The municipalities and county then have the opportunity to review and approve the plans or disapprove the plans. The United States District Court for the District of Minnesota has concluded that the Minnesota law does not require that a Draft EIS or Supplemental Draft EIS must be provided before initiating the municipal consent process. Lakes and Parks Alliance of Minneapolis v. Metropolitan Council, Civ. No. 14-3391 JRT-SER, __ F. Supp. 3d __, 2015 WL 4635934 at *13-14 (D. Minn. Aug. 4, 2015).	1, 66, 124, 149
3	General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor	The Project is being developed to conform to FTA's Rail Fixed Guideway Systems; State Safety Oversight Program for Safety and Security Guidance for Recipients with Major Capital Projects (Circular C 5800.1), covered under 49 CFR Part 633 – Project Management Oversight. The Project will be designed to meet the following minimum objectives, in accordance with FTA guidance: • Design for the identification, minimization, and elimination of hazards through the use of appropriate safety design concepts and/or alternative designs • Use of fixed, automatic, or other protective safety devices, such as warning signals and devices to control hazards that cannot be eliminated • Provide special procedures for hazards that cannot be minimized by the aforementioned devices Further, the design and operations of the Project will conform to the State of Minnesota rail safety regulations that went into effect in July 2014 as part of MN Statutes Section 4, Chapter 115E.042. Key features of this legislation include the following: the preparation of prevention plans; increased safety inspections; emergency response training; requirement to plan for emergency	1, 7, 37, 38, 43, 44, 50, 51, 56, 57, 58, 59, 61, 66, 68, 69, 78, 81, 82, 83, 101, 103, 116, 117, 119, 143, 149, 171, 189, 196, 203, 214

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		responses; and improving response capacity. The full requirements are shown in response to comment number 196. In order to provide and maintain safety and security related to construction and operation of the Project, the Council will implement the Project's Safety and Security Management Plan (SSMP) (Council, 2014) and the Metro Light Rail Transit Design Criteria (Council, 2015). The purpose of the SSMP is to consider safety and security when designing and constructing the Project. The plan covers requirements for safety and security design criteria, hazard analyses, threat and vulnerability analyses, construction safety and security, operational staff training, and emergency response measures. These plans and programs also specify actions and requirements of the Council and Metro Transit Police to maintain safety and security during operation of the Project. In addition, the Metro Light Rail Transit Design Criteria (Council, 2015) includes design guidelines for features that will maintain safety and provide security, which will be included in the design of the Project. The design of the Project in the vicinity of freight rail facilities will be developed in accordance with the Metro Light Rail Transit Design Criteria, which includes design standards and specifications to provide security and/or enhance safety. This includes operations and maintenance safeguards to prevent LRT operational derailments, emergency guard rails where appropriate (i.e., a rail or other structure laid parallel with the running rails of the track to keep derailed wheels adjacent to the running rails), and corridor protection barriers (i.e., commonly referred to as "crash walls;" they are thick/massive barriers placed between freight rail and light rail tracks) for light rail and freight rail where either light rail or freight rail tracks are elevated above the adjacent tracks or the clearance between the centerline of the light rail tracks and the centerline of the freight tracks is less than 25 feet. In addition, where clearance between the centerline of the light rail tracks and the centerline of the freight tracks is less than 50 feet, intrusion detection to detect freight or light rail derailment will be installed, where appropriate. During construction, some trails and sidewalks may be detoured either on a signed route on other trails/roadways or on a temporary facility built to re-route pedestrian and bicycle traffic around an obstruction, in order to maintain safety of park and trail users. This includes the Kenilworth Trail, and the trails and sidewalks that provide access to East Cedar Lake Beach, Cedar lake Park, and Lake of the Isles Park. Specific mitigation strategies for short-term impacts related to construction activities will be identified in the Construction Mitigation Plan, which includes a Construction Communication Plan and construction staging plan. The Construction Mitigation Plan and its components will be implemented by the Council prior to and during construction. The purpose of the Construction Communication Plan is to prepare Project-vicinity residents, businesses, and commuters for	

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		construction; to listen to their concerns; and to develop plans to minimize harmful or disruptive effects. Strategies may include: • Issue construction updates and post them on the Project website • Provide advance notice of roadway closures, driveway closures, and utility shutoffs • Conduct public meetings • Establish a 24-hour construction hotline • Prepare materials with applicable construction information • Address property access issues • Assign staff to serve as liaisons between the public and contractors during construction The Construction Communication Plan will include coordination with the park owners, advance notice of construction activities, highlighting road, sidewalk, and trail closures and detour routes. Mitigation measures for short-term (construction) impacts to roadways, traffic, and pedestrian facilities (such as trails) will be implemented by the Council prior to and during construction through the Construction Mitigation Plan, which includes strategies to maintain safety. In addition, Contractors will be required to comply with all guidelines established in the Minnesota Manual on Uniform Traffic Control Devices (2015), which conforms to industry standards for the design and operations of pedestrian and bicycle facilities. The Council will also develop and implement freight rail coordination plans. The purpose of these plans is to facilitate coordination between the Project and the affected freight railroads during construction activities affecting freight rail operations. As part of this effort, Council staff will also work with affected freight rail owners and operators to provide provisions in the construction contract to identify how the contractor will interact with the railroads. Further, Council staff will work with affected freight rail owners and operators to sequence construction to minimize effects on freight movements and to identify optimal periods for closing the rail service and reducing speeds. Dates and times for all stoppages will be determined through coordination with the railroad owners and operators. Multiple commenters have expressed concern over potential safety issues related to the possibility of sparking electrical currents from LRT overhead catenary wires igniting explosive freight cargo, in areas where the Project will include LRT operations within the vicinity of freight rail facilities. It is not uncommon practice for electrified railroads to be aligned adjacent to freight rail corridors and Council staff have surveyed several transit properties that operate in those conditions, highlighting safeguards that they have implemented as best management practices. Safeguards that are consistent with nation-wide best management practices identified in that survey will be implemented by the Council to ensure that the Project is designed and operated safely adjacent to	

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		freight rail alignments, including measures to address concerns raised about the issue of sparking of the catenary along the corridor adjacent to freight rail. One such safeguard is that the catenary system is designed to minimize the possibility of sparking occurring in the overhead catenary wires. Electrical sparks, or arcing, occurs when there is a gap between the overhead contact wire and the vehicle pantograph. Ice cutters are utilized to maintain positive contact between the contact wire and pantograph during winter weather. Additionally, Metro Transit regularly inspects pantographs for grooves along the pantograph's carbon strip, which could cause arcing. Included in the design of Southwest LRT to minimize arcing are contact wire gradients which meet or exceed AREMA recommendations, staggering or zig-zags of the contact wire to ensure even wear, and overlaps between power sections. Finally, the design accounts for the OSHA 10-foot zone of influence, and meets or exceeds National Electrical Safety Code (NESC) requirements along the shared LRT and Freight corridor. The protective design features identified above promote safe and independent light rail and freight operations in their respective alignments and in the shared corridor and addresses the potential for freight rail interference with light rail electrical systems. Under the Project, emergency vehicle access to properties and areas within the vicinity of the Project will be maintained. In particular, access via public roadways will be maintained by providing either at-grade, above-grade, or below-grade light rail crossings of roadways. In the few areas where existing roadway connections or driveways to properties will be affected by the Project, alternate roadway connections or driveways will be provided for continued emergency vehicle access (see Section 4.6.3.1). Emergency vehicle access to individual properties will also be maintained under the Project, either: 1) the existing vehicular access to a property will be maintained; or, 2) alternate vehicular access will be provided where existing vehicular access to a property will be closed to accommodate the Project. In addition, access for emergency response vehicles to parks and trails will be maintained at all times during construction and operation of the Project in accordance with all relevant laws and standards, as appropriate. To help avoid or minimize delays to emergency vehicles at proposed at-grade light rail crossings, the Council will coordinate with emergency services providers on the identification of alternative crossing routes that will avoid the proposed at-grade light rail crossings and the potential for delay. Additional coordination will occur through the LRT Fire Life Safety and Security Committee (LRT FLSSC), as described in the Project's SSMP (Council, 2014). In addition, the Council maintains an emergency preparedness exercise plan, in compliance with the SSMP. The emergency preparedness exercise plan identifies emergency preparedness exercises, which will be carried out by the LRT FLSSC. In advance of operation of the Project, a	

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		number of drills will be planned, conducted, and documented in the emergency preparedness exercise plan. Emergency preparedness training exercises will be designed to address areas such as rail equipment familiarization, situational awareness, passenger evacuation, coordination of functions, communications, and hands-on instruction. The LRT FLSSC will coordinate training exercises with the Council and the freight railroad owners and operators, as appropriate. During normal revenue service, the LRT FLSSC will coordinate training exercises to evaluate emergency preparedness. The exact nature of emergency preparedness exercises will be developed in coordination with the LRT FLSSC prior to construction, but could include one tabletop and one full-scale emergency preparedness exercise, annually. As shown in the *Kenilworth Shallow LRT Tunnel Basis of Design Report*, appropriate sheet piling and bracing will be designed to safely support the open excavation for light rail tunnel construction as well as to support adjacent freight infrastructure. Other construction safeguards such as horizontal and vertical movement and settlement monitoring of both existing freight rail infrastructure and light rail tunnel support of excavation will be used as construction of the tunnel progresses. Monitoring data will be collected and analyzed by construction staff and coordinated with railroad operations staff to verify that safe freight rail operations can be maintained through the construction area at all times. The Council will develop and implement a freight rail operations coordination plan that will be based on and coordinated with the Project's construction documents. During the Project's construction, the Council will continue to work closely with the railways concerning railway coordination. The Council will adopt and use the safety and construction specifications and standards of the Class 1 Railways: Canadian Pacific Railway (CP) and BNSF Railway when construction is adjacent or on railways' rights of way, in addition to all applicable OSHA Construction and other Safety Regulations. The Railways' safety and construction specifications and standards are very specific and rigorous in their intent and execution. In addition, contractors' personnel, project engineering staff and Metro Transit Staff and all other support staff working on or adjacent to the railways' rights of way will be required to have completed and possess valid FRA Rule 214 Roadway Worker Training Certification, e-RAILSAFE and BNSF Contractor Orientation Training. Railway flaggers will be used to control train movements through construction limits. Qualified inspectors will be used to assess the operational safety condition of the right of way prior to the movement of a train through areas of railway trackage that may be disturbed by excavating and excavations, pile driving, crane lifts and related activities that may impact the safety of the site and rail operations through the construction limits. See sections 4.4.4.3 and 4.4.5.2 of the Final EIS for additional information on short-term impacts and mitigation measures. Under the Project, the Federal Railroad Agency (FRA) will maintain	

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		jurisdiction over the existing freight rail within the Kenilworth Corridor. The FRA is the federal agency with jurisdiction over railroad safety.	
4	Concern about inadequate evaluation of potential impacts to the Grand Rounds Historic district	Section 3.5 of the Final EIS includes the Project's cultural resources analysis which was conducted under Section 106 of the National Historic Preservation Act and assesses the Project's anticipated effect on eligible historic properties. FTA, the Council, and MnHPO, in coordination with other consulting parties, have documented the adverse effect in the *Section 106 Assessment of Effects for Historic Properties* (see Appendix H) and have concluded that the Project will have an adverse effect on the Kenilworth Lagoon, which is a contributing element of the Grand Rounds Historic District. In addition, as part of the Section 106 consultation process, FTA and the Council have included mitigation measures in a *Section 106 Memorandum of Agreement* (MOA) for the Project (see Appendix H). As described in Section 3.5, measures to avoid, minimize, and mitigate the adverse effect on the Lagoon and the historic district were reviewed and coordinated with MnHPO and consulting parties, including MPRB, KIAA, and CIDNA. These measures are summarized below. • Install a parapet wall and rail damper on the LRT bridge over the waterway to mitigate the moderate noise impact at the Kenilworth Lagoon. • Rehabilitate/Reconstruct WPA Rustic Style Retaining walls to minimize and mitigate adverse effects. • Design Project elements within and adjacent to the Grand Rounds Historic District in accordance with the SOI's Standards (36 CRF 68), to be reviewed by the MnHPO and consulting parties, to further minimize adverse effects. • Develop a Construction Protection Plan detailing the measures to be implemented during Project construction to avoid adverse effects. • Prepare guidance for future preservation activities within the portion of the GRHD: Canal System, including adjacent parkland, extending from the north end of Lake Calhoun to the east end of Cedar Lake, and including the entirety of the Lake of the Isles Park and Kenilworth Lagoon elements (Attachment D). The plans shall be prepared in accordance with the SOI's Standards (36 CFR 68); the SOI's Standards for Preservation Planning; the NPS's Guidelines for the Treatment of Cultural Landscapes, Preservation Briefs and Tech Notes. As documented in the Project's *Section 106 MOA*, the Kenilworth Channel/Lagoon will be temporarily closed and detoured during construction. Best Management Practices (BMPs) will be developed and implemented during removal of the existing bridges and construction of the new bridges across the channel. Refer to Chapter 6 for the Final Section 4(f) Evaluation for the Project that also addresses this Section 106 determination of adverse effect.	7, 76

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5	Concern over the potential for the Project to eliminate the proposed Penn Station	The proposed Penn Station will be constructed as part of the Project. The proposed Penn Station is described in Section 2.1 of the Final EIS and illustrated in the Project's Preliminary Engineering Plans (see also Appendix E of the Final EIS).	27, 29, 64
6	Freight rail operations should not be considered an existing condition and should be excluded from the baseline data	These comments relate to the permanency of freight rail in the Kenilworth Corridor and state that the Project is making freight rail a *permanent* condition, where it previously was considered a temporary condition, therefore these comments state that environmental consequences of freight rail operation should be analyzed as a *new* condition within the Project's definition. Pursuant to NEPA regulation and guidance (*Council on Environmental Quality, Forty Most Asked Questions Concerning CEQ's NEPA Regulations [1981]*), all analyses were conducted using the current existing conditions or a "no-action alternative" (commonly referred to as the No Build Alternative) as the baseline from which to measure potential impacts. The purpose of a baseline condition (or the No Build alternative) assessment under NEPA is to provide policymakers and the public a benchmark against which to measure the environmental consequences of the future condition (see Custer County Action Association v. Garvey, 256 F.3d 1024, 1040 (10th Cir. 2001); 46 Fed. Reg. 18,026, 18,027). This Project does not control the future disposition of freight rail operations within the Kenilworth Corridor. Freight rail service in the Kenilworth Corridor can only be terminated or vacated by the freight rail operators holding the trackage rights to operate in this segment—CP and TC&W. In addition, there are no public plans or policy documents stating the future removal of freight rail service in the Kenilworth Corridor. Freight rail has been in operation in the Kenilworth Corridor for nearly 20 years. Removing an existing condition from the "No Build" arbitrarily, without any substantiation, would introduce a faulty analysis framework. Freight rail operations within the Kenilworth Corridor are subject to many factors, including Surface Transportation Board regulations that govern freight rail commerce and local, regional, and national market forces that effect freight rail operations and facility development, both of which are outside of the scope of influence of the Project. Further, NEPA does not require that an EIS assume that current conditions "do not exist" or to "recreate" prior conditions within the baseline used to make present day development decisions *American Rivers V. Federal Energy Regulatory Commission*, 201 F.3d 1186, 1199-1201 (9th Cir. 2010). Further, a court may overturn an agency's definition of the "no action alternative" only if there is evidence that the actual "existing conditions" are different than the conditions analyzed in the environmental review *Cent. Sierra Envtl. Res. Ctr.*, 916 F. Supp.2d 1078, 1091 (E.D. Cal. 2013).	45, 65, 67, 74, 76, 78, 102, 116, 117, 143, 196

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		An agency's no-action alternative NEPA analysis can be found invalid if it improperly defines the baseline (*Friends of Yosemite Valley v. Kempthorne*, 520 F.3d 1024, 1038 (9th Cir. 2008), *Cent. Sierra Envtl. Res. Ctr*, 916 F.Supp.2d at 1090-1091, however, the courts will defer to the agency's decision-making processes if reasonable and consistent with the application of the law. (916 F. Supp. 2d at 1091 (citing *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 415 (1971), *Akiak Native Cmty. v. U.S. Postal Serv.*, 213 F.3d 1140, 1146 (9th Cir. 2000)). The Project definition does not include freight rail operations in the Kenilworth Corridor as a condition of the Project, since freight rail operation is analyzed under the No Build baseline. Furthermore, the permanency of freight rail operations in the Kenilworth Corridor is outside the scope of this Project. The Project is making minor infrastructure modifications to freight rail for very limited areas, mainly to facilitate the movement of light rail transit. As noted in Section 5 of the trackage rights agreement between CP/TC&W and Hennepin County Regional Railroad Authority, terminating or vacating the freight rail service along the Kenilworth Corridor is to be decided by the freight rail operators at their discretion, whenever a feasible alternative route is made available for their operation. Neither the FTA nor the Council can facilitate freight rail service in the Kenilworth Corridor on a temporary or permanent basis.	
7	Concerns related to vibration impacts from LRT tunnel construction	As described in Section 3.13.3 of the Final EIS, the Project will not result in long-term vibration impacts. The Project will result in short-term vibration impacts during construction in some locations. In order to minimize the impact of construction vibration, high-vibration activities, such as impact pile driving and vibratory rolling, will be limited and alternate construction methods with lower vibration levels will be utilized, where appropriate. To mitigate vibration impacts from construction activities, the following measures will be applied, where feasible: • **Limit Construction Hours**. Limit high-vibration activities at night. • **Construction Specifications**. Include limits on vibration in the construction specifications, especially at locations where high-vibration activities. • **Alternative Construction Methods**. Minimize the use of impact and vibratory equipment, where possible and appropriate. • **Truck Routes**. Use truck haul routes that minimize exposure to sensitive receptors and minimizes damage to roadway surfaces, where appropriate.	7, 50, 52, 53, 54, 55, 60, 65, 77, 79, 100, 101, 111, 121, 124, 140, 146, 171

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		• **Pre-Construction Survey**. Perform pre-construction surveys to document the existing conditions of the structures in the vicinity of sites where high-vibration construction activities will be performed. • **Vibration Monitoring**. If a construction activity has the potential to exceed the damage criteria at any building, the contractor will be required to conduct vibration monitoring and, if the vibration exceeds the limit, the activity must be modified or terminated. The Project will result in will result in ground-borne noise impacts at 54 units (five buildings) for residential land uses in the tunnel section south of the Kenilworth Channel without mitigation. In order to mitigate ground-borne noise impacts due to ground-borne vibration in the area of the Kenilworth Tunnel, highly resilient rail fasteners in the tunnel section (approximately 2,200 feet) will be used to eliminate ground-borne noise impacts. The fasteners will be designed to provide at least 5 dB of reduction in vibration levels at 80 Hz and higher. The efficacy of resilient fasteners as a mitigation measure for vibration and ground borne noise impacts has been broadly documented in the U.S. and globally. The degree of insertion loss or effectiveness of resilient fasteners is shown to be largely dependent on the degree of stiffness change between the typical fastener and the resilient fastener. Based on data obtained before and after installation of resilient fasteners, there is typically a 15dB change in insertion loss for each tenfold change in fastener static stiffness[1] and resilient fasteners have been shown (based on before and after study) to result in an insertion loss between 30 Hz - 80 Hz of approximately 14 dB.[2] The fasteners included in the Project (e.g., reduce vibration by as much as 5 to 10 dB at frequencies above 30 to 40 Hz) are at the low end of the range of vibration reductions achieved by typical resilient fasteners, and at a much higher frequency. For vibration mitigation, higher frequencies are easier to mitigate than lower frequencies, so the specifications for the fasteners required for the Project is well within the performance range of standard resilient fasteners. These types of fasteners are standard within the rail industry and have been in use for decades. A manufacturer of the resilient fasteners would provide evidence of the effectiveness and performance of their products, typically with a graph showing the reduction in vibration levels as a function of frequency. This information, combined with other project specifications, such as the required stiffness, would lead to a choice of a specific product to be used.	

[1] Barlow, Steven C. Field Measurements of Slab Track Vibration to demonstrate the insertion loss of low stiffness rail fasteners. 2004. https://www.acoustics.asn.au/conference_proceedings/AAS2004/ACOUSTIC/PDF/AUTHOR/AC040086.PDF.
[2] Delkor Rail Fasteners. Company Information Brochure. Accessed April 2016. http://www.delkorrail.com/.

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		The Project will perform pre-construction surveys to document the existing conditions of the structures in the vicinity of sites where high-vibration construction activities will be performed, including where the shallow LRT tunnel will be constructed. If a construction activity has the potential to exceed the criteria at any building, the contractor will be required to conduct vibration monitoring and, if the vibration exceeds the limit, the activity must be modified or terminated. Within the area of the tunnel area, the footing with the nearest proximity to the Project is encroaching on the public right-of-way by 1.5 feet. The distance from the edge of that building to the public right-of-way is 0.5 feet. The distance from the proposed LRT centerline to the nearest residential structure is 12.1 feet and the distance from the proposed LRT centerline to the nearest residential building face is 14.1 feet. More information about construction activities for the Project can be found in Section 2.1.1.2 of the Final EIS. Additional information on mitigation measures for short-term (construction) vibration impacts can be found in Section 3.13.4.3 of the Final EIS. Section 3.13 also includes an updated assessment of long-term vibration and ground-borne noise impacts, as well as a description of the mitigation measures that will be implemented with the Project. The FTA will include mitigation measures identified in the Final EIS (see Tables 3.0-1 and 4.0-1 and the mitigation sections of specific environmental and transportation categories in Chapters 3 and 4, respectively) in the Project's Record of Decision (ROD). FTA will stipulate within the ROD that mitigation measures included in the ROD must be incorporated into the Project by the Council as a condition for receipt of federal funds for the proposed Project, and cannot be reduced or removed without proper reevaluation in the form of an additional environmental review Refer to *Master Response 8: Questions over the extent of hazardous and contaminated materials in the Kenilworth Corridor*, and *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right* for additional information on other comments related to LRT tunnel construction.	
8	Questions over the extent of hazardous and contaminated materials in the Kenilworth Corridor	As described in Section 3.14.2, the Kenilworth Corridor area is generally aligned within the vicinity of multiple former rail yards that have since been redeveloped with industrial/commercial properties and recreational parks and trails. This area was evaluated as part of the Phase I environmental site assessment (ESA) process, which identified one site within the vicinity of the proposed shallow tunnel in the Kenilworth and one site within the vicinity of the Cedar Lake Junction in the Kenilworth Corridor where there is a risk of encountering hazardous and contaminated materials. As part of a Phase II ESA, these sites were tested and the extent of the existing contamination was verified (refer to 3.14.2 for more information on Phase II ESAs).	39, 62, 75, 77, 81, 101, 203

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		The Kenilworth Corridor is addressed in the Construction Response Action Plans (RAP) (Southwest Light Rail Transit East Segment, dated November 17, 2015). The RAP indicates that soil in the Kenilworth Corridor is characterized by "Unregulated Fill" and "Urban Fill" from West Lake Street to west of Penn Station. Unregulated fill is defined as uncontaminated material based on MPCA definitions. Unregulated fill will be managed as unrestricted reuse material both on the Project site and as excess material off-site. Urban Fill is defined as wide-spread low level contaminated material typical of historic urban/industrial areas with key indicator parameters (metals, PAHs) and debris indicating a diffuse anthropogenic origin. The majority of urban fill in the Project area also includes mixed rail bed fill material as described in the RAP. Urban fill will be managed as unrestricted reuse material on the Project site based on MPCA definitions. The urban fill will be reused in areas where it will be capped with concrete or bituminous pavement, rail guideways, structure slabs, topsoil and/or sod, depending on location. Urban fill that cannot be reused within the Project limits because of lack of capacity for reuse will be properly disposed at a permitted industrial or solid waste landfill facility. Two zones of soil contamination, one at either end of the Kenilworth Corridor (i.e., just west of West Lake Station on the southwest end of the Kenilworth Corridor, and in the vicinity of the Cedar Lake Junction on the northeast end of the Kenilworth Corridor), were identified and addressed in the RAP. These zones are called "discrete areas" or "outlier areas". Discrete areas are defined in the RAP as medium to high level contaminated areas distinguishable from urban fill based on the magnitude, type and compact areal extent of detected contaminant(s) indicating a concentrated/localized "point source" origin. Outlier areas are defined as locations where contaminant levels in a single boring (with no near-by corroborating borings) exceed RAP screening criteria. The RAP states that soil excavated from discrete areas and outlier areas will be managed by being properly disposed at a permitted industrial or solid waste landfill facility. The Discrete Area at the west end of the Kenilworth Corridor (south of Lake Street and east of the Southwest LRT alignment) is designated D-E08, and includes soil contaminated with DRO (19.8 to 21,600 mg/kg), mercury (0.043 to 10.8 mg/kg) and lead (821 to 1690 mg/kg) from 0 to 20 feet below ground surface (bgs), and BaP equivalents (0 to 45.5 mg/kg) from 0 to 5 feet bgs. The Outlier Area at the east end of the Kenilworth Corridor is designated D-E09, and includes soil contaminated with DRO (non-detect to 5,600 mg/kg) from 0 to 5 feet bgs, and BaP equivalents (0 to 64 mg/kg) from 0 to 2 feet bgs. Refer to the Project's Phase II ESA reports (see Appendix C for instructions on how to access these documents) for maps showing the location of these sites. In addition, two zones of groundwater contamination, one at either end of the Kenilworth Corridor (corresponding to the locations of the soil contamination described above), were identified and addressed in the RAP; groundwater throughout the remainder of the corridor was characterized as not contaminated. The contaminated zones are called "Groundwater Impact Areas", and are	

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		defined as areas surrounding a groundwater sample with an analytical result that exceeded method reporting limits (except metals). The Groundwater Impact Area at the west end of the Kenilworth Corridor is designated as GW-E06, and includes groundwater contaminated with DRO (non-detect to 352 µg/L) trichloroethene (non-detect to 2 µg/L) and vinyl chloride (non-detect to 0.4 µg/L). The Groundwater Impact Area at the east end of the Kenilworth Corridor is designated as GW-E07, and includes groundwater contaminated with DRO (non-detect to 34,700 µg/L), and GRO (non-detect to 1,790 µg/L). Based on data from the Phase II ESAs, all contaminant levels detected in the Groundwater Impact Areas indicate that groundwater would be acceptable for sanitary sewer disposal without treatment. The RAP states that small volumes of potentially contaminated groundwater will be collected, tested, transported and disposed at an approved facility under conditions of the facility discharge permit; and that larger volumes of potentially contaminated groundwater discharge will preferentially be disposed into the sanitary sewer as permitted with the Publicly Owned Treatment Works (POTW) or the Metropolitan Council Environmental Services (depending on location) under conditions of the facility discharge permit. Long-term hazardous and contaminated materials impacts relate to the generation and storage of hazardous materials or regulated wastes. No adverse long-term hazardous or contaminated material impacts are expected as a result of the Project. This is due to the fact that operation of the light rail vehicles will not generate hazardous materials or regulated wastes. Impacts resulting from the operation of the Hopkins OMF could occur in association with accidental petroleum releases from the equipment and materials stored at the Hopkins OMF site. The long-term operation of the Hopkins OMF will include responsible management practices such as containment of hazardous materials that are used and stored onsite, consistent with applicable regulatory standards (principally Minnesota Rules Chapter 7045). The collection and disposal of oils, grease, and other waste materials generated during vehicle maintenance and repair activities will be accomplished in accordance with industry BMPs for rail transit maintenance facilities at the Hopkins OMF. A potential beneficial long-term indirect effect of properties being on or in the vicinity of proposed transit stations is that hazardous and contaminated properties may be cleaned up as redevelopment occurs. Short-term direct and indirect impacts typically result from earthwork or other disturbance at or in proximity to contaminated areas that might mobilize or result in the release of hazardous and contaminated materials. As described in Section 3.14.4, the Council will conduct site remediation in accordance with the Minnesota Pollution Control Agency (MPCA) Brownfield Program regulatory framework and the approved Response Action Plans (RAP) for the Project. It is reasonable to expect that previously undocumented soil or groundwater contamination may be encountered during construction. The Council has prepared a Construction Contingency Plan	

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		(CCP) to address the discovery of unknown contamination (refer to Appendix C for instructions on how to access this document). The CCP was approved by MPCA and includes outlines of procedures for initial contaminant screening; soil and groundwater sampling; laboratory testing; and removal, transport, and disposal of contaminated materials at licensed facilities. Contaminated material removal and disposal will be in accordance with this plan, monitored by qualified inspectors, and documented in final reports for submittal to MPCA. The costs of hazardous and contaminated material remediation (as described in Section 3.14) are included in the Project's capital cost estimate (see Chapter 7, Table 7.1-1, Site Work and Special Conditions). The capital cost estimate includes estimated remediation costs for the entire Project and does not isolate remediation costs specific to the Kenilworth Corridor.	
9	Concern over potential damages to property values within the vicinity of the Project	As discussed in Section 3.2.3.2 of the Final EIS, research has shown that major transit investments, such as light rail, generally increase property values, in nearby areas, even in affluent, upper middle class neighborhoods. There is the potential for an increase in property values in the areas surrounding proposed light rail stations, as light rail access can increase the convenience and desirability of nearby residential, commercial, and office properties. Light rail transit can also contribute to existing market forces that can increase the potential for transit-oriented development or redevelopment. Development and redevelopment is regulated by the cities and is predominantly driven by regional and local economic conditions and allowable land uses as defined in locally adopted comprehensive plans. However, light rail lines can advance the timing and increase the intensity of development, especially in areas near proposed stations, within the limits allowed by local comprehensive plans. As an example, in 1996, New Jersey Transit introduced "Midtown Direct" service, a one-seat ride to New York Penn Station on the Morris & Essex Lines. The expanded service led directly to an increase in property values of homes within walking distance of stations on the Morris & Essex line by $90,000 more than homes farther away, after direct service to Midtown Manhattan was inaugurated in 1996 (Michaelson, 2004). Houses immediately adjacent to San Francisco's BART (south and northeast of San Francisco) sold for nearly 38 percent more than identical houses in areas not served by BART (Landis and Cervero, 1995). Residential rents decreased by 2.4 percent for every one-tenth mile further from Washington, D.C., Metro stations (Benjamin and Sirmans, 1996). Single-family homes in communities served by Boston's commuter rail were worth 6.7 percent more than similar homes in other communities (Armstrong, 1994). In Chicago, the prices of single-family houses located within 1,000 feet of stations were 20 percent higher than comparable houses located a mile away (Gruen, 1997). Median home prices in the	50, 54, 124

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		Philadelphia region were 10 percent higher in census tracts served by a PATCO rail line and 4 percent higher in tracts served by a SEPTA rail line (Voith, 1991). Light rail can have a positive impact on nearby business communities as transitways can provide a new connection for riders to access these businesses, and because pedestrian and vehicular traffic around stations and park-and-ride lots can increase. As an example, since 2009, the year before the Council's Green Line LRT (Central Corridor) construction started, the neighborhoods between the Downtown East station in Minneapolis and the Union Depot station in Saint Paul have experienced more than $3 billion in commercial and residential development – including new construction, redevelopment, and expansion. In addition, businesses on the corridor prior to the Green Line opening reinvested in their businesses and related community efforts to create distinctive districts around the stations (http://www.metrocouncil.org/News-Events/Transportation/Newsletters/Connections-ground-businesses,-arts-on-METRO-Green.aspx). Light rail also has the potential to cause environmental impacts ("nuisance effects") that could reduce the value of an area for some properties and/or lower the revenue of local businesses over the long term. These potential nuisance effects include disruptive noise levels; visual impacts; and reductions in vehicular access and parking. The rate and timing of such impacts would depend on the location of the business relative to the new station, changes in business activity during construction and operation of the system, business visibility, and local land use plans and development standards. For the Project, the potential nuisance effects are expected to be minimal.	
10	Rationale for incorporating freight rail co-location into the Project	The Final EIS describes the process the Council used to develop and evaluate design adjustments since completion of the Draft EIS, including potential freight rail modifications that were evaluated in the Supplemental Draft EIS. The Draft EIS evaluated two alternatives for incorporating freight rail modifications into the LPA. Under LRT 3A, TC&W freight trains currently operating on a portion of the Bass Lake Spur and in the Kenilworth Corridor would be rerouted to the MN&S Spur and Wayzata Subdivisions. Under LRT 3A-1, TC&W freight trains would continue to operate in the Bass Lake Spur and Kenilworth Corridor. LRT 3A and LRT 3A-1 are also referred to in the Draft EIS as freight rail "relocation" and "co-location," respectively. As noted in the Draft EIS and Supplemental Draft EIS, LRT 3A and LRT 3A-1 would provide the same transit service, with differing freight rail options, therefore the LPA is incorporated within both LRT 3A and LRT 3A-1. After the close of the Draft EIS public comment period, the Council and FTA reviewed the comments received on the Draft EIS. Of note was the U.S. Army Corps of Engineers (USACE)	74, 76, 158, 196, 211

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		designation of LRT 3A-1 (co-location) as the *least environmentally damaging practicable alternative.* The FTA and Council were required to consider the co-location alternative in greater detail to satisfy the requirements under the Clean Water Act (CWA). The USACE is a cooperating agency under NEPA for the Project and must determine whether the Project complies with the CWA Section 404(b)(1) (Guidelines). The USACE stated "as proposed [in the Draft EIS] the chosen LPA, alternative LRT 3A, would not qualify as the *least environmentally damaging practicable alternative*, which as proposed would be alternative LRT 3A-1 (co-location)." In addition, TC&W, the freight carrier operating on the existing freight rail line within the co-location segment of the Kenilworth Corridor, expressed concern that LRT 3A (freight rail relocation) would likely result in increased costs for TC&W to operate its trains to and from shippers in greater Minnesota and result in operational issues related to track alignments, and therefore TC&W and its shippers were opposed to LRT 3A as presented in the Draft EIS.TC&W is a private freight rail operator with operating rights within the Kenilworth Corridor, granted by a Trackage Rights Agreement (TRA) executed in 1998. As described in Section 5 of the TRA, terminating or vacating the freight rail service along the Kenilworth Corridor requires agreements by either TC&W or the Canadian Pacific (Soo Line) or after a new connection between the current operating route of TC&W and the MN&S Spur becomes operational, or at such time other feasible alternative(s) satisfactory to TC&W become available and operational. Based on the comments received on the Draft EIS and through meetings with the public, businesses, municipalities, and other groups, the Council initiated a process to develop adjustments to the Project's design. The design adjustment process included a four-step process to develop and evaluate adjustments to LRT 3A and LRT 3A-1 directly related to the following: (1) whether TC&W freight trains currently operating along the Kenilworth Corridor should be rerouted to sections of the MN&S Spur and Wayzata Subdivision; or (2) whether the TC&W freight trains should continue to operate along the Bass Lake Spur and Kenilworth Corridor as they currently do. Following is a brief description of the process used to develop and evaluate adjustments to LRT 3A and LRT 3A-1 (see Section 2.2 and Appendix F of the Final EIS for additional detail): • ***The first step evaluation*** included the development of a relatively wide range of adjustments to the light rail improvements and freight rail-related modifications under the two freight rail operating scenarios (relocation and co-location), focusing on meeting key design parameters, while avoiding or minimizing adverse impacts and minimizing Project costs. Based on comments received from the public, stakeholders, and participating agencies and on various evaluation measures, the potential design adjustments were narrowed to one freight rail relocation and two co-location adjustments.	

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		• ***The second step evaluation*** included a detailed analysis of the potential adjustments identified in the first step evaluation, narrowing to one design adjustment under each of the two freight rail operating scenarios (relocation and co-location). Additional design detail was added or modified, in response to questions or requests from jurisdictions, to meet a specific design requirement, or to avoid or minimize an identified adverse environmental impact. The Council used the criteria and the measures reported in Table F.5-5 in Appendix F of the Final EIS (e.g., acquisitions, costs, support by freight railway owners, traffic, effects on stations) to evaluate the three potential freight rail-related design adjustments to LRT 3A and LRT 3A-1. Based on the evaluation measures and recommendations from the CMC, the Deep Bore LRT Tunnel adjustment to LRT 3A-1 was dismissed from further study, while Brunswick Central (LRT 3A) and Shallow LRT Tunnels – Over Kenilworth Lagoon (LRT 3A-1) were retained for further study in the third step evaluation. • ***The third step evaluation*** included the refinement of the two second step design adjustments, addressing public and agency comments, followed by a detailed assessment of the tradeoffs between the two potential adjustments remaining after the second-step evaluation. As a result of the third step evaluation, the Freight Rail Relocation Brunswick Central design adjustment was dismissed from further study and the Shallow LRT Tunnel – Over Kenilworth Lagoon adjustment was advanced into the fourth step evaluation (see Exhibit 2.3-9). • ***The fourth step evaluation*** involved three primary components: (1) preparation of an independent study that identified the MN&S North design adjustment for further evaluation; (2) development and evaluation of Shallow Cut-and-Cover Tunnel design variations; and (3) identification of additional design adjustments reflected in a memorandum of understanding between the Council and the City of Minneapolis. In October 2013, as directed by the Chair of the Metropolitan Council, in coordination with Minnesota Governor Mark Dayton, the Council commissioned an independent study to conduct a review of existing and potential freight rail relocation alternatives. The independent study evaluated eight previously identified route options, two additional concepts developed by the Council, and one additional concept developed by the firm commissioned to conduct the study. None of the design options were found to be satisfactory by TC&W from an operational or safety standpoint (refer to Appendix F of the Final EIS for additional information and Appendix D for how to access the independent study). The results of the study were incorporated into the fourth step of the evaluation process discussed above. In addition, abandonment and discontinuance of rail lines is governed by federal regulations (49 U.S.C. § 10903), and neither the FTA nor the Council have authority over freight rail service in the Kenilworth Corridor on a temporary or permanent	

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		basis. The TRA gives TC&W and CP the right to transport freight cargo over the Kenilworth Corridor, without restriction as to the type of freight cargo. In light of the broad statutory preemptions enacted by the US Congress in the Interstate Commerce Commission Termination Act of 1995, 49 U.S.C. § 10501(b) and the Federal Rail Safety Act, 49 U.S. C. §§ 20101-20153, the Council, HCRRA, the City of Minneapolis, the State and FTA cannot compel TC&W to relocate their operations. The co-location alternative selected by the Council accordingly does not result in any change to current rail operations. See *CSX Transp., Inc. v. William*s, 406 F.3d 667 (DC Cir. 2005). (An ordinance of the District of Columbia to restrict the movement of hazardous material train operations through the city was enjoined as an undue burden on commerce and accordingly preempted by federal law). Based on the analysis, committee recommendations, and public comments received during the process, the Council adopted in April 2014 freight rail co-location and the Shallow LRT Tunnel – Over Kenilworth Lagoon (i.e., LRT 3A-1 – co-location) alignment as part of the LPA. A Supplemental Draft EIS was developed to further evaluate the adjustments made to LRT 3A-1. Relative to the other options considered, the Shallow LRT Tunnel – Over Kenilworth Lagoon design adjustment would best balance costs, benefits, and environmental impacts, and best meet the Project's Purpose and Need. See Section 8.4 for a description of the determination that the LPA with freight rail retained in the Kenilworth Corridor (LRT 3A-1) would be the Project's environmentally preferred alternative, rather than the LPA with the relocation of freight rail (LRT 3A). As a result of this design adjustment process, the USACE stated "The project scope as identified by the Council on April 9, 2014, which would retain existing freight rail service in the Kenilworth Corridor, is consistent with USACE's comment letter from December 20, 2012, stating that LRT 3A-1, which would also have retained existing freight rail service in the Kenilworth Corridor, meets the USACE project purpose and has the least amount of impact to aquatic resources . . ." (page 5). LRT 3A-1 was advanced based on USACE's identification of LRT 3A-1 as the LEDPA. In addition to the evaluation process described above, Governor Dayton requested that the Council review a range of lower cost transit options, including the No Build Alternative, Enhanced Bus, and Bus Rapid Transit (BRT) Alternatives (see http://metrocouncil.org/getdoc/73777f40-2fd1-48c8-af49-a62531e581c2/Presentation.aspx). In summary, the CMC reviewed the analysis of lower cost transit options and dismissed these alternatives as they do not meet the Project's Purpose and Need. The prior evaluation of these alternatives is also documented in Section 2.2 of the Final EIS, which provides the rationale for why the Enhanced Bus and BRT alternatives were previously dismissed from further study.	

		In summary, with the changes made during the design adjustment process and in comparison to freight rail relocation (LRT 3A), freight rail co-location (LRT 3A-1) would: • Result in less harm to Section 4(f) protected properties; • Maintain regional freight rail connectivity; • Minimize reconstruction of freight rail tracks and construction-related disruptions; • Avoid diminishing the potential for transit oriented development around light rail stations located in the vicinity of freight rail tracks; • Avoid the displacement of any residents or businesses in the Kenilworth Corridor due to Project construction; • Include bicycle and pedestrian improvements that would provide connections between light rail stations and their surrounding neighborhoods; and, • Minimize the displacement of wetlands and satisfy the concerns of the USACE. Based on the steps taken and process followed to identify LRT 3A-1 as the environmentally preferred alternative, the Final EIS does not include a detailed analysis on the impacts from the relocation of freight rail, as part of LRT 3A, for the following environmental categories as identified in comment letters: • Land use • Economic activity • Neighborhoods and community • Acquisitions and displacements • Cultural resources • Parks, recreation areas and open spaces • Visual quality • Geology and groundwater • Water resources (i.e., wetlands, stormwater, and floodplains) • Ecosystems • Air quality • Noise • Vibration • Hazardous and contaminated materials • Electro-magnetic interference and utilities • Energy • Transit	

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		• Roadways and traffic • Parking • Pedestrian and bicycle • Safety and security	
11	Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor	Multiple commenters expressed concerns over the safety of transporting hazardous freight cargo within the Kenilworth Corridor. The Project does not make any long-term changes to the operations of freight rail in the Kenilworth Corridor; therefore, commenters who noted that the Project will make freight rail a "permanent" infrastructure in the Kenilworth Corridor should review *Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data*, and *Master Response 10, Rationale for Incorporating Freight Rail Co-Location into the Project*. While the Project will provide for minor adjustments to freight rail infrastructure, freight rail operations, including oversight of freight rail cargo, is outside of the scope of this Project and outside of the jurisdiction of the Council and FTA. Regulation of railroad safety is with the jurisdiction of the Federal Railroad Agency (FRA). Under authority delegated to FRA by the Secretary of Transportation, the Hazardous Materials Division of FRA administers a safety program that oversees the movement of hazardous materials (including dangerous goods), such as petroleum, chemical, and nuclear products, throughout the Nation's rail transportation system, including shipments transported to and from international organizations. On May 1, 2015, the USDOT announced its Final Rule to Strengthen Safe Transportation of Flammable Liquids by Rail. The final rule, developed by the Pipeline and Hazardous Materials Safety Administration (PHMSA) and Federal Railroad Administration (FRA), in coordination with Canada, focuses on safety improvements that are designed to prevent accidents, mitigate consequences in the event of an accident, and support emergency response. The rule: 1. Unveiled a new, enhanced tank car standard and an aggressive, risk-based retrofitting schedule for older tank cars carrying crude oil and ethanol; 2. Requires a new braking standard for certain trains that will offer a superior level of safety by potentially reducing the severity of an accident, and the "pile-up effect"; 3. Designates new operational protocols for trains transporting large volumes of flammable liquids, such as routing requirements, speed restrictions, and information for local government agencies; and 4. Provides new sampling and testing requirements to improve classification of energy products placed into transport.	50, 81, 82, 83, 143, 149, 196, 203, 214

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		The rule applies to "high-hazard flammable trains" (HHFTs) that are a continuous block of 20 or more tank cars loaded with a flammable liquid or 35 or more tank cars loaded with a flammable liquid dispersed through a train. This includes the commodities of ethanol and crude oil, along with other regulated commodities. The rule requires rail carriers (including the TC&W as the operating railway in this corridor) to perform the following (in part) tasks with respect to its management of trains carrying HHFTs: *Rail Routing – More Robust Risk Assessment*—Railroads operating HHFTs must perform a routing analysis that considers, at a minimum, 27 safety and security factors, including "track type, class, and maintenance schedule" and "track grade and curvature," and select a route based on its findings. These planning requirements are prescribed in 49 CFR §172.820. *Rail Routing – Improves Information Sharing*—Ensures that railroads provide State and/or regional fusion centers, and State, local and tribal officials with a railroad point of contact for information related to the routing of hazardous materials through their jurisdictions. This replaces the proposed requirement for railroads to notify State Emergency Response Commissions (SERCs) or other appropriate state-designated entities about the operation of these trains through their states. In the State of Minnesota, TC&W provides this information to the Minnesota Department of Public Safety. In addition to the USDOT Final Rule, Minnesota Statutes Section 4. [115E.042] Preparedness and Response for Certain Railroads must be complied with by a person who owns or operates railroad car rolling stock transporting a unit train (a train with more than 25 tanker railcars carrying oil or hazardous substance cargo). These requirements include: Subd. 2. Training. (a) Each railroad must offer training to each fire department having jurisdiction along the route of unit trains. Initial training under this subdivision must be offered to each fire department by June 30, 2016, and refresher training must be offered to each fire department at least once every three years thereafter. (b) The training must address the general hazards of oil and hazardous substances, techniques to assess hazards to the environment and to the safety of responders and the public, factors an incident commander must consider in determining whether to attempt to suppress a fire or to evacuate the public and emergency responders from an area, and other strategies for initial response by local emergency responders. The training must include suggested protocol or practices for local responders to safely accomplish these tasks. Subd. 3. Coordination. Beginning June 30, 2015, each railroad must communicate at least annually with each county or city emergency manager, safety representatives of railroad	

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		employees governed by the Railway Labor Act, and a senior fire department officer of each fire department having jurisdiction along the route of a unit train, to ensure coordination of emergency response activities between the railroad and local responders. Subd. 4. Response capabilities; time limits. (a) Following confirmation of a discharge, a railroad must deliver and deploy sufficient equipment and trained personnel to contain and recover discharged oil or hazardous substances and to protect the environment and public safety. (b) Within one hour of confirmation of a discharge, a railroad must provide a qualified company employee to advise the incident commander. The employee may be made available by telephone, and must be authorized to deploy all necessary response resources of the railroad. (c) Within three hours of confirmation of a discharge, a railroad must be capable of delivering monitoring equipment and a trained operator to assist in protection of responder and public safety. A plan to ensure delivery of monitoring equipment and an operator to a discharge site must be provided each year to the commissioner of public safety. (d) Within three hours of confirmation of a discharge, a railroad must provide qualified personnel at a discharge site to assess the discharge and to advise the incident commander. (e) A railroad must be capable of deploying containment boom from land across sewer outfalls, creeks, ditches, and other places where oil or hazardous substances may drain, in order to contain leaked material before it reaches those resources. The arrangement to provide containment boom and staff may be made by: (1) training and caching equipment with local jurisdictions; (2) training and caching equipment with a fire mutual-aid group; (3) means of an industry cooperative or mutual-aid group; (4) deployment of a contractor; (5) deployment of a response organization under state contract; or (6) other dependable means acceptable to the Pollution Control Agency. (f) Each arrangement under paragraph (e) must be confirmed each year. Each arrangement must be tested by drill at least once every five years. (g) Within eight hours of confirmation of a discharge, a railroad must be capable of delivering and deploying containment boom, boats, oil recovery equipment, trained staff, and all other materials needed to provide: (1) on-site containment and recovery of a volume of oil equal to ten percent of the calculated worst case discharge at any location along the route; and	

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		(2) protection of listed sensitive areas and potable water intakes within one mile of a discharge site and within eight hours of water travel time downstream in any river or stream that the right-of-way intersects. (h) Within 60 hours of confirmation of a discharge, a railroad must be capable of delivering and deploying additional containment boom, boats, oil recovery equipment, trained staff, and all other materials needed to provide containment and recovery of a worst case discharge and to protect listed sensitive areas and potable water intakes at any location along the route. Subd. 5. Railroad drills. Each railroad must conduct at least one oil containment, recovery, and sensitive area protection drill every three years, at a location and time chosen by the Pollution Control Agency, and attended by safety representatives of railroad employees governed by the Railway Labor Act. Subd. 6. Prevention and response plans. (a) By June 30, 2015, a railroad shall submit the prevention and response plan required under section 115E.04, as necessary to comply with the requirements of this section, to the commissioner of the Pollution Control Agency on a form designated by the commissioner. (b) By June 30 of every third year following a plan submission under this subdivision, a railroad must update and resubmit the prevention and response plan to the commissioner. TC&W is a private freight rail operator with operating rights over the Kenilworth Corridor granted by a Trackage Rights Agreement (TRA) executed in 1998. Termination of this TRA, including removal of freight rail operations within the Kenilworth Corridor, requires the approval of TC&W. The Council has worked closely with TC&W to study alternatives to operations within the Kenilworth Corridor, however none were found to be satisfactory based on safety and/or operational conditions. See Chapter 2 and Appendix F of the Final EIS for additional information on freight rail relocation options studied. Regulation over the operations and related communications from TC&W to emergency responders are outside of the jurisdiction of the Council and FTA.	
12	Concern over potential impacts related to replacement of the Skunk Hollow Switching Wye with the Southerly Connector between the	As part of the proposed freight rail modifications in the Bass Lake Spur, the Project will sever the connection to and require the removal of the northern branch of the existing Skunk Hollow switching wye. The switching wye currently allows for train for freight train movements between the Bass Lake Spur and the MN&S Spur. In addition, the southern branch of the existing switching wye provides access to a customer which is currently serviced by TC&W freight rail operations. The existing function of the northern branch of the Skunk Hollow switching wye will be replaced with the new “Southerly Connector,” which will allow TC&W trains continued access between the	102, 103, 104, 110, 112, 114, 118, 120, 122, 132, 135, 223

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	Bass Lake Spur and the MN&S Spur	Bass Lake Spur eastbound to the southbound MN&S Spur and the reverse. The Project will not affect the southern branch of the Skunk Hollow switching wye and will not change access to the existing TC&W customer it serves. The proposed Southerly Connector is included in the Project (see Section 2.1), and related environmental consequences resulting from the Southerly Connector are evaluated as part of this Final EIS. This includes the evaluations of potential impacts related to neighborhoods and communities (see Section 3.3), visual quality (see Section 3.7), noise (see Section 3.12), vibration (see Section 3.13), and safety and security (see Section 4.6), among others. As documented in Section 4.4.4.2, the replacement of a portion of the Skunk Hollow switching wye with the new Southerly Connector could lead to improved freight rail travel times, making the movement more efficient for trains that make this connection. However, the replacement of the portion of the Skunk Hollow switching wye with the Southerly Connector will not change access to existing freight rail markets nor will it open access to new freight rail markets. This freight rail modification could result in increased operational efficiencies that could lead to increases in the number and length of freight trains traveling along the MN&S spur to the south of the Southerly Connector as freight railroads and shippers realize the benefits in operational efficiencies. These changes are not included in the Final EIS analyses as freight rail operations are outside of the jurisdiction of the FTA and the Council and because the information needed to evaluate related impacts to the human environment is unavailable in accordance with 40 CFR 1502.22 and Minnesota Statutes 4410.2500. Adding a light-rail bridge over the wye instead of constructing the Southerly Connector was developed and evaluated. However, this bridge on was dismissed from further study, as it would conflict with the existing MN&S fright rail bridge over the Bass Lake Spur and would result in additional adverse impacts and cost to the LRT alignment and Louisiana Station. For more information about the design adjustment process, refer to *Master Response 10: Rationale for incorporating freight rail co-location into the Project*.	
13	Rationale for dismissal of the “Brunswick Central” freight rail relocation alignment	After the close of the Draft EIS public comment period, the Council undertook a four-step process to develop and evaluate adjustments to LRT 3A and LRT 3A-1 directly related to the following: 1) whether TC&W freight trains currently operating along the Kenilworth Corridor should be rerouted to sections of the MN&S Spur and Wayzata Subdivision (termed “freight rail relocation adjustments”); or 2) whether the TC&W freight trains should continue to operate along the Bass Lake Spur and Kenilworth Corridor as they currently do (termed “Kenilworth Corridor	76, 102, 112, 181

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		adjustments"). See Appendix F of the Final EIS for maps illustrating alternatives or features referenced in this response and for a description of the four-step process. The third step of the four-step process led to the development and evaluation of potential design adjustments and freight rail modifications in St. Louis Park and Minneapolis. In summary, the third step in the process involved the detailed comparison of the Freight Rail Relocation Brunswick Central and the Shallow LRT Tunnels – Over Kenilworth Lagoon adjustments (i.e., the Project). The Brunswick Central freight rail relocation adjustment was developed to minimize impacts to commercial, residential, and public properties associated with the Brunswick West alignment. This design adjustment would shift the existing MN&S rail tracks to the east, south of Highway 7, replacing the current freight rail bridge over the Bass Lake Spur and realigning the MN&S Spur between Bass Lake Spur and 33rd Street on new railroad right-of-way. Under the Brunswick Central design adjustment, the potential freight rail connection would be elevated to minimize the number of vertical curves and vertical grade changes and flatten horizontal curves needed to meet the railroad operator's operational and safety requirements. The Council presented an evaluation of the options for freight rail and light rail in the Kenilworth Corridor to the CMC in October 2013 and based on the subsequent CMC recommendation, the Council adopted the Shallow LRT Tunnels – Over Kenilworth Lagoon adjustments as part of the Project. The analysis concluded that the Shallow LRT Tunnels – Over Kenilworth Lagoon adjustments (the Project) would provide the best balance of costs, benefits, and environmental impacts, compared to the Freight Rail Relocation Brunswick Central adjustments. In summary, the advantage of the Shallow LRT Tunnels – Over Kenilworth Lagoon adjustment (included in the Project) is that it would avoid the various adverse impacts associated with the Freight Rail Relocation Brunswick Central design, including: additional capital costs (the Brunswick Central option was approximately $40 million more than the Kenilworth Corridor Shallow LRT Tunnels option – see Appendix F for more detail); the full acquisition of approximately 32 parcels, including 12 residential, 18 commercial, and 2 public parcels; the complete use of the Park Spanish Immersion School playground (a Section 4(f)-protected property); and the adverse visual, neighborhood, and community cohesion impacts resulting from the construction of berms and structures associated with the modified freight rail alignment in the vicinity of St. Louis Park High School. By comparison, the Shallow LRT Tunnels – Over Kenilworth Lagoon adjustment (the Project) would not result in the full acquisition of any residential, commercial, or institutional properties or displacement of residences or commercial/institutional buildings, or uses. The third-step evaluation measures are summarized in Table F.5-6 in Appendix F. As a result of the third-step evaluation, the Freight Rail Relocation Brunswick Central design adjustment was dismissed	

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		from further study and the Shallow LRT Tunnels – Over Kenilworth Lagoon adjustment (the Project) was advanced into the fourth-step evaluation (see Exhibit 2.3-9).	
14	Relocate the Kenilworth Trail instead of co-location of freight rail and light rail within the Kenilworth Corridor	As described in Section 2.1 of the Final EIS, the Project will maintain the existing Kenilworth Trail within the Kenilworth Corridor with relatively minor adjustments to its location. The option of relocating the existing Kenilworth Trail out of the Kenilworth Corridor, instead of the relocation of freight rail service from portions of the Bass Lake Spur and the Kenilworth Corridor, was considered and dismissed from further study because the existing development in the surrounding area does not provide trail route alternatives that would provide the same direct trail connectivity with regional park and natural resources. The Council also looked at an option to elevate the Kenilworth Trail through a portion of the Kenilworth Corridor, however this was not advanced due to due to visual impacts due to structure height and connecting ramps, impacts to the visual quality and setting of the trail (e.g., separation from ground vegetation), the addition of grade changes to the trail, and potential visual impacts on Kenilworth Lagoon. As the design adjustment process continued for the Project through 2014, the need to relocate either the Kenilworth Trail or freight rail is no longer necessary to avoid some adverse impacts associated with the co-location of freight rail and light rail in the Kenilworth Corridor identified in the Draft EIS. Specifically, in April 2014, the Council identified adjustments to the Project that would locate the light rail alignment within a shallow tunnel within the most physically constrained portion of the Kenilworth Corridor, thus allowing the trail to remain in its current location and not displacing residences or businesses. The design includes barriers and/or clear separations between the three transportation uses. Section 2.1 describes the LPA for the Project and the alternatives that were considered during the Project's alternatives analysis and NEPA scoping processes. More detailed information on the Project's alternatives analysis, scoping, and LPA identification process may be found in the following documents: Southwest Transitway Alternatives Analysis Final Report; Southwest Transitway Scoping Summary Report; Southwest LRT Locally Preferred Alternative Report (refer to Appendix C for instructions on how to access these documents).	106, 107, 108, 112, 120, 129, 223
15	Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood	Thank you for the Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA) and LRT-Done Right comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).	123, 136, 145, 146, 147, 148, 152, 153, 155, 157, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 172, 173, 174,

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	Association (CIDNA), and LRT-Done Right	These letters present a range of issues concerning the Project's environmental impacts, social and safety impacts, and impact minimization and mitigation measures. The following lists the topics addressed in these letters. • Concern over change in Project alternative from including freight rail relocation to colocation • Assertion that freight rail should not be included as part of the existing condition (No Build Alternative) and that the Project will make freight rail a permanent condition • Concern over safety impacts related to LRT operation in close proximity to freight rail carrying hazardous materials through urban environment • Potential Acquisitions and Displacements Impacts • Potential Cultural Resources Impacts • Parklands, Recreation Areas, and Open Spaces • Visual Quality and Aesthetics • Geology and Groundwater, Water Resources • Noise • Vibration • Hazardous and Contaminated Materials • Economic Impacts • Roadway and Traffic • Parking • Freight Rail • Bicycle and Pedestrian • Safety and Security • Section 4(f) Evaluation • Project Costs The following are responses to these topics. **Concern over change in Project alternative from including freight rail relocation to colocation** *Please see Master Response 10: Rationale for incorporating freight rail co-location into the Project.* **Assertion that freight rail should not be included as part of the existing conditions (No Build Alternative) and that the Project will make freight rail a permanent condition** *Please see Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data.*	176, 179, 183, 184, 185, 186, 187, 193, 194, 202, 203, 212, 213, 215, 216, 217, 218, 222, 224, 225

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		Concern over safety impacts related to LRT operation in close proximity to freight rail carrying hazardous materials in an urban environment *Please see Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor. Please also see Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor.* **Potential Acquisitions and Displacements Impacts** Regarding the request for more information on the ownership of 3400 Cedar Lake Parkway, the Minnesota Department of Transportation Right of Way Department has determined through a review of property tax records that this property is privately owned by BNSF not by MPRB. BNSF confirmed that it owns this parcel. As such, this is not a Section 4(f) property, nor is it a historic property under Section 106 of the National Historic Preservation Act. Any property acquired for the Project will be acquired in accordance with the Uniform Relocation and Real Property Acquisitions Policies Act of 1970, as amended, (42 U.S.C. 4601 et seq.), which also is known as the Uniform Relocation Act. Property acquired for the Project will also be subject to Minn. Stat. 117 which sets forth requirements for acquisition of land (Minn. Stat. 117.38), compensation (Minn. Stat. 117.155 – 117.187), and uniform relocation benefits (Minn. MN Stat. 117.52). Assessments and agreements of property value are determined through the property acquisition process as regulated by the Uniform Relocation Act. Properties that are fully acquired (with or without relocation) or partially acquired properties where relocation was involved are fully removed from the tax base. For partially impacted properties without relocation, property tax revenues will be reduced by the proportion of the property tax that was impacted by the Project. Furthermore, for partial acquisitions, only the value of the land was impacted. For example, if a parcel had a total assessed value of $400,000 where the building was valued at $300,000 and the land was valued at $100,000 and 10 percent of the parcel was permanently impacted, then the overall property would be impacted by $10,000 (land value = $100,000 X 10 percent = $10,000). The value of the building would remain unchanged. The revised assessed value of the property would be $390,000, a reduction of 2.5 percent. The corresponding initial property tax impact on this property would be a reduction of 2.5 percent. Mitigation for adverse impacts from noise, traffic, visual, and construction related impacts (i.e., dust and access), are included in the applicable sections of the Final EIS. Mitigation measures are identified in the last subsection of each section. Regarding maintaining access for emergency responders, refer to Master Response 3: *General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor.*	

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		The Council notes the comment on the sale of remnant parcels as it relates to the Kenilworth Corridor. The Council continues to work with the City, railroads, and the MPRB on the disposition of railroad right-of-way property in the Kenilworth Corridor. **Potential Cultural Resources Impacts** FTA and the Council have continued the Section 106 consultation process since publication of the Supplemental Draft EIS and have included mitigation measures in a Section 106 Memorandum of Agreement (MOA) for the Project. The 106 MOA has been reviewed by SHPO and consulting parties, including KIAA and CIDNA. The Section 106 consultation process considered anticipated direct and indirect effects on the identified architecture/history and archaeological properties from construction and operation of the Project. As shown in Table 3.5-2, the Kenilworth Lagoon and the Grand Rounds Historic District will be adversely effected by the Project. As described in Section 3.5, measures to avoid, minimize, and mitigate the adverse effect on the Lagoon and the historic district were reviewed and coordinated with all consulting parties and are included in the Section 106 MOA (Appendix H). These measures are summarized below. • Install a parapet wall and rail damper on the LRT bridge over the waterway to mitigate the moderate noise impact at the Kenilworth Lagoon. • Rehabilitate/Reconstruct WPA Rustic Style Retaining walls to minimize and mitigate adverse effects. • Design Project elements within and adjacent to the Grand Rounds Historic District in accordance with the SOI's Standards (36 CRF 68), to be reviewed by the MnHPO and consulting parties, to further minimize adverse effects. • Develop a Construction Protection Plan detailing the measures to be implemented during Project construction to avoid adverse effects. • Prepare guidance for future preservation activities within the portion of the GRHD: Canal System, including adjacent parkland, extending from the north end of Lake Calhoun to the east end of Cedar Lake, and including the entirety of the Lake of the Isles Park and Kenilworth Lagoon elements (Attachment D). The plans shall be prepared in accordance with the SOI's Standards (36 CFR 68); the SOI's Standards for Preservation Planning; the NPS's Guidelines for the Treatment of Cultural Landscapes, Preservation Briefs and Tech Notes. The design of the Kenilworth/Lagoon bridge crossing was developed in consultation with the Section 106 consulting parties. All consulting parties had an opportunity to comment on the design process as it progressed, and this consultation process was integral in the development of the three-bridge design. See Appendix H for the consultation materials provided on the evolution	

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		of the bridge design and consulting party comments received throughout this process and the Section 106 MOA that identifies mitigation measures for the lagoon, including continued consultation on design plans. The Section 106 MOA identifies avoidance, minimization and mitigation measures for historic properties, including St. Paul, Minneapolis & Manitoba Railroad / Great Northern Railway Historic District; William Hood Dunwoody Industrial Institute; Lake of the Isles Residential Historic District (LIRHD); Lake Calhoun (GRHD element); Cedar Lake (GRHD element; Cedar Lake Parkway (GRHD element); Lake of the Isles (GRHD and LIRHD element); Lake of the Isles Parkway (GRHD and LIRHD element); Park Board Bridge No. 4 / Bridge No. L5729 (individual resource and GRHD and LIRHD element); Minikahda Club; Peavey-Haglin Experimental Concrete Elevator; Minneapolis & St. Louis Railway Depot; Hopkins Commercial Historic District; and Archaeological Site 21HE0409; GRHD; Kenilworth Lagoon (GRHD and LIRHD element); Chicago, Milwaukee, St. Paul & Pacific Railroad Depot; Archaeological Site 21HE0436; and Archaeological Site 21HE0437. The Council assessed visual, traffic, noise, and construction related impacts as part of the assessment of effects on historic properties. A traffic analysis was conducted on the 21st Street and West Lake station areas (see PEC-West Traffic Memorandum, 2015 and PEC-East Traffic Memorandum, 2015. Refer to Appendix C). As described in the Section 106 Assessment of Effects for Historic Properties and Section 106 Memorandum of Agreement (see Appendix H), changes to traffic patterns and additional traffic related to station access were effects considered in the historic resources analysis for the Lake of the Isles Residential Historic District and Kenwood Parkway Residential Historic District. The analysis concluded with a no adverse effect finding. As described in the *Section 106 Assessment of Effects for Historic Properties* (see Appendix H), the Project will have adverse effects on five properties, including the Kenilworth Lagoon and Grand Rounds Historic District. Please refer to this report for a detailed discussion each historic property. See sections 3.12 and 3.13 for the noise and vibration analyses, respectively, including identification of sensitive receptors, and construction related impacts and mitigation. The Section 106 MOA addresses mitigation for all adverse impacts to historic properties; however, since no historic homes are impacted by the Project, additional coordination is not needed (see Table 3.5-3 if the Final EIS). As described in Section 3.5 of the Final EIS (and as presented in Table 3.4-5 of the Supplemental Draft EIS), the following cultural resources will not be adversely effected by the Project: Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or	

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		eligible homes in the Area of Potential Effect. As described in the *Section 106 Assessment of Effects for Historic Properties and Section 106 Memorandum of Agreement* (see Appendix H), changes to noise, visual setting, and traffic patterns and additional traffic related to station access were effects considered in the historic resources analysis for these areas and the analysis concluded with a no adverse effect finding. Refer to Table 3.5-3 of the Final EIS for a description of effects considered for the no adverse effect finding and related avoidance/minimization/mitigation measures. Possible station area development adjacent to and within the Kenwood Parkway Residential Historic District was also considered for the preliminary no adverse effect finding for cultural resources in the Supplemental Draft EIS. Station area development/redevelopment is possible at all station areas. As described in Section 3.1.3 of the Final EIS, light rail lines can advance the timing and increase the intensity of development, within the limits allowed by local comprehensive plans, particularly in areas surrounding proposed station. However, no development or redevelopment is anticipated to occur within the area of the 21st Street Station (including the Kenwood Neighborhood) related to the Project as this area is currently fully developed with existing residential uses. Please also see Master Response 4: Concern over evaluation of potential impacts to the Grand Rounds Historic district for more detail. **Parklands, Recreation Areas, and Open Spaces** Section 3.6 of the Final EIS evaluates impacts to parklands, recreation areas, and open spaces from the Project and identifies mitigation measures and commitments based on the design adjustments identified by the Council in April and July 2014 and July 2015. Section 4.5 of the Final EIS evaluates pedestrian and bicycle facilities. The Final Section 4(f) Evaluation (Chapter 6 of the Final EIS) addresses parks and recreation areas protected under Section 4(f). Table 3.6-2 identifies indirect impacts that will occur to parks, recreation areas, and open spaces as a result of the Project. Within the Kenilworth Corridor area, those include Park Siding Park, Kenilworth Channel/Lagoon, and Bryn Mawr Meadows Park. Mitigation measures for indirect impacts to park, recreation areas, and open spaces (visual, noise, access) are addressed in Sections 3.7 and 3.12 and in Chapter 4, respectively. FTA has determined that those indirect impacts (also termed “proximity impacts”) will not substantially impair the recreational use of those properties. FTA and the Council have had ongoing coordination with MPRB, including participation in coordination meetings, to explore ways to avoid, minimize and mitigate long-term direct impacts to the Kenilworth Channel/Lagoon, Cedar Lake Park and Bryn Mawr Meadows Park. Section 3.6 of	

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		the Final EIS includes an updated analysis of long-term impacts on parklands, recreation areas, and open spaces and applicable mitigation measures. Historic properties and districts located within the Kenilworth Corridor are described in Appendix H of the Final EIS. It is important to note that the "Kenilworth Corridor" is not a historic or federally protected property unto itself, but rather is a geographical area reference that contains portions of Section 106 historic and Section 4(f) properties (e.g., Kenilworth Channel/Lagoon and Cedar Lake Parkway). During construction, some trails and sidewalks may be detoured either on a signed route on other trails/roadways or on a temporary facility built to re-route pedestrian and bicycle traffic around an obstruction, in order to maintain safety of park and trail users. This includes the Kenilworth Trail, and the trails and sidewalks that provide access to East Cedar Lake Beach, Cedar Lake Park, and Lake of the Isles Park. Construction of the Project will be phased in such a way that a paved surface will be maintained for use by pedestrians and bicyclists when the existing trail is closed during construction periods. In addition, a Construction Communication Plan will be developed that will include coordination with the park owners, advance notice of construction activities, highlighting road, sidewalk, and trail closures and detour routes. Mitigation measures for short-term (construction) impacts to roadways and traffic will be implemented by the Council prior to and during construction through the Construction Mitigation Plan, which includes strategies to maintain safety. In addition, Contractors will be required to comply with all guidelines established in the Minnesota Manual on Uniform Traffic Control Devices (2015), which conforms to industry standards for the design and operations of pedestrian and bicycle facilities. See Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor, for information related to comments on safety of trail and park users. **Visual Quality and Aesthetics** The visual impact analysis for the Project was updated for the entire corridor since the publication of the Supplemental Draft EIS. The update caused a renumbering of the viewpoints from the Supplemental Draft EIS to the Final EIS. The updated visual quality assessment can be found in Section 3.7 of the Final EIS. Six viewpoints were studied within the Kenilworth Corridor for the visual assessment completed for the Final EIS. Section 3.7.4 of the Final EIS documents level of visual impact anticipated for each viewpoint. For the viewpoints within the Kenilworth Corridor, these impacts ranged from low to substantial. Viewpoints 5 and 6, included in the Supplemental Draft EIS, are renumbered to 16 and 18, respectively, in the Final EIS. Further, an additional viewpoint from the Burnham Road Bridge	

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		looking southeast down the channel toward the Kenilworth Corridor Bridges was added to the analysis—viewpoint 17. The level of impact remains the same for viewpoints 16 and 18 (low level of impact), however, there will be a substantial level of impact at viewpoint 17 as construction of the new bridges will require noticeable clearing of trees and other vegetation on the west side of the right-of-way. The visual quality evaluation for the area north of the Kenilworth Channel (viewpoint 18 – looking toward the 21st Street Station) concluded that the level of visual impact will be low. Removal of trees is a contributing factor in the visual assessment for this area. The visual evaluation found that the removal of trees will slightly decrease the vividness of the view. However, the addition of the street trees, the widened sidewalk, and the plantings in the 21st Street Station area will make a positive contribution. For a more detailed explanation of the rationale for this conclusion, refer to the "Concern over visual impacts at 21st Street Station" in *Master Response 16: Concerns related to 21st Street Station and related impacts*. These findings are based on FHWA's Visual Impact Assessment of Highway Projects (FHWA, 1988). The method was designed to provide a systematic and objective approach to evaluation of the visual changes. The FHWA methodology is well established and widely accepted for the assessment of visual impacts and is well suited to assess the visual impacts of linear transportation facilities in urban areas. The assessment for the Project was based on visual assessment of the Project corridor, completed through site visits, analysis of existing conditions, and an evaluation of visual change. All viewpoint sites were visited and the corresponding views were photographed to document the existing views. This field work, review of the photographs, and the subsequent coordination/consultation process with the Project team provided a basis for understanding the typical visual issues for each visual assessment area. Computer modeling and rendering techniques were then used to produce simulated images of the with-Project conditions for the viewpoints evaluation (see Appendix J). These visual simulations provided the bases for the assessment of visual change. The Council will also continue to work with the Kenilworth Landscape Design Committee, established in May 2015. The purpose of this committee is, in part, to help ensure that landscape design will restore the natural setting while incorporating the regional trail system, light rail, and freight rail. This group focuses on landscape design in the Kenilworth Corridor from West Lake Station to Penn Avenue Station. Furthermore, the Council retained a landscape design consultant to prepare a landscape design study for the Kenilworth Corridor, which will be implemented into the Project. See Section 9.2 of the Final EIS for additional detail on this committee.	

		Geology and Groundwater, Water Resources Refer to *Master Response 17: Concern over impacts to groundwater and surface water in the Kenilworth Corridor*. Regarding concerns over settlement below and in the vicinity of the Kenilworth tunnel and at Calhoun Village, the advanced design of the shallow LRT tunnel will incorporate structural loadings from the adjacent building foundations and address settlement potential of the existing building foundations during LRT tunnel construction. The Council has, and will continue, to coordinate with the owners of Calhoun Village. Refer to the Kenilworth Shallow LRT Tunnel Basis of Design (November 2014) (see Appendix C for more information). Regarding comments on the "recently installed dual force mains" between Depot Street and W. 28th Street, the design and configuration of the sewer connection has been coordinated and reviewed by Metropolitan Council Environmental Services, the designer of the force main construction in 2013. During construction of the LRT tunnels, the force main will be temporarily connected around the construction area, allowing the force main to remain operational during tunnel construction. The permanent reconnection of the force main will occur over the tunnel, retaining the current depth of the tunnel (see the Project Engineering Plans as referenced in Appendix C). Regarding the comment on risks associated with stray electrical current, stray electrical current that may affect the relocated sewer force main is designed in accordance with the Project's design criteria and details are shown in the 90% plans. The cost of removing and relocating the force sewer main, and associated street restoration, are included in the Project's budget. Lift stations will not be required. The construction will not impact Park Siding Park and will be maintained within the Project's limit of disturbance. See Appendix E for the Project's limit of disturbance in this area. The Project will develop a Noise Control plan for the construction period that specifies noise control measures, specific equipment types and noise limits and will conduct noise and vibration monitoring during construction, See section 3.12 and 3.13 of the Final EIS for additional information. **Noise** Specific mitigation measures for severe and moderate impacts, where applicable, can be found in Section 3.12 of the Final EIS. The associated costs of mitigation have been included in the Project cost estimate, included in Chapter 7. Appendix K of the Final EIS also includes detailed information on the noise analysis conducted for the Project. ***Comment that the Supplemental Draft EIS substantially minimizes noise impacts*** Noise impacts caused by the Project were assessed according to the guidance used by FTA on all transit projects throughout the country. This included measuring the existing noise, including all sources of noise in the area, projecting noise from LRT operations at all sensitive locations, determining impacts using FTA impact criteria, and applying mitigation or minimization measures at locations where impacts were identified. Some factors influencing the number of impacts	

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		relative to the Draft EIS include changes in operations, including the number of trains operating per day, and at night, and changes to the operational assumptions relative to bell sounding at 21st Street. The northern bank of the Kenilworth Lagoon, generally between West Lake of the Isles Parkway and South Upton Avenue, is classified as category 1 land use, and the lagoon itself is classified as category 3. Residences are classified as category 2. A noise measurement was conducted at a residence less than 200 feet from the channel and approximately 50 feet from the proposed LRT line, which provided the actual existing noise level, without any subjective characterization of the noise. The Grand Rounds National Scenic Byway was designated a National Scenic Byway by the FHWA in 1998. The Grand Rounds National Scenic Byway is intended to be a transportation resource and its designation as a scenic byway is not intended to create a park or recreation area within the meaning of 49 U.S.C. 303 or 23 U.S.C. 138 [Section 4(f) of the U.S. Department of Transportation Act of 1966]. Therefore, the Grand Rounds National Scenic Byway as a roadway is not a noise-sensitive land use, as with all National Scenic Byway designations. The FTA noise impact criteria have been designed to take potential public health effects related to noise into consideration in the identification of noise impacts. As documented in the FTA Noise and Vibration Manual, the FTA noise impact criteria include consideration for "noise levels consistent with the protection of public health and welfare against hearing loss, annoyance, and activity interference." ***Comment that the Supplemental Draft EIS uses wrong data as fundamental framework*** Please see Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data. In addition, the 2012 noise assessment in the Draft EIS included freight trains operating in the Kenilworth Corridor in the existing noise measurement. Information regarding the existing noise measurements for the Draft EIS is contained in a memo in Appendix K of the Final EIS (HDR, 2016). In summary, this memo clarifies that noise data reported in 2010 did not include noise from freight train pass-bys and noise data from 2012 did contain noise from freight train pass-bys. The numeric values reported for 2010 and 2012 are correct and reflect noise measurements at that time. For the 2010 data, noise from freight train pass-bys was removed and the noise levels were recalculated. The 2012 data reflects the noise measurement without removing freight pass-bys. Freight trains were also included in the existing conditions in the Final EIS. This is the appropriate method for assessing existing noise in a location as the existing noise assessment includes all existing noise, including freight trains currently operating in the area. To exclude them would invalidate the entire FTA noise assessment, since it would not be based on the existing noise levels actually experienced in the Kenilworth Corridor. For locations where the freight rail will be shifted closer to noise sensitive	

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		locations as a part of the Project, the Final EIS noise assessment does account for the small increase in noise levels from the shifted freight. The FTA assessment methodology is based on a comparison of the existing noise with the Project noise This includes assessing the existing noise as it is, and not excluding any source, such as freight rail. To exclude freight rail, which is an existing noise source and part of the baseline condition, would invalidate the assessment. FTA requires that existing conditions be used as the baseline for assessing impacts (see Master Response 6 for more information). Existing noise levels were measured at representative sites near the proposed Project during March 2010, July and August 2013, and May 2015. Measurement sites were selected to represent a range of existing noise conditions throughout the corridor. The distance between the source (LRT) and the receptor (residence) is a very important factor affecting the noise impact results. The actual distance between the tracks and every receptor in the Kenilworth Corridor was used in the assessment, and varied in distance from 50' to 350'. Other factors are the speed of the vehicle, obstructions between the source and receptor, use of horns/bells, special track work, etc. Refer to Section 3.12.1 for more information on the noise impact analysis methodology. Multiple commenters expressed concern that noise levels vary with changing seasons. However, there is no conclusive evidence on what effect seasonal noise measurements would have on noise levels in the Kenilworth Corridor. The noise analysis was completed in compliance with the FTA guidance. Multiple commenters asked that all monitoring locations be made public. The Final EIS includes all noise measurements taken for the Project. Exhibits 3.12-3 and 3.12-4 in Section 3.12 illustrate the general location of the noise monitoring sites, Appendices K and H includes additional information. Noise from bells and horns was included in the Supplemental Draft EIS at all locations where these devices would need to be sounded. Crossing bells will be sounded for 20 seconds for each light rail vehicle at shared light rail and freight rail grade crossings (shared crossing fall under FRA jurisdiction) and for five seconds at light rail only grade crossings (not under FRA jurisdiction). A summary of the existing freight train frequencies and operating characteristics is included in Section 4.4 of the Final EIS. As described above, both LRT and freight train noise were included in the noise assessments in the Supplemental Draft EIS and the Final EIS. ***Comment on inaccurate land use designations for the Kenilworth Channel*** The Council, in consultation with the MPRB and MnHPO, reached agreement on designation of land use categories for the parks within the Kenilworth Corridor, including high-sensitivity sites	

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		near the Kenilworth Lagoon/Channel. The northern bank of the Kenilworth Lagoon, generally between West Lake of the Isles Parkway and South Upton Avenue, is classified as category 1 land use and the lagoon itself is classified as category 3. Residences are classified as category 2. Section 3.12 of the Final EIS provides a description of land use categories and metrics used to identify noise sensitive receptors according to FTA criteria (see Table 3.12-2). Active use areas like bike and running trails are generally not categorized as noise sensitive receptors because these are areas where quiet is not an essential element and the intended purpose. The channel itself supports primarily active uses (e.g., kayaking, skiing), while the lagoon bank is used for more contemplative uses. Noise assessments were conducted using these land use classifications. The assessment at the Channel indicated noise impacts to the Channel but not to the banks of the lagoon, which are located significantly further from the tracks. Mitigation has been recommended at this location, including low height noise barriers on the bridge and rail dampers on the tracks to minimize the noise. While the banks of the lagoon were not identified as impacts, the mitigation for the channel on the bridge would reduce the noise levels at the banks as well. ***Southwest LRT Breaks the System of Minneapolis Parks*** Multiple commenters expressed the opinion that the Supplemental Draft EIS does not address the impacts on the larger park system, rather it focuses on individual elements. The Kenilworth Lagoon is part of the Minneapolis Chain of Lakes Regional Park which is the most popular destination within the Minneapolis Park system. By providing LRT service to the area, the Project will provide enhanced access to and from this park system allowing more people to visit the park. Further, under Section 106, the Project considers effects on the Kenilworth Lagoon/Channel as part of the larger Grand Rounds Historic District. ***21st Street Noise Impacts*** The draft noise analysis was updated and is described in Section 3.12 of the Final EIS. The noise analysis was conducted in compliance with FTA's Transit Noise and Vibration Impact Assessment guidance manual (FTA, 2006). The number of impacts shown in the Draft EIS, Supplemental Draft EIS and Final EIS have changed over time with changes to operational assumptions, including the number of trains per day, the number of nighttime operations, changes to assumptions regarding horn and bell sounding at grade crossings and stations, the presence of the tunnel and avoidance and minimization measures that have been incorporated into the Project. From Lake Citihomes to South Upton Avenue there will be 18 buildings with moderate noise impacts and one building with a severe noise impact without mitigation; with mitigation, there will be residual noise impacts (moderate) at five buildings (seven units at Lake Citihomes and four residences at Burnham Road North). The residences with residual moderate noise impacts do not	

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		meet the threshold for mitigation (e.g., impact does not meet 3-dB increase threshold) as defined by Council's Regional Transitway Guidelines (see Appendix D). Some of the noise impacts near 21st Street Station will be mitigated by the use of wayside bells instead of the routine sounding of train horns. For the residences not mitigated by the use of a wayside bell (one severe and four moderate impacts identified along Thomas Avenue South and Burnham Road North), interior noise testing will be conducted to determine if the residences meet the interior noise level criteria (defined in Appendix K). Based on the results, the Council will identify the noise mitigation to be implemented for the residences. If the interior noise level exceeds the criteria set in the Council's Regional Transitway Guidelines (Appendix D), the Council will work with property owners on applicable mitigation. This could include implementation of sound insulation, which would require approval by the property owner(s). This 21st Street crossing will continue to be in a quiet zone; however, locomotive horns will be sounded while workers are present in the construction zone near the track and in emergency situations. In addition to this area remaining a quiet zone, mitigation in the form of wayside bells has been identified for this location. In emergency situations, horns may be sounded. See Section 3.12 of the Final EIS for additional information about noise impacts and mitigation. Multiple commenters noted that some of the residences determined to have a moderate impact on Thomas Avenue South are actually located on Sheridan Avenue South. The noise analysis has been updated to correct this typographical error for the Final EIS, and residences along Sheridan Avenue are correctly identified. Noise at tunnel portals is projected to increase noise levels by one decibel (dB) for locations within 100 feet of the tunnel portal to account for reverberation inside the tunnels, based on modeling using "Terrain 1.4.3.0" Olive Tree Labs sound propagation software (see Appendix K for detailed discussion). This is included in the noise impact assessment for the Project. The type of track was accounted for in the analysis at all locations, along with the specific speeds of the LRT vehicle and the distances from the track to all residences in the Kenilworth Corridor. Tunnels significantly reduce both the number and magnitude of noise impacts as compared with at-grade operations. There is a very small increase in noise immediately adjacent to the portal, and this additional noise was included in the assessment for all applicable receptors. Regarding comments on tunnel ventilation, under normal LRT operations there will be no need for a continuous operational tunnel ventilation system. Generally, because of the length of the tunnel, tunnel ventilation will occur naturally as a result of the light rail vehicles traveling through the tunnel. A ventilation system will be installed in the tunnel, but it will only be used during emergency situations and during periodic testing. Because testing of the tunnel ventilation system	

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		will occur infrequently (approximately once a month), noise from the tunnel ventilation system would not result in noise impacts, based on FTA noise methods and criteria. Regarding comments on the effect of the removal of trees on noise levels, vegetation has almost no effect on noise levels. Trees, or other vegetation, must be at least 100 feet thick before there is any change in the noise levels. For noise levels to be reduced, there must be a solid material between the source and receiver, and vegetation and trees do not qualify without being at least 100 feet thick. See FTA's *Transit Noise and Vibration Impact Assessment* guidance manual (2006), Table 6-10. Multiple commenters expressed concern that the elimination of noise impacts will be replaced by vibration impacts, please refer to the vibration mitigation measures response below. **Vibration** Refer to Section 3.13 of the Final EIS for an updated vibration analysis, including an assessment of potential vibration impacts and mitigation measures. FTA guidance on vibration does not look at existing vibration levels like the noise assessment does, except in locations where there are existing freight operations, such as the Kenilworth Corridor. The presence of freight operations can change the assessment methodology for the Project, depending on the number of freight operations. For corridors with high volumes of freight traffic, the vibration levels from the LRT would be much lower than the freight, and would not require an assessment of LRT vibration. In the case of the Kenilworth Corridor, due to the limited number of freight trains in the corridor, per FTA guidance, a standard vibration assessment is conducted for LRT operations in the shared corridor. The only case where existing vibration is assessed is when the tracks will be moved due to the Project. At these locations, a conservative estimate of vibration levels from freight trains was used to screen out the potential for vibration impacts from shifted freight operations. The primary reason for no vibration impacts is the very low speeds of the freight trains. The Project will result in no long-term vibration impacts for residential land uses (Exhibit 3.13-2), therefore no mitigation measures are warranted for long-term direct or indirect impacts from vibration. The methods for minimizing short-term impacts from construction vibration include limiting high-vibration activities, such as impact pile driving and vibratory rolling, and including vibration limits in the construction specifications, as applicable. Short-term vibration related to construction activities (see Section 2.1.1.2) will result from the operation of heavy equipment (pile driving, hoe rams, vibratory compaction, and loaded trucks) needed to construct bridges, retaining walls, roads, park-and-ride facilities, and transit centers. Please see *Master Response 7: Concerns related to vibration impacts of LRT tunnel construction*, for more information on construction impacts, and avoidance, minimization, and mitigation measures. There are ground	

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		borne noise impacts without mitigation, however there will be no residual impacts with mitigation, which will include highly resilient fasteners. The Council had discussions with the Trammel Crow Company, the developer of the Tryg site which is near the Calhoun Isles apartment building, in late 2015. The developer indicated that the contractor encountered large debris during pile installation, which prohibited advancement of the work. The Council has added requirements to expose the Calhoun Isles apartment building and parking ramp foundations prior to sheet pile installation. This will remove any surface debris and locate the foundations properly in relation to the existing foundations. Regarding the damage to homes in the area caused by a recent Council sewer project, the Council works diligently to minimize impact to surrounding properties. For this reason, many projects involve efforts that help determine site conditions in and around the project prior to construction activities, as well as ongoing vibration monitoring during construction. When claims were made by homeowners in the CIDNA neighborhood in regards to damage caused by the sewer project, the Council became involved with its contractor and the contractor's insurance carrier to ensure that claims were investigated properly. At the request of homeowners, the Council's Risk Management department hired an independent adjuster to investigate the claims and a structural engineer to determine whether any damage might be related to the project. In terms of a specific liability plan during the construction of the Southwest LRT line, there will be a process in place to fully investigate any claim that the construction activities caused damage or injury. This process will also include insurance to respond to such claims. The Council will have a combination of insurance and self-insurance to respond to claims for incidents related to LRT, like the Council currently has for other LRT lines in the region. During the construction of the Southwest LRT line, the cost of this insurance is included in the cost estimate for the Project. Freight rail operators will continue to respond to claims, as they do now, to claims unrelated to LRT operations. With the exception of impact pile driving, the potential for damage from vibration is limited to within 20 feet of construction activities. The distance for the potential for damage from impact pile driving is up to 40 feet. Please see *Master Response 7: Concerns related to vibration impacts of LRT tunnel construction, for more information.* Multiple commenters expressed concern that vibration impacts were not measured for residences that are within 45 feet of the light rail tracks. The distances for vibration receptors for the Project were less than 40 feet to 350 feet. Vibration-sensitive land uses for the Final EIS were identified based on aerial photography, Project drawings, and a site survey. The distance between the source (LRT) and the receptor (residence) is one factor affecting the vibration impact results.	

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		Other factors are the speed of the vehicle, obstructions between the source and receptor, special track work, etc. The actual distance between the tracks and every receptor in the Kenilworth Corridor was used in the assessment. Refer to Section 3.13 for more information on the vibration impact analysis methodology and mitigation. Commenters asked about noise and vibration impacts to upper floors of high rise buildings, including comments that noise and vibration will increase at higher elevations. Noise and vibration levels are highest closest to the source, which is the ground floor of buildings. Noise and vibration levels will be lower as noise moves further from the source, which would be at higher levels of high rise buildings, because energy (such as noise and vibration) does not increase with increasing distance from its source. **Hazardous and Contaminated Materials** As described in Section 3.14.2, Phase II Environmental Site Assessments have been completed for the full Project corridor, including the Kenilworth Corridor, since publication of the Supplemental Draft EIS. This assessment verified the extent and magnitude of hazardous materials in the Kenilworth Corridor. All Phase II ESA assessments completed for the Project are available for public review (see Appendix C for instructions on how to access these documents). Costs associated with remediation of contaminated materials is include in the Project budget. The Project will complete Response Action Plans (RAPs), Construction Contingency Plan (CCP), and Hazardous Building Material Surveys (see section 3.14.4 for more information). • **Response Action Plans (RAPs)**. RAPs are being developed by the Council and approved by MPCA to address the risks identified in the Phase II environmental site assessments. Upon MPCA approval of the RAPs, cleanup of identified contamination will begin prior to, or at the same time as, project excavation and/or drilling activities. All cleanup activities will be conducted with prior MPCA approval and in accordance with the approved Site Health and Safety Plans (HASP).[3] Qualified inspectors will monitor cleanup activities. A final report will be prepared and submitted to the MPCA documenting all removal and disposal activity. • **Construction Contingency Plan (CCP)**. It is reasonable to expect that previously undocumented soil or groundwater contamination may be encountered during construction. The Council has prepared a Construction Contingency Plan (CCP) to address the discovery of unknown contamination (refer to Appendix C for instructions on how to access this document). The CCP was approved by MPCA and includes outlines of procedures for initial	

[3] Health and Safety Plans (HASP) will be developed by the individual contractors as a requirement of the Project's contract specifications. Contractors will also be responsible for implementation of HASPs.

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		contaminant screening; soil and groundwater sampling; laboratory testing; and removal, transport, and disposal of contaminated materials at licensed facilities. Contaminated material removal and disposal will be in accordance with this plan, monitored by qualified inspectors, and documented in final reports for submittal to MPCA. • **Hazardous Building Material Surveys**. In addition to contaminated soil and groundwater, the potential exists for structures on acquired land to contain asbestos, lead paint, or other hazardous materials. Any existing structures on acquired land will be surveyed for the presence of hazardous/regulated materials prior to their demolition or modification. Potentially hazardous materials will be handled and managed in compliance with all applicable regulatory standards and will be disposed in accordance with all Hazardous Materials Abatement Plans for in-place hazardous/regulated materials, and the RAP/CCP for hazardous/regulated materials in the site soils. Please see *Master Response 8: Questions over the extent of hazardous and contaminated materials in the Kenilworth Corridor.* For responses to concerns regarding LRT operating in close proximity to Freight Rail, please see *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor.* **Economic Impacts** Please see *Master Response 9: Concern over potential damages to property values within the vicinity of the Project.* Please also see *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor.* The Project could lead to indirect impacts related to “spillover” parking in neighborhoods adjacent to proposed light rail stations. Spillover parking is unwanted parking by light rail riders in off-street parking lots or at on-street parking spaces adjacent to a light rail station. Spillover parking can result from a lack of park-and-ride lot capacity relative to demand for park-and-ride lot spaces, and can affect both businesses and residences by limiting available parking spaces for residents, visitors, customers, and employees. The Council will complete a Regional Park-and-Ride System Report on an annual basis to attenuate the impacts related to spillover parking. As part of this effort, the Council and Metro Transit will collaborate with regional transit partners, local governments, and the Minnesota Department of Transportation to conduct an annual regional park-and-ride survey, which tracks facility use and emerging travel patterns by park-and-ride users across the region to identify the appropriate mitigation. The results of this survey are published in the annual report. Spillover parking impacts can also be curbed by the local	

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		jurisdictions and residents by implementing a "residents parking" permit program, which would allow unlimited time parking for residents and visitors of residents. Studies have shown that investments in fixed route transitways can influence increased residential property values, even in affluent, upper middle class neighborhoods. As an example, in 1996, New Jersey Transit introduced "Midtown Direct" service, a one-seat ride to New York Penn Station on the Morris & Essex Lines. The expanded service led directly to an increase in property values of homes within walking distance of stations on the Morris & Essex line by $90,000 more than homes farther away, after direct service to Midtown Manhattan was inaugurated in 1996 (Michaelson, 2004). Houses immediately adjacent to San Francisco's BART (south and northeast of San Francisco) sold for nearly 38 % more than identical houses in areas not served by BART (Landis and Cervero, 1995). Residential rents decreased by 2.4% for every one-tenth mile further from Washington DC Metro stations (Benjamin and Sirmans, 1996). Single-family homes in communities served by Boston's commuter rail were worth 6.7% more than similar homes in other communities (Armstrong, 1994). In Chicago, the prices of single-family houses located within 1,000 feet of stations were 20% higher than comparable houses located a mile away (Gruen, 1997). Median home prices in the Philadelphia region were 10% higher in census tracts served by PATCO rail line, and 4% higher in tracts served by SEPTA rail line (Voith, 1991). Light rail construction has the potential to cause environmental impacts including disruptive noise levels; visual impacts; and reductions in vehicular access and parking. The rate and timing of such impacts would depend on the location of the property relative to the new station, changes in business activity during construction and operation of the system, business visibility, and local land use plans and development standards. As described in Section 3.2, potential mitigation measures for construction impacts visual quality, noise, vibration, and traffic impacts are discussed in Sections 3.7, 3.12, 3.13, and 4.2 respectively. In order to minimize short-term impacts to business, the Council has developed a Construction Communication Plan. The purpose of the Construction Communication Plan is to prepare project-area residents, businesses, and commuters for construction; listen to their concerns; and develop plans to minimize harmful or disruptive effects. Regarding concerns over potential impacts to the Kenwood Elementary School, as described in Appendix K, noise and vibration impacts from LRT are greatly reduced beyond a distance of 350 feet from the tracks (see Appendix K). The Kenwood Elementary School is approximately 1,770 feet from the LRT alignment and noise and vibration impacts are not expected for this location. The Project will perform pre-construction surveys to document the existing conditions in the vicinity of construction activities. Photo documentation of construction staging sites, haul routes, and existing buildings and streetscape existing conditions will be conducted prior to beginning the	

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		work. Photo documentation shall include the following existing features of the site: paving, curb and gutter, water valves, hydrants, storm drainage and sanitary sewer inlets and manhole rings, plumbing, ceilings, roofs, walls, windows, masonry, foundations, signage, traffic signal equipment, lighting, overhead utilities and skyways, fences and walls, driveways, sidewalk, building fronts, and above-ground utilities. Construction vehicle routes will be determined prior to construction and the contractor will be required to maintain corridor access points and haul routes and clean them at least once per day. Cleaning shall consist of removal and disposal of dust, dirt, mud, snow, and other material associated with construction activities. Accumulated snow and ice will be removed within 24 hours of the snowfall from access areas and any areas under the control of the contractor which are subject to use by pedestrian and vehicular traffic by the public. Regarding comments on additional Project related costs (e.g., dewatering of contaminated soil, removing contaminated soil, and relocation of existing sewers), these costs are considered in the Project's cost estimate. In the case of lost property tax revenue, this is assessed in Section 3.2.2.2 of the Final EIS. Regarding damage during construction, see *Master Response 7: Concerns related to vibration impacts of LRT tunnel construction*. Regarding concerns that the Project will have an adverse economic impact on the City of Minneapolis and tourism in the area, the economic impacts to the park area is not a likely impact from the Project, and therefore decreases in tourism were not assessed. As noted in Section 3.6 of the Final EIS, proximity impacts on park properties will not substantially impair those properties. Instead, increased access to portions of the Minneapolis Regional Chain of Lakes is likely to result from the Project, due to improved transit access provided by the proposed light rail line. The Final EIS Section 3.2.3.2 of the Final EIS assesses long-term indirect economic impacts of the Project. **Roadway and Traffic** In locations where there will be at-grade light rail crossings of roadways, such as West 21st Street (which provides access to East Cedar Lake Beach and the residences on Upton Avenue South), the potential exists for increases in emergency response time as a result of delay to emergency vehicles while LRVs are in the crossing. For information on emergency response times, see *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*. Construction activities could result in short term impacts to neighborhoods, such as increased roadway congestion, temporary closures of roadways, and roadway detours, all of which may increase both automobile and truck traffic through residential neighborhoods. Construction	

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		activities could also result in temporary increases in vehicle traffic on local roadways where relatively little vehicle traffic exists today. Specific mitigation measures for short-term impacts related to temporary construction activities, such as allowable work hours, will be identified in the Construction Mitigation Plan and Construction Communication Plan, which will be implemented by the Council prior to and during construction. Any damages to local roadways related to construction activities will be repaired prior to the completion of construction. The cost of these repair activities are included in the capital costs estimates for the Project as shown in Section 7.1. The purpose of the Construction Communication Plan is to prepare Project-vicinity residents, businesses, and commuters for construction; to listen to their concerns; and to develop plans to minimize harmful or disruptive effects. Strategies may include: • Issue construction updates and post them on the Project website • Provide advance notice of roadway closures, driveway closures, and utility shutoffs • Conduct public meetings • Establish a 24-hour construction hotline • Prepare materials with applicable construction information • Address property access issues • Assign staff to serve as liaisons between the public and contractors during construction In addition, the Council will develop and implement a construction staging plan (staging plan), which will be reviewed with the appropriate jurisdictions and railroads, and the contractor will be required to secure the necessary permits and follow the staging plan, unless otherwise approved. Components of a staging plan include traffic management plans and a detailed construction timeline. The Council will require that construction equipment used by contractors be properly muffled and in proper working order and maintenance of construction sites are adhered to. **Parking** The Project will not result in direct impacts to on-street parking in the area of the proposed 21st Street Station as no on-street parking spaces will be eliminated as a result of station construction. The Project does not include any park and ride lots within the City of Minneapolis, including 21st Street Station. While spillover parking could occur at stations where there are no park-and-ride lots planned, spillover parking is not expected to occur at 21st Street Station as the cumulative (e.g., project wide) supply of park-and-ride lot spaces will meet and exceed the forecasted demand for park-	

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		and-ride lot parking spaces in the Project's opening year (2020). The travel demand forecasts show a deficit of approximately 650 park-and-ride spaces in the Project's forecast year (2040), but this forecast deficit is predominantly concentrated at the proposed SouthWest and Beltline Stations, and is not anticipated to affect 21st Street Station (see Section 4.3.3.1 of the Final EIS for more information on the travel demand forecasts for park-and-ride lots and Section 4.3.3.2 for more information on spillover parking). Spillover parking impacts can also be curbed by the local jurisdictions and residents by implementing a "residents parking" permit program, which would allow unlimited time parking for residents and visitors of residents. In order to mitigate potential unauthorized use of on-street and/or off-street parking, the Council will complete a Regional Park-and-Ride System Report on an annual basis. As part of this effort, the Council and Metro Transit will collaborate with regional transit partners, local governments, and the Minnesota Department of Transportation to conduct an annual regional park-and-ride survey, which tracks facility use and emerging travel patterns by park-and-ride users across the region to identify the appropriate mitigation, as needed and where feasible. The results of this survey are published in the annual report. **Freight Rail** As described in Section 1.1, the need to maintain a balanced and economically competitive multimodal freight system was identified as one of four primary need factors included in the Project's Purpose and Need Statement dating back to the Draft EIS. This need statement is included due to the various alternatives in the Draft EIS that would impact freight rail in different ways (i.e., freight rail co-location or relocation). Regarding comments on the evaluation of freight rail, the Draft EIS evaluated two ways in which freight rail modifications could be incorporated into the LPA. Under freight rail relocation (included in LRT 3A), TC&W freight trains currently operating along the Bass Lake Spur and Kenilworth Corridor would be rerouted to the MN&S Spur and Wayzata Subdivisions; or, under freight rail co-location (included in LRT 3A-1), the TC&W freight trains would continue to operate along the Bass Lake Spur and Kenilworth Corridor. The Draft EIS refers to LRT 3A and LRT 3A-1 as "relocation" and "co-location," respectively. As noted in the Draft EIS and Supplemental Draft EIS, LRT 3A and LRT 3A-1 are identical in the transit service they would provide, and the LPA is a subset of both LRT 3A and LRT 3A 1. The change from LRT 3A to LRT 3A-1 as the environmentally preferred alternative was one of the primary reasons for completing further analysis in the Supplemental Draft EIS. In October 2013, as directed by the Chair of the Metropolitan Council, in coordination with Governor Dayton, the Council commissioned an independent study to conduct a review of existing and potential freight rail relocation alternatives. The scope of the analysis generally covered the following: identification of operational cost drivers; identification of	

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		community and other impacts; and assessment of possible operational adjustments (refer to Appendix F for additional information). See *Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data* and *Master Response 10: Rationale for incorporating freight rail co-location into the Project*. The Kenilworth Corridor complies with Class 2 standards, as specified in the USDOT FRA Code of Federal Regulations (CFR) 49, Track Safety Standards, Part 213. CFR 49, Part 213.9 identifies "The maximum allowable operating speed for freight trains" as 25 mph for Class 2 track. However, based on discussions with TC&W, the Council understands that TC&W will continue to operate at a maximum speed of 10 mph in the Kenilworth Corridor. Freight rail operations within the Kenilworth Corridor are subject to many factors, including Surface Transportation Board regulations that govern freight rail commerce and local, regional, and national market forces that effect freight rail operations and facility development, both of which are outside of the scope of influence of the Project. In terms of a specific liability plan during the construction of the Southwest LRT line, there will be a process in place to fully investigate any claim that the construction activities caused damage or injury. This process will also include insurance to respond to such claims. The Council will have a combination of insurance and self-insurance to respond to claims for incidents related to LRT, like the Council currently has for other LRT lines in the region. During the construction of the Southwest LRT line, the cost of this insurance is included in the cost estimate for the Project. Freight rail operators will continue to respond to claims, as they do now, to claims unrelated to LRT operations. Currently TC&W operates approximately 2-5 trains per day, carrying agri-goods, coal and ethanol (See Table 4.4-1 of the Final EIS). Please see Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor. Regarding the Pipeline Hazardous Materials Safety Administration (PHMSA), the Secretary of Transportation has authority over all areas of railroad transportation safety (Federal railroad safety laws, principally 49 U.S.C. chapters 201–213), and delegates this authority to the Federal Railroad Administration (FRA) under 49 CFR 1.89. Under authority delegated to FRA by the Secretary of Transportation, the Hazardous Materials Division of FRA administers a safety program that oversees the movement of hazardous materials (including dangerous goods), such as petroleum, chemical, and nuclear products, throughout the nation's rail transportation system (49 CFR 171-180). FRA inspects and audits railroads, tank car facilities, and offerors for compliance with both FRA and PHMSA regulations. See Section 4.4.2.1 for additional information on the FRA.	

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		Federal hazardous materials transportation law (49 U.S.C. 5101-5128) authorizes the Secretary of Transportation (Secretary) to "prescribe regulations for the safe transportation, including security, of hazardous material in intrastate, interstate, and foreign commerce." The Secretary delegated this authority to Pipeline and Hazardous Materials Safety Administration (PHMSA) under 49 CFR § 1.97(b). PHMSA is responsible for overseeing a hazardous materials safety program that minimizes the risks to life and property inherent in transportation in commerce. As a result of the delegations by the Secretary of Transportation, FRA and PHMSA have a shared role in the safe and secure transportation of hazardous materials by rail. In particular, on May 1, 2015, the USDOT announced its Final Rule to Strengthen Safe Transportation of Flammable Liquids by Rail. The final rule, developed by PHMSA and FRA, in coordination with Canada, focuses on safety improvements that are designed to prevent accidents, mitigate consequences in the event of an accident, and support emergency response. The rule applies to high-hazard flammable trains (HHFTs) that are a continuous block of 20 or more tank cars loaded with a flammable liquid or 35 or more tank cars loaded with a flammable liquid dispersed through a train. This includes the commodities of ethanol and crude oil, along with other regulated commodities. The rule requires rail carriers (including the TC&W) to perform a variety of tasks with respect to its management of trains carrying HHFTs. In addition to the USDOT Final Rule, Minnesota Statutes Section 4. [115E.042] Preparedness and Response for Certain Railroads must be complied with by a person who owns or operates railroad car rolling stock transporting a unit train (e.g., a train with more than 25 tanker railcars carrying oil or hazardous substance cargo). In regards to the comment expressing concern over the FRA waiver or abdication of jurisdiction, the FRA has provided a preliminary jurisdiction determination for the Project on its regulatory role in the implementation of the proposed light rail at-grade crossings of roadways in the vicinity of existing freight rail at-grade crossings (see Appendix F). In that preliminary determination, FRA tentatively concluded that the proposed Southwest LRT Project will be an urban rapid transit (URT) operation and, therefore, FRA will not exercise its safety jurisdiction over the Project, except to the extent that it is necessary to ensure railroad safety at any limited shared connections between the Project and other railroad carriers that operate on the general railroad system of transportation. The Council will work with the FRA on a final jurisdiction determination for the Project during Engineering. Regulation over the safety of freight rail operations are outside of the jurisdiction of the Council and FTA. For more information, see *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor.* Regarding concerns about AREMA safety guidelines regarding track separation, it is not uncommon practice for electrified railroads to be aligned adjacent to freight rail corridors and Council staff have surveyed several transit properties that operate in those conditions, highlighting safeguards that they have implemented as best management practices. Safeguards that are consistent with	

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		nation-wide best management practices identified in that survey will be implemented by the Council to ensure that the Project is designed and operated safely adjacent to freight rail alignments. For more information, see Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor. Regarding comments about the safety of freight rail, commuter rail (Northstar) and LRT operating near the Target Field Station and Twins Stadium, LRT does not currently, nor will it under the Project, operate under Target Field. Public safety and security within the study area is provided by the city, MPRB and Metro Transit police departments, fire departments, and emergency response units of the Cities of Eden Prairie, Minnetonka, Hopkins, St. Louis Park, and Minneapolis. Emergency medical services are located in each city. Through the municipal police and fire departments, each community within the affected area has developed an Emergency Operations Plan for all types of emergencies. For information on emergency response times, see *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*. When in operation, the light rail alignment will not cross any arterial streets at-grade in Minneapolis, southwest of Downtown. The light rail alignment will cross one neighborhood street at-grade that provides access to six homes and a public beach. This street crossing will be a shared crossing with freight and light rail trains and will be controlled with flashing lights, bells and gate arms. For responses to other comments on freight rail, refer to the following master responses: • *Master Response 1: Invalid NEPA/MEPA Scoping Process because original scoping report did not include freight rail co-location.* • *Master Response 2: Project sought municipal consent prior to the publication of the* Supplemental Draft *EIS* • *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor* • *Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data.* • *Master Response 10: Rationale for incorporating freight rail co-location into the Project*	

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		• *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor* **Bicycle and Pedestrian** There are no long-term impacts on the Kenilworth Trail, specifically because the trail will be maintained in its current location after construction of the Project. Further, the trail is not a noise sensitive land-use due to the active recreation that occurs on the trail, per FTA noise assessment criteria. Refer to Section 4.6.3.1, At-Grade LRT Crossings, for information on safety measures for at-grade crossings. Refer to *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor, for additional information on safety measures included in the Project*. In addition, the Council, City of Minneapolis, MPRB, and Hennepin County undertook the West Lake Multimodal Transportation Study, completed in February 2016. The goal of the study was to identify opportunities to address non-motorized and motorized travel within the West Lake LRT Station area with projects that can be implemented as a part of the construction of the Southwest LRT or as part of other capital initiatives. The study report includes Green Line Design Recommendations that will be constructed as part of the Project, including enhanced crosswalk markings at specific intersections, and wayfinding signage. **Safety and Security** For instances where the roadway crossings will include crossings for sidewalks and trails, such as 21st Street in the Kenilworth Corridor, crossings and controls will be designed to promote pedestrian and bicycle safety and will include space between the freight tracks and the light rail tracks to allow sidewalk and trail users to have refuge space in the event of a freight and light rail train passing simultaneously. In addition, these crossings will be equipped with detectable warnings and fences lining the crossing paths to bring attention to the freight or light rail crossing locations. The design details of pedestrian and bicycle safety features will be made during Engineering and finalized prior to construction. See Master *Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*. Also see *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*. Metro Transit Police currently provide roving security for the bus transit facilities within the Metro Transit service area (i.e., area with existing Metro Transit bus service). Transit police routinely patrol bus routes, bus stops, and transit centers. Transit police officers currently travel along the METRO Blue Line and METRO Green Line LRT lines to provide security at stations and on rail	

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		cars and will provide similar services for the Project and will patrol the area surrounding 21st Street Station with the Project. In addition, the Project will coordinate with MPRB Police regarding safety and security issues, particularly at 21st Street Station. This coordination will occur through the FLSSC, as described in the Project's SSMP (Council, 2014). Under the Project, LRT service will operate from 4:00 a.m. to 2:00 a.m. with 10 minute headways during daytime operating hours. While service to 21st Street Station will not cease at 10:00 p.m., service headways will be reduced to 20 minutes from 9:00 p.m. to 10:15 p.m., 30 minutes from 10:15 p.m. to 12:15 a.m., and 60 minutes from 12:15 a.m. to 2:00 a.m. As described in Section 4.2, the Project will result in temporary lane closures or shifts at Cedar Lake Parkway during Project construction, however, at least one lane in each direction will remain open during construction. Construction sequencing will be further refined prior to construction, during the Engineering phase of the Project. Mitigation measures for short-term (construction) impacts to roadways and traffic will be implemented by the Council prior to and during construction through the Construction Mitigation Plan, which includes a Construction Communication Plan and a construction staging plan. MnDOT, Hennepin County, and all municipalities affected by construction activities related to the Project will require compliance with applicable state and local regulations related to the closing of roadways and the effects of construction activities. Contractors will be required to comply with all guidelines established in the Minnesota Manual on Uniform Traffic Control Devices (2015). Construction staging and mitigation documents will be reviewed by appropriate jurisdictions, and required permits will be secured. Traffic control plans will be developed by the contractor based on information identified in the construction documents and the Construction Mitigation Plan. Traffic control plans will be reviewed by appropriate jurisdictions and the Council prior to the initiation of construction activities **Section 4(f) Evaluation** The Draft Section 4(f) Evaluation Update in Section 3.5 of the Supplemental Draft EIS included a preliminary Section 4(f) *de minimis* impact determination for the Kenilworth Channel/Lagoon, as part of the Minneapolis Chain of Lakes Regional Park. It also included a preliminary non-*de minimis* use determination for the Kenilworth Lagoon, which is a contributing element to the Grand Rounds Historic District. As noted in the Supplemental Draft EIS and in the Final EIS, the Kenilworth Channel/Lagoon and the Kenilworth Lagoon are distinct Section 4(f) properties, with different boundaries and different characteristics that qualify them for Section 4(f) protection – most importantly the Kenilworth Channel/Lagoon is a qualifying park/recreation property and the	

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		Kenilworth Lagoon is a qualifying historic property. The Section 4(f) analysis in the Supplemental Draft EIS and Final EIS reflects those two different properties and their differing characteristics. Chapter 6 of the Final EIS contains the Project's Final Section 4(f) Evaluation and those *de minimis* and non-*de minimis* determinations, respectively. Regarding the *de minimis* impact determination for the Kenilworth Channel/Lagoon, although the Project would incorporate 0.3 acres from this recreational resource and there would be changes to both visual and noise conditions, the Project would not adversely affect the features, attributes or activities that make the Kenilworth Channel/Lagoon a significant recreation resource as summarized below: • Removal of the existing bridges and construction of the new bridges will allow for the continuation of park uses and recreational activities within the easement – recreational watercraft will be able to utilize the channel connection between Cedar Lake and Lake of the Isles in the same manner they do currently. • Per visual analysis contained in Section 3.7 of the Final EIS, the overall level of visual impact at the Kenilworth Channel/Lagoon will be "low". • As mitigation, the Project will install a two-foot-high noise barrier (i.e., parapet wall) above the top of the rail on both sides of the LRT bridge, along with rail dampers on both tracks, extending 150 feet in each direction from the center of the LRT bridge (300 feet total). This mitigation measure will reduce noise levels at the channel/lagoon from a moderate impact to no impact. • Mitigation measures have been developed to offset the temporary closure/s of the lagoon for safety purposes during construction (these measures were developed with MPRB consultation and are included in the Project's Section 106 Memorandum of Agreement (see Final EIS Appendix H). The non-*de minimis* use determination for the historic Kenilworth Lagoon in the Final EIS is based on the FTA's and the Minnesota Historic Preservation Office's final determination of adverse effect on the historic property. In accordance with Section 4(f) regulations, the non-*de minimis* use determination for the Kenilworth Lagoon included a full evaluation of all potential feasible and prudent avoidance alternatives to the use of the Kenilworth Lagoon, all possible planning to minimize harm to the historic site, and an assessment of least overall harm. As described in Section 3.5.4.2 of the Supplemental Draft EIS and Section 6.7.2 of the Final EIS, only the No Build Alternative and Enhanced Bus Alternative would not have a use of the Kenilworth Lagoon/Channel, but both alternatives were found to not be prudent per 23 CFR 774.17(3)(i) because neither alternative addresses nor corrects the transportation purpose and need that	

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		prompted the proposed Project. As part of the least overall harm assessment, both a Shallow LRT Tunnel – Under Kenilworth Lagoon Option and a Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon Option were considered, with FTA and the Council determining that, compared to the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon Option, the Shallow LRT Tunnel – Over Kenilworth Lagoon Option would result in the least overall harm to the Kenilworth Lagoon/Grand Rounds Historic District because the two tunnel options would leave little (if any) of the contributing elements of the Grand Rounds Historic District in place, thus limiting the ability to effectively mitigate adverse effects to the property (please see Section 3.5 of the Supplemental Draft EIS and Chapter 5 of the Final EIS for additional information). Further, the two options would cost up to $125 and $145 million more, respectively, and would delay projected benefits by up to one year, compared to the Project. In particular, the MPRB, which had proposed the study of the Shallow LRT Tunnel – Jacked Box Tunnel Under Kenilworth Lagoon Option, concluded in an independent study that the option would "not be prudent." As noted in Section of 2.3.3.2 of the Supplemental Draft EIS, a deep bore tunnel option under the Kenilworth Channel/Lagoon was dismissed within Step 2 of the St. Louis Park/Minneapolis Segment Design Adjustment process because, among other reasons, it had the highest capital costs of all options, which was determined economically infeasible at the regional level; this tunnel option is not an avoidance alternative because it would have resulted (like all other tunnel and bridge options) in a use of the Kenilworth Channel/Lagoon and because it would have an associated Section 106 adverse effect on the existing historic bridge structure. The Council's and FTA's measures to minimize harm to protected Section 4(f) properties that are historic, including mitigation measures associated with the Kenilworth Lagoon and other historic properties affected by the Project, are addressed in the Project's Section 106 Memorandum of Agreement, which is included in Appendix H of the Final EIS, and in the appropriate sections of Chapter 6 of the Final EIS. Since publication of the Supplemental Draft EIS and after the close of the public comment period on the Supplemental Draft EIS, the MPRB has concurred in writing with FTA's Section 4(f) *de minimis* impact determination for the Kenilworth Lagoon. The impact analysis for the assessment of visual impacts to both properties was prepared based on FHWA's Visual Impact Assessment of Highway Projects (FHWA, 1988). That methodology and the results of the analysis are documented in Section 3.7 of the Final EIS. As described in Section 3.7, the commenter is correct that the Project will affect the view within the Kenilworth Channel/Lagoon (Viewpoints 15, 16, and 17 – see Exhibits J-20, J-21, and J-22 in Appendix J of the Final EIS); the assessment concludes that the overall level of visual impact at viewpoints 15, 16, and 17 will be moderate, low, and substantial, respectively. The existing and immediately adjacent trail vegetation within this corridor, as seen in this view, will be removed. The vegetation	

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		removal is necessary to accommodate the aboveground segment of the light rail alignment as it approaches the lagoon crossing. The freight line will also be shifted to the north. Fencing will be installed on both sides of the bike/pedestrian trail corridor. Reduction in the tree masses, again immediately adjacent to the trail, and elimination of the existing split rail fencing along the trail, will reduce the vividness of the view. There will be a slight reduction in visual intactness and a limited reduction in visual unity. The reduction in the visual quality of this view will be moderate (refer to the visual quality and aesthetics section of this response for additional information). As in other areas along the Kenilworth Corridor, the level of visual sensitivity is high. Because the visual sensitivity of this view is high and the change in the level of visual quality will be moderate, the level of visual impact will be moderate. Note that the reference to clearances within the channel under the Project as being adequate to accommodate recreational activities within the channel pertain to recreational activities, such as boating or cross country skiing, not to the visual and aesthetic impacts to the properties. The Project's noise analysis for the Kenilworth Channel/Lagoon is based on FTA's *Transit Noise and Vibration Impact Assessment* guidance manual (FTA, 2006). Section 3.12 summarizes the impact analysis and mitigation measures related to the noise sensitive areas of the channel, which include a parapet wall and rail damper on the LRT bridge over the waterway to mitigate moderate noise impacts to the Channel. The Section 106 MOA also specifies the related noise mitigation measures that will be implemented with the Project due to the channel being a historic property. The Project's vibration analysis for the Kenilworth Channel/Lagoon is also based on FTA's *Transit Noise and Vibration Impact Assessment* guidance manual (FTA, 2006). Vibration-sensitive land uses for the Final EIS were identified based on aerial photography, Project drawings, Project outreach to businesses to identify sensitive uses within buildings, and a site survey. Based on the FTA guidance, the channel is not considered a vibration sensitive receptor. See Section 3.13 and Appendix K of the Final EIS for further information. Concerning coordination with MPRB, FTA and the Council have coordinated with the MPRB extensively since January 2015, especially regarding park properties over which the MPRB has jurisdiction. The Final EIS includes the Project's Final Section 4(f) Evaluation (see Chapter 6), which considers if the Project has a temporary or permanent use of qualifying publicly owned and publicly accessible parks and recreation areas, historic resources (independent of ownership), and publicly owned wildlife and waterfowl refuges protected under Section 4(f). In the Final Section 4(f) Evaluation, FTA has also assessed proximity impacts to parks not used by the Project and determined that there would be no proximity impacts that would substantially impair the activities, features and attributes that qualify the parks for 4(f) protection. In March 2015, MPRB	

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		stated its understanding of the Project's effects on the Kenilworth Channel/Lagoon as an element of the Minneapolis Chain of Lakes Regional Park (see Appendix I). The Council and FTA continued Section 4(f) coordination activities with MPRB as the official with jurisdiction for several Section 4(f) properties through the completion of the Project's Final Section 4(f) Evaluation. That coordination included receipt of the MPRB's written concurrence with following: FTA's Section 4(f) *de minimis* impact determination for the Kenilworth Channel/Lagoon, an element of the Minneapolis Chain of Lakes Regional Park; FTA's Section 4(f) *de minimis* impact determination for the Bryn Mawr Meadows Park; and FTA's temporary occupancy exemption determination for Cedar Lake Park (see Appendix I of the Final EIS). These Section 4(f) coordination activities were coordinated with the execution of a Section 106 Memorandum of Agreement (MOA) for historic resources, including the Kenilworth Lagoon/Grand Rounds Historic District (see Appendix H). MPRB is an invited signatory to the Section 106 MOA specifying mitigation measures for both the Kenilworth Lagoon/Grand Rounds Historic District and the Kenilworth Channel/Lagoon as an element of the Minneapolis Chain of Lakes Regional Park; mitigation measures specified in the MOA are as follows: • Install a parapet wall and rail damper on the LRT bridge over the waterway to mitigate the moderate noise impact at the Kenilworth Lagoon. • Rehabilitate/Reconstruct WPA Rustic Style Retaining walls to minimize and mitigate adverse effects. • Design Project elements within and adjacent to the Grand Rounds Historic District in accordance with the *SOI's Standards* (36 CRF 68), to be reviewed by the MnHPO and consulting parties, to further minimize adverse effects. • Develop a Construction Protection Plan detailing the measures to be implemented during Project construction to avoid adverse effects. • Prepare guidance for future preservation activities within the portion of the Grand Rounds Historic District: Canal System, including adjacent parkland, extending from the north end of Lake Calhoun to the east end of Cedar Lake, and including the entirety of the Lake of the Isles Park and Kenilworth Lagoon elements (Attachment D). The plans shall be prepared in accordance with the *SOI's Standards* (36 CFR 68); the *SOI's Standards for Preservation Planning*; the NPS's *Guidelines for the Treatment of Cultural Landscapes*, Preservation Briefs and Tech Notes. The No Build Alternative and the Enhanced Bus Alternative are included within the Project's No Prudent and Feasible Alternatives Analysis in Chapter 6 of the Final EIS because of the	

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		alternatives identified they are the only alternatives that would fully avoid the use of any Section 4(f) protected property. All other alternatives would have some non-*de minimis* or *de minimis* impact to at least one Section 4(f) property, as documented in the Final EIS, Supplemental Draft EIS or Draft EIS. Within the Project's No Prudent and Feasible Alternatives Analysis in Chapter 6 of the Final EIS, FTA has determined that neither the No Build Alternative nor the Enhanced Bus Alternative would meet the Project's Purpose and Need and, therefore, they do not constitute a prudent alternative under Section 4(f). Please see Chapter 6 of the Final EIS for additional detail. The US Department of the Interior comments on the Draft Section 4(f) Evaluation Update note that it does not have authority to agree to *de minimis* findings but states that determinations appear to have been applied correctly.	
16	Concerns related to 21st Street Station and related impacts	There were multiple related comments concerning the proposed 21st Street Station. Comments generally either expressed support for the inclusion of the 21st Street Station in the Project or expressed concerns over impacts related to the 21st Street Station. The following is a list of specific comments related to the 21st Street Station, followed by responses to these comments. • Support for the inclusion of the 21st Street Station in the Project • Lack of transit ridership at 21st Street Station • Concern over delays to emergency response vehicles related to the at-grade LRT crossing at 21st Street • Concern over safety of roadway, trail, and sidewalk crossings of the LRT and freight rail corridor at 21st Street • Concern over visual impacts at 21st Street Station • Concern over noise impacts at 21st Street Station • Potential development near 21st Street Station • Concern over traffic impacts related to 21st Street Station **Support for the inclusion of the 21st Street Station in the Project** As described in Section 2.1 and illustrated in Appendix E, the 21st Street Station will be included in the Project. As described in Section 2.2.5, a range of design adjustments were evaluated after publication of the Supplemental Draft EIS. In particular, changes to the Project design were identified to better avoid impacts, integrate mitigation measures, and allow for cost reductions associated with the Project. The Council, in coordination with the CMC and local jurisdictions (including the City of Minneapolis which supports the inclusion of the 21st Street Station in the Project), evaluated the option of eliminating or deferring stations in July 2015 based on evaluation of several factors including ridership. During this time period, public testimony was received	7, 37, 67, 101, 126, 143, 171, 204, 211, 214, 223

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		(including that from the Native American Community Development Institute), noting that the 21st Street Station will provide members of the Native American community living in the vicinity of Franklin Avenue with the most direct connection to employment centers in the Southwest Corridor (versus any of the other Southwest LRT stations in Minneapolis). That testimony was provided at the April 2, 2014, Corridor Management Committee (CMC) meeting (see Section 5.3.2). Based on the evaluation of a ranges of potential design adjustments and recommendations received, the proposed 21st Street Station was retained by the Council as part of the Project. **Lack of transit ridership at 21st Street Station** As described in Section 4.1 of the Final EIS, Transit, a 14 percent increase (13,000 new trips) is forecast in average weekday transit trips under the Project, compared to the No Build Alternative (2040). These new transit trips include a projected combined total of over 2,000 daily boardings and alightings (ons and offs) at the proposed 21st Street Station on an average weekday. The 21st Street Station will not be as frequently used as West Lake Station, but is expected to see more frequent use than several other stations. The Council evaluated eliminating or deferring stations between May and July 2015 based on evaluation of several factors, including forecast transit ridership. Forecast transit ridership at proposed light rail stations in 2040 (average weekday) is provided in Section 4.1 of the Final EIS. The Council's regional travel demand model results, which have been reviewed and approved by the FTA, served as the primary data source for this analysis. Refer to the *Draft Travel Demand Methodology & Forecast, Revision 3, Southwest LRT Technical Report* listed in Appendix C for a more detailed description of the travel demand forecasting methodology and related forecasts. In summary, the Council's travel demand forecasting model has been calibrated based on existing transit ridership data and various other survey data. Further, the model is based on regionally and locally adopted land use plans and population and employment forecasts for 2040. The model forecasts are also based on the existing and proposed transportation networks in 2040, based on the Council's adopted 2040 Transportation Policy Plan. Finally, the model forecasts are based on the current definition of the Project, summarized in Chapter 2 of the Final EIS and illustrated in Appendix E of the Final EIS. In addition, bus service in the Southwest Corridor will be modified as appropriate to meet demand and provide connections to the proposed Southwest LRT stations (see Section 4.1). Exhibit 4.1-5 in the Final EIS illustrates the Project bus operation Plan; Exhibit 4.1-4 shows the bus operations plan under the No Build Alternative. Metro Transit currently provides bus service to the vicinity of the proposed 21st Street Station via bus route 25. This service is proposed to continue under both	

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		the No Build and the Build Alternative (service will be provided directly to the proposed 21st Street Station). Currently, no additional bus service to this area is proposed under the Project. **Concern over delays to emergency response vehicles related to the at-grade LRT crossing at 21st Street** In locations where there will be at-grade light rail crossings of roadways, such as West 21st Street, the potential exists for increases in emergency response time as a result of delay to emergency vehicles while LRVs are in the crossing. As described in Section 4.6, access for emergency response vehicles to cross the Kenilworth Corridor will be maintained at all times during construction and operation of the Project in accordance with all relevant laws and standards For more information on safety, including information on emergency response times, refer to *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*. **Concern over safety of roadway, trail, and sidewalk crossings of the LRT and freight rail corridor at 21st Street** The design of the proposed 21st Street Station includes appropriate safety features and treatments, including flashing lights and vehicle gates on West 21st Street. In addition, for instances where the roadway crossings will be designed to promote pedestrian and bicycle safety and will include space between the freight tracks and the light rail tracks to allow sidewalk and trail users to have refuge space in the event of a freight and light rail train passing simultaneously. In addition, these crossings will be equipped with detectable warnings and fences lining the crossing paths to bring attention to the freight or light rail crossing locations. The design details of pedestrian and bicycle safety features will be made during Engineering and finalized prior to construction. See Section 4.6 of the Final EIS for the Project's assessment of safety and security. See Appendix E of the Final EIS for an illustration of the pedestrian facilities proposed at 21st Street Station. **Concern over visual impacts at 21st Street Station** The visual quality evaluation for the area surrounding 21st Street station concluded that the level of visual impact at the 21st Street Station will be low. As documented in Section 3.7 and Appendix J, the visual quality evaluation analyzed a representative view for the 21st Street Station area looking toward the Kenilworth Corridor Crossing of West 21st Street (viewpoint 18). The elements of the visual environment at this location include the intersection of a two lane roadway with the rail/trail corridor which is bordered by tall thick trees.	

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		The visual quality evaluation considered the change in overall visual quality from existing conditions to the Project, based on the vividness, intactness, and the unity of the view. Ratings were assigned based on a scale of 1-7, with 7 being very high quality and 1 being very low. The overall visual quality rating for the 21st Street Station area (viewpoint 18) under existing conditions is **medium (4.5),** based on the following: • **Existing vividness rating – 4**. There is no topographic variation and the human-made elements include the paved streets, the bike trail, and rail lines as they cross the streets. The tree masses that border the streets, and the glimpse of the cleared rail/trail corridor through the thick trees create a medium degree of memorability • **Existing intactness rating – 5**. View is relatively free of visual encroachment • **Existing unity rating – 4.5**. The view up the tree-bordered road provides a focal point for the view, and the hint of the rail/trail corridor cut through the forest provides a point of visual interest. The visual quality evaluation found that the overall level of visual quality change for the 21st Street Station area (viewpoint 18) will be low, based on the following: • **Project vividness rating – 4**. Removal of trees on left side of view will slightly decrease the vividness of the view, but the addition of the street trees depicted in the simulation, the widened sidewalk and the plantings in the area along the tracks will make a positive contribution so the overall level of vividness will remain the same • **Project intactness rating – 5**. The level of intactness of the view will be similar to existing conditions • **Project unity rating – 5**. The LRT facilities will be consistent with the alignment of the existing trail and freight rail tracks and the removal of the utility pole and the addition of the sidewalks along the west side of 21st Street will enhance the composition of the view, leading to a slight increase in visual unity The Council will also continue to work with the Kenilworth Landscape Design Committee, established in May 2015. The purpose of this committee is, in part, to help ensure that landscape design will restore the natural setting while incorporating the regional trail system, light rail, and freight rail. This group focuses on landscape design in the Kenilworth Corridor from West Lake Station to Penn Avenue Station. Furthermore, the Council retained a landscape design consultant	

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		to prepare a landscape design study for the Kenilworth Corridor, which will be implemented into the Project. See Section 9.2 of the Final EIS for additional detail on this committee. **Concern over noise impacts at 21st Street Station** As shown in Table 3.12-5, from Lake Citihomes to South Upton Avenue there will be 18 buildings with moderate noise impacts and one building with a severe noise impact without mitigation; with mitigation, there will be residual noise impacts (moderate) at five buildings (seven units at Lake Citihomes and four residences at Burnham Road North). The residences with residual moderate noise impacts do not meet the threshold for mitigation (e.g., impact does not meet 3-dB increase threshold) as defined by Council's Regional Transitway Guidelines (see Appendix D). Some of the noise impacts near 21st Street Station will be mitigated by the use of wayside bells instead of the routine sounding of train horns. For the residences not mitigated by the use of a wayside bell (one severe and four moderate impacts identified along Thomas Avenue South and Burnham Road North), interior noise testing will be conducted to determine if the residences meet the interior noise level criteria (defined in Appendix K). Based on the results, the Council will identify the noise mitigation to be implemented for the residences. If the interior noise level exceeds the criteria set in the Council's Regional Transitway Guidelines (Appendix D), the Council will work with property owners on applicable mitigation. This could include implementation of sound insulation, which would require approval by the property owner(s). In addition, the Project is being designed to maintain the existing train horn quiet zone in the area of the proposed 21st Street Station. The at-grade 21st Street railroad crossing will include the use of a Wayside bell in order to minimize noise impacts. **Potential development and redevelopment near 21st Street Station** Development and redevelopment is regulated by the cities and is predominantly driven by regional and local economic conditions. However, light rail lines can advance the timing and increase the intensity of development, especially in areas near proposed stations, within the limits allowed by local comprehensive plans. No development or redevelopment is anticipated at the 21st Street Station located within the Kenilworth Corridor because the surrounding station area is already developed as single-family residential (see Section 3.1.3.3). Redevelopment typical occurs where the existing development is lower in intensity than what is allowable under local zoning requirements (e.g., existing is low density residential and high density residential is allowed). The 21st Street Station area does not meet this condition as this neighborhood consists of single family homes at a density consistent with what is allowable under existing zoning requirements.	

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		West Lake and Penn Stations, at the western and eastern end of the Kenilworth Corridor are likely to experience some level of development. Future development will be subject to the limits allowed by local comprehensive plans and policies. Therefore, there will be no adverse effects related to station area development. See Chapters 3 and 4 of the Final EIS for discussion of long-term indirect impacts. Specifically, indirect impacts related to environmental resource categories are listed in Table 3.0-1 and additional indirect impacts related to transportation resource categories are listed in Table 4.0-1. These tables also summarize specific mitigation measures for adverse effects associated with each environmental and transportation resource category. **Concern over traffic impacts related to 21st Street Station** The Project will not cause adverse impacts to traffic operations in the area around the proposed 21st Street Station. Traffic operations can be characterized by intersection level of service (LOS) based on delay and available capacity. LOS for an intersection is classified into ratings that range from "A" to "F," where "A" represents the least congested operations and "F" represents the most congested operations. Intersections that operate between LOS A and LOS D meet applicable state and local standards. No intersections that would operate at a LOS A to D under the no build alternative are forecasted to operate at a LOS E to F with the Project. The 21st Street rail crossing currently operates at a LOS A and is expected to continue to operate at a LOS A with the Project. See Section 4.2.1.3 and 4.2.2.2 of the Final EIS for more information about the traffic analysis.	
17	Concern over impacts to groundwater and surface water in the Kenilworth Corridor.	Since publication of the Draft EIS, the Council has conducted additional work to understand potential impacts to groundwater and surface water, including further testing of soils and groundwater. This included an evaluation of the effect of the proposed light rail shallow tunnel on the area's water system, completion of wetland delineations, completion of Phase II environmental site investigations, and continued coordination with USACE through the Section 404 permit process and state and local agencies on their regulatory requirements. Additionally, incorporation of locally approved floodplain models into the design of Project, continued design of the stormwater management facilities and groundwater pumping activities, and identifying approaches to avoid, minimize and mitigate impacts have progressed. **Groundwater Resources** Section 3.8 of the Final EIS includes an updated analysis of geology and groundwater resources and associated applicable best management practices and mitigation measures that will be included in the Project. Within the Kenilworth Corridor, a shallow light rail tunnel will be constructed between West Lake Street and just south of the Kenilworth Lagoon. The Council commissioned an independent review of the design and potential impacts from the shallow tunnel. A reference to Southwest Light Rail Transit: Kenilworth Shallow LRT Tunnels Water Resources	7, 39, 41, 50, 75, 100, 101, 124, 143, 149, 171, 197, 203

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		Evaluation (Burns and McDonnell, 2014) is located in Appendix D of the Final EIS. The report notes that "Cedar Lake and Lake of the Isles are connected by an open channel that equalizes water levels in Cedar Lake, the channel and Lake of the Isles. The data in this report indicate that the lake level elevation in the channel is higher than most of the groundwater elevations. This suggests that groundwater in the corridor does not discharge to the channel and lakes in the corridor and that the lakes may be recharging the aquifer. This is counter to a more typical groundwater-surface water relationship in this climate where groundwater flows toward and discharges to surface water." As described in Section 3.14.3 of the Final EIS, the proposed light rail tunnel in the Kenilworth Corridor will pass through an area of high groundwater due to shallow groundwater depth in combination with the highly permeable nature of the soils. Despite these conditions, the potential for contamination to groundwater from operation of the light rail tunnel would be low, because the light rail trains would be electric and there would generally be no activities in the tunnel that would generate pollutants that could contaminate groundwater (refer to Southwest Light Rail Transit: Kenilworth Shallow LRT Tunnels Water Resources Evaluation; see Appendix D for instructions on how to access the report). In the unlikely event of a spill of hazardous or contaminated materials in the tunnel, the proposed tunnel designs include measures to prevent infiltration through the tunnel bottom and would allow contaminated materials to be collected and routed to a sanitary sewer, preventing hazardous materials or contaminated stormwater in the tunnel from released into the groundwater. The tunnel has been designed to minimize the infiltration of groundwater into the tunnel through use of a waterproofing system. Any water entering the tunnel will be either groundwater entering via small cracks or joints in the concrete walls, floors, and ceilings or water brought into the tunnel by light rail trains (e.g., dripping, melting ice). The amount of water that could be collected by the tunnel's internal water control system is expected to be a small percentage of the water budget for the lakes. Groundwater that leaks into the tunnel may have come into contact with contaminated soils prior to entering the tunnel. Water collected in the tunnel will be treated, if required, and pumped to the adjacent sanitary sewer systems owned by either the City of Minneapolis or Metropolitan Council Environmental Services. Refer to Section 3.8.3 for more information. The tunnel will be constructed "cell by cell." A description of this construction technique is found in Kenilworth Shallow LRT Tunnel Basis of Design Report (November 2014) (see Appendix C of the Final EIS for instructions on how to obtain a copy of the report). In summary, construction of each cell of the tunnel begins by installing the four segments of sheet piling that define the cell. Soil above the groundwater level will then be removed from the cell and bracing installed. Further excavation will then occur below the groundwater line and additional temporary bracing would be	

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		installed. Piles would then be installed and a concrete seal cast at the base of the excavation. Once hardened, the groundwater within the sheet pile cell would be removed. By constructing the tunnel in small segments and isolating the work area with sheet piling and a concrete seal at the bottom of the excavation, the Council will have the ability to remove and properly dispose of contaminated soil and groundwater when it is encountered. See Sections 3.8 and 3.9 in the Final EIS for more information. As described in Section 3.8 of the Final EIS, the Project will not result in adverse impacts to groundwater or surface water resources within the Kenilworth Corridor. To help avoid those types of impacts, a groundwater management plan will be prepared by the Council, and approved by MnDNR and applicable local jurisdictions before construction. That plan will address long-term and short-term collection, storage, and disposal of surface water runoff and pumped groundwater following construction of the Project. Particularly within the Kenilworth Corridor, the groundwater management plan will include monitoring, which will be used to assess excessive groundwater infiltration and to prioritize any potential repairs to the waterproofing systems. The Project's plan will be based on an appropriate safety factor, to be determined in consultation with the City of Minneapolis, MCWD and the MnDNR, which will be applied to pumping rates and yearly pumping volumes in calculating maximum inflow amounts. Section 3.8 of the Final EIS includes an updated analysis of geology and groundwater resources, and includes associated applicable best management practices and mitigation measures that will be included in the Project. The Council has investigated the entire Project corridor for hazardous and contaminated materials, including the Kenilworth Corridor, as evidenced by the MPCA-approved Phase II ESA work plan and completion of the Phase II ESA in 2015 (see Appendix C for instructions on how to access these documents). As described in Section 3.14.2, the Kenilworth Corridor area is aligned within the vicinity of multiple former rail yards that have since been redeveloped with industrial/commercial properties and recreational parks and trails. The ESA investigation characterized soil and groundwater conditions throughout the corridor so that development of a Response Action Plan (RAP) was possible. The MPCA approved the RAP that includes the Kenilworth Corridor in January 2016, further indicating that soil and groundwater conditions were satisfactorily evaluated. As described in Section 3.14.4, in cases where the disturbance of hazardous and contaminated material cannot be avoided, the Council will conduct site remediation in accordance with the approved RAPs for the Project. Further, the cost to mitigate contaminated soils impacted by the Project is included in the Project budget. See Master Response 8: Questions over the extent of hazardous and contaminated materials in the Kenilworth Corridor for more information about contamination within the Kenilworth Corridor.	

MR ID[a]	Topic	Master Response	Original Comment Number
		Surface Water Resources Aquatic resources located within the Kenilworth Corridor have been identified and wetland delineations have been completed for the full alignment, including the Kenilworth Channel. The Council has coordinated with the USACE and other local, state, and federal water resource agencies to determine mitigation requirements for surface water impacts. The USACE has indicated that the Project will not be required to mitigate for permanent impacts that do not alter the cross-section or hydrological characteristics, or obstruct flow patterns within channels that are regulated under Section 404 of the CWA. The Project will not alter the cross-section of hydrological characteristics of the Kenilworth Channel. Additionally, the Project will be required to obtain CWA Section 401 water quality certification from the Minnesota Pollution Control Agency to ensure that discharge of pollutants into waters of the Unites States remains in compliance with the State of Minnesota's water quality standards. Additional work has also been completed on the design and placement of stormwater management facilities. Stormwater runoff will be directed into stormwater management facilities created as part of the Project and as approved by local jurisdictions and through final permitting. There will be no increase in permanent fill of wetlands within the Kenilworth Corridor and stormwater runoff will be directed into stormwater management facilities created as part of the Project, as approved by local jurisdictions and through final permitting. These facilities will be designed to provide stormwater treatment in compliance with NPDES requirements. See Section 3.9 for more information on the evaluation of surface water resources. Impacts to groundwater and surface water resources have been avoided or minimized to the maximum extent practicable. See sections 3.8, Geology and Groundwater Resources; Section 3.9, Surface Water Resources; and Section 3.14, Hazardous and Contaminated Materials for the analysis of short-term and long-term impacts and applicable mitigation measures. The Final EIS also includes Preliminary Engineering Plans for the Project in Appendix E and the Project's compensatory mitigation plan for wetland impacts is included in the CWA Section 404 Permit Application found in Appendix C of the Final EIS.	

[a] Note that the *Master Response ID* numbers correspond to master response references within Appendix M, Attachment 3.

[b] The *Topic* column is a summary of the general nature of the master response and does not fully represent the original comment. Refer to Appendix M, Attachment 2 to view original comments in their entirety.

[c] The original comment number corresponds to the unique identification number assigned to each of the comments received, as listed in Appendix M, Attachment 1 and shown in Appendix M, Attachment 2.

Attachment 4: Responses to Comments Received on the Supplemental Draft EIS

Comment #	**#**1
Commenter	George Puzak
Commenter Organization	None

Response
Thank you for your comment on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Invalid National Environmental Policy Act (NEPA) scoping process because freight rail colocation was not studied
- Project sought municipal consent prior to Supplemental Draft EIS publication
- Concern over safety and security impacts related to LRT operation in close vicinity to freight rail

Invalid NEPA scoping process because freight rail co-location was not studied
See *Master Response 1: Invalid NEPA/MEPA Scoping Process because original scoping report did not include freight rail colocation*.

Project sought municipal consent prior to Supplemental Draft EIS publication
See *Master Response 2: Project sought municipal consent prior to the publication of the Supplemental Draft EIS*.

Concern over safety and security impacts related to LRT operation in close vicinity to freight rail
See *Master Response 3: General concerns related to safety and security for LRT operating within close vicinity to freight in the Kenilworth Corridor*.

Comment #	#7
Commenter	Arthur Higinbotham
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include responses to these comments.

- Supplemental Draft EIS executive summary detail regarding resource categories and co-location
- The Supplemental Draft EIS executive summary did not include an environmental justice analysis. Parcels slated for acquisition are not identified
- Property tax revenues and reductions not included for the City of Minneapolis
- Concern over delays to emergency response vehicles related to the at-grade LRT crossing at 21st Street
- Concern over safety of the at-grade LRT crossing at 21st Street
- Cost of long-term water pumping and effect on water table has not been determined
- Wetlands anticipated to be permanently filled should be identified
- Grand Rounds Historic District and Kenilworth Lagoon cultural resource findings
- Concern over long-term visual impact related to the removal of trees and vegetation
- Surface runoff and groundwater pumping in the Kenilworth Corridor light rail tunnel may result in water contamination
- Concern over impact to user access to the parks system in Minneapolis
- Trail users will be impacted by light rail noise in the Kenilworth Corridor
- Concern over vibration impacts to residential structure in the Kenilworth Corridor
- Concern about freight rail collapse into the Kenilworth light rail tunnel during tunnel construction
- Concern over traffic impacts related to closure of Cedar Lake Parkway
- Operating cost impacts of temporary freight rail track relocation during construction
- Safety of Grand Rounds trail system detours

Supplemental Draft EIS executive summary detail regarding resource categories and co-location
The purpose of the Executive Summary is not to replicate the information found in the body of the document. Rather, it provides highlights of the discussion. The complete discussion is properly located in the body of the Supplemental Draft EIS.

The Supplemental Draft EIS executive summary did not include an environmental justice analysis.
Environmental Justice (EJ) compliance was addressed in Sections 3.2.5, 3.3.5, and 3.4.5 of the Supplemental Draft EIS, which provided an update since publication of the Draft EIS. In those sections, the Supplemental Draft EIS noted that changes in the three Supplemental Draft EIS study areas (i.e. Eden Prairie Segment, Hopkins Operations and Maintenance Facility, and St. Louis Park/Minneapolis Segment), changes to the environmental impacts in those areas since publication of the Draft EIS would not change the preliminary environmental justice finding for the LPA that was included in the Draft EIS. Chapter 5 of the Final EIS updates the Project's EJ analysis. Further, Chapter 5 documents the final Project-wide compliance with EJ requirements and FTA's and the Council's EJ finding.

Parcels slated for acquisition are not identified
The Project acquisitions that are documented in Section 3.4 of the Supplemental Draft EIS are only for the St. Louis Park/Minneapolis Segment and those estimates were based on the conceptual engineering design at that time, which was documented in Appendix G of the Supplemental Draft EIS. Table ES-1 summarizes the environmental impacts identified in the body of the Supplemental Draft EIS. Section 3.4 of the Final EIS provides an updated corridor-wide estimate of the property that will be acquired for the Project based on the Project's Preliminary Engineering Plan (see Appendix E of the Final EIS).

Property tax revenues and reductions not included for the City of Minneapolis
Final EIS Table 3.2-3 lists the number of parcels potentially fully and partially acquired under the Project, by municipality. Table 3.2-4 lists the estimated effects of right-of-way property acquisition on local property tax revenues.

Concern over delays to emergency response vehicles related to the at-grade LRT crossing at 21st Street
See *Master Response 16: Concerns related to 21st Street Station and related impacts*. Also see *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Concern over safety of the at-grade LRT crossing at 21st Street
See *Master Response 16: Concerns related to 21st Street Station and related impacts*.

Cost of long-term water pumping and effect on water table has not been determined
As noted in Section 3.4 of the Supplemental Draft EIS and in the *Kenilworth Shallow LRT Tunnel Basis of Design Report* (November 2014), the Council evaluated water control systems in the proposed Kenilworth Corridor light rail tunnel portals (the entrance and exit to the tunnel) and the internal tunnel (see Appendix C of the Supplemental Draft EIS for instructions on how to obtain a copy of the report). As noted in the Supplemental Draft EIS and the report and in Section 3.8 of the Final EIS, the tunnel will be designed to minimize the infiltration of groundwater into the tunnel through use of a waterproofing system and the permanent use of the steel sheet pile retaining wall system connected to the concrete seal that will be used for the cut-and-cover tunnel construction. Water collected in the tunnel will be collected and pumped to the adjacent sanitary sewer systems owned by either the City of Minneapolis or the Met Council Environmental Services, which will be determined during advanced design. The cost of the internal tunnel water control system is included in the Project costs that are discussed in Section 2.3 and Chapter 7 of the Final EIS.

Wetlands anticipated to be permanently filled should be identified
The Project has fully delineated all wetlands anticipated to be impacted by the Project. Refer to Section 3.9 of the Final EIS for more information on wetland impacts that will result from the Project and mitigation measures that will be implemented with the Project.

Grand Rounds Historic District and Kenilworth Lagoon cultural resource findings
See *Master Response 4: Concern about inadequate evaluation of potential impacts to the Grand Rounds Historic district*.

Concern over long-term visual impact related to the removal of trees and vegetation
The conclusions made about the Project's visual impacts, as described in the Supplemental Draft EIS and Final EIS, are based on a standardized approach developed by the FHWA for visual impact assessments, which uses a standard visual impact assessment method that includes use of drawings and photo simulations and employs a systematic evaluation protocol. As a result, the visual impact conclusions are factual and systematic. The application of the FHWA methodology in conducting the visual analysis is described in Section 3.1.2.5 of the Supplemental Draft EIS, and a copy of the FHWA Visual Impact Assessment Manual is provided in Supplemental Draft EIS Appendix J2. The visual analysis documented in the Final EIS includes an assessment of the change in vegetation due to the Project, which is also reflected in the various simulations of visual conditions at locations throughout the Project area (see Appendix J). Additionally, within the Kenilworth Corridor, the Council developed a landscape design that preserves and builds upon the natural character of the corridor, where applicable and appropriate.

The visual impact analysis for the Project was updated for the entire corridor since the publication of the Supplemental Draft EIS. The update caused a renumbering of the viewpoints from the Supplemental Draft EIS to the Final EIS. The updated visual quality assessment can be found in Section 3.7 of the Final EIS. Six viewpoints were studied within the Kenilworth Corridor for the visual assessment completed for the Final EIS. Section 3.7.4 of the Final EIS documents level of visual impact anticipated for each viewpoint. For the viewpoints within the Kenilworth Corridor, these impacts ranged from low to substantial. Viewpoints 5 and 6, included in the Supplemental Draft EIS, are renumbered to 16 and 18, respectively,

in the Final EIS. Further, an additional viewpoint from the Burnham Road Bridge looking southeast down the channel toward the Kenilworth Corridor Bridges was added to the analysis—viewpoint 17. The level of impact remains the same for viewpoints 16 and 18 (low level of impact), however, there will be a substantial level of impact at viewpoint 17 as construction of the new bridges will require noticeable clearing of trees and other vegetation on the west side of the right-of-way.

The visual quality evaluation for the area north of the Kenilworth Channel (viewpoint 18 – looking toward the 21st Street Station) concluded that the level of visual impact will be low. Removal of trees is a contributing factor in the visual assessment for this area. The visual evaluation found that the removal of trees will slightly decrease the vividness of the view. However, the addition of the street trees, the widened sidewalk, and the plantings in the 21st Street Station area will make a positive contribution. For a more detailed explanation of the rationale for this conclusion, refer to the "Concern over visual impacts at 21st Street Station" in *Master Response 16: Concerns related to 21st Street Station and related impacts*.

These findings are based on FHWA's Visual Impact Assessment of Highway Projects (FHWA, 1988). The method was designed to provide a systematic and objective approach to evaluation of the visual changes. The FHWA methodology is well established and widely accepted for the assessment of visual impacts and is well suited to assess the visual impacts of linear transportation facilities in urban areas. The assessment for the Project was based on visual assessment of the Project corridor, completed through site visits, analysis of existing conditions, and an evaluation of visual change. All viewpoint sites were visited and the corresponding views were photographed to document the existing views. This field work, review of the photographs, and the subsequent coordination/consultation process with the Project team provided a basis for understanding the typical visual issues for each visual assessment area. Computer modeling and rendering techniques were then used to produce simulated images of the with-Project conditions for the viewpoints evaluation (see Appendix J). These visual simulations provided the bases for the assessment of visual change.

The Council will also continue to work with the Kenilworth Landscape Design Committee, established in May 2015. The purpose of this committee is, in part, to help ensure that landscape design will restore the natural setting while incorporating the regional trail system, light rail, and freight rail. This group focuses on landscape design in the Kenilworth Corridor from West Lake Station to Penn Avenue Station. Furthermore, the Council retained a landscape design consultant to prepare a landscape design study for the Kenilworth Corridor, which will be implemented into the Project. See Section 9.2 of the Final EIS for additional detail on this committee.

Historic properties and districts located within the Kenilworth Corridor are described in Appendix H of the Final EIS. It is important to note that the "Kenilworth Corridor" is not a historic or federally protected property unto itself, but rather is a geographical area reference that contains portions of Section 106 historic and Section 4(f) properties (e.g., Kenilworth Channel/Lagoon and Cedar Lake Parkway).

Surface runoff and groundwater pumping in the Kenilworth Corridor light rail tunnel may result in water contamination

Refer to *Master Response 17: Concern over impacts to groundwater and surface water in the Kenilworth Corridor.*

Concern over impact to user access to the parks system in Minneapolis

As discussed in Section 3.6.4 of the Final EIS, there will be no long-term change to visitor/user access to Minneapolis parks.

Trail users will be impacted by light rail noise in the Kenilworth Corridor

Section 3.12 of the Final EIS provides a description of land use categories and metrics used to identify noise sensitive receptors according to FTA criteria (see Table 3.12-2). Active use areas like bike and running trails are generally not categorized as noise sensitive receptors because these are areas where quiet is not an essential element and quiet and solitude are not the intended purpose. As such, trail users were not categorized and evaluated for noise impacts.

Concern over vibration impacts to residential structure in the Kenilworth Corridor

See *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.

Concern about freight rail collapse into the Kenilworth light rail tunnel during tunnel construction
As shown in the *Kenilworth Shallow LRT Tunnel Basis of Design Report*, appropriate sheet piling, bracing, and other construction methods will be used as soil is excavated for the proposed tunnel. The use of appropriate sheet piling, bracing, and other construction methods will prevent the movement of the freight rail tracks and they will prevent freight rail tracks from collapsing into the construction area.

The Council will develop and implement a freight rail operations coordination plan. The plan will facilitate coordination between the Project and the affected freight railroad owners and operators throughout the construction period, to help ensure the Project does not create unreasonable constraints during construction. During construction activities, flaggers will be used to allow freight rail operations to continue without interruption, except for the proposed activities and durations described in under short-term impacts in Final EIS Section 4.4.4.1. See Section 4.4.5.2.A for additional information on mitigation measures for short-term (construction) impacts to freight rail.

Concern over traffic impacts related to closure of Cedar Lake Parkway
As described in Table 4.2-9 the Project will result in temporary traffic impacts such as temporary roadway closures (i.e., roadway closures in the vicinity of Cedar Lake Parkway), temporary lane closures, or lane shifts in the area of the existing at-grade freight railroad crossing for construction activities. All existing roadway access and connections in this area will generally be maintained, however in the event of a closure, appropriate detour routes will be provided. Section 4.2.4 includes additional information on mitigation measures for short-term impacts to roadways and traffic.

Operating cost impacts of temporary freight rail track relocation during construction
As described in Sections 2.1, 3.2, and 4.4 of the Final EIS, the Project will allow continued freight rail operations within the Bass Lake Spur and Kenilworth corridor during and after construction, including the continuation of existing operating rights for TC&W. The Project will result in relatively minor adjustments to the alignment of and reconstruction of existing freight tracks to accommodate the light rail alignment, but the Project will not result in substantial changes to freight rail operations and will not change access to existing freight rail markets or open access to new freight rail markets.

In order to mitigate short-term impacts to freight rail operations related to construction activities, the Council will develop and implement freight rail operation coordination plans. The purpose of these plans is to facilitate coordination between the Project and the affected freight railroads during construction activities affecting freight rail operations. As part of this effort, Council staff will also work with affected freight rail owners and operators to provide provisions in the construction contract to identify how the contractor will interact with the railroads. Final EIS Section 4.4 includes information regarding short-term impacts to freight rail operations and mitigation for those impacts.

Safety of Grand Rounds trail system detours
Final EIS Section 4.5.3.3 describes the Project's short-term (construction) impacts. As noted in that section, during the normal course of construction, some existing trails and sidewalks will be obstructed by construction activity, in which case a detour route or facility will be provided prior to construction activity. Mitigation measures for short-term (construction) impacts to roadways and traffic will be implemented by the Council prior to and during construction through the Construction Mitigation Plan, which includes strategies to maintain safety.

Mitigation strategies to be taken in the event of temporary closures will be identified in the Construction Mitigation Plan, which will include a Construction Communications Plan and staging plan for implementation by the Council prior to and during construction. The purpose of the Construction Communication Plan is to prepare project-area residents, businesses, and commuters for construction; listen to their concerns; and develop plans to minimize disruptive effects. Strategies may include:

- Issuing and distributing regular construction updates
- Providing advance notice of roadway closures, driveway closures, and utility shutoffs
- Conducting public meetings
- Establishing a 24-hour construction hotline
- Preparing materials with information about construction

- Addressing property access issues
- Assigning staff to serve as liaisons between the public and contractors during construction

In addition, Contractors will be required to comply with all guidelines established in the Minnesota Manual on Uniform Traffic Control Devices (2015), which conforms to industry standards for the design and operations of pedestrian and bicycle facilities.

Comment #	#21
Commenter	Steve Smith
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your opposition to the Project has been noted.

Comment #	#26
Commenter	Pat MulQueeny
Commenter Organization	Eden Prairie Chamber of Commerce

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your comments regarding Project financing have been noted. Refer to Chapter 7 of the Final EIS for the Project's financial analysis, including a summary of year-of-expenditure capital and operating costs.

Comment #	#27
Commenter	Richard Adair
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your letter presents a range of issues concerning the potential for the Project to eliminate the proposed Penn Station.

See *Master Response 5: Concern over the potential for the Project to eliminate the proposed Penn Station*.

Comment #	#28
Commenter	Jim Herbert
Commenter Organization	Bassett Creek Watershed Management Comission

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your comments on the Project's compliance with the Bassett Creek Watershed Management Plan have been noted.

Comment #	#29
Commenter	Roger Clarke
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your letter presents a range of issues concerning the potential for the Project to eliminate the proposed Penn Station.

See *Master Response 5: Concern over the potential for the Project to eliminate the proposed Penn Station*.

Comment #	#30
Commenter	Karen Rosar
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your support for the findings of the Supplemental Draft EIS has been noted.

Comment #	#31
Commenter	Matthew Pawlowski
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your comments on the Project's cost effectiveness have been noted.

Comment #	#32
Commenter	David Hester
Commenter Organization	None

Response
Thank you for your comment on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your statement that you have no comment on the Environmental Impact Statement (EIS).

Comment #	#33
Commenter	Bob
Commenter Organization	Bobagain.com

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your comments on the capital financing plan for the Project have been noted.

Comment #	#34
Commenter	Nancy Arieta
Commenter Organization	Not Provided

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your opposition to the Southwest LRT Project in Eden Prairie has been noted.

Comment #	#35
Commenter	Joseph Lampe
Commenter Organization	PRT Minnesota, Inc

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

The *Southwest Transitway Alternatives Analysis Final Report* included personal rapid transit as an alternative but as it did not meet any four of the technology review criteria (i.e. compatibility with travel demand, proven technology, compatibility with existing infrastructure, identified in regional transportation plan), the analysis recommended to not retain personal rapid transit as an alternative (refer to Appendix C of the Final EIS for instructions on how to access this document). Section 2.2 of the Final EIS provides a description of the Project's Alternatives Analysis, Scoping, and Draft EIS phases within which various alternatives were developed and evaluated.

Section 2.2 also documents the rationale for selection of the Project's Locally Preferred Alternative. Under the National Environmental Policy Act, alternatives evaluated in an EIS must meet the Project's Purpose and Need. The Purpose and Need for the Southwest LRT (METRO Green Line Extension) can be found in Chapter 1 of the Final EIS. As described and proposed in your letter, a personal rapid transit utilizing a range extender system would not meet the Project's Purpose and Need, including the following reasons: personal rapid transit would likely not be feasible to provide access to jobs and activity centers throughout activity centers of Minneapolis, St. Louis Park, Hopkins, Minnetonka, and Eden Prairie; given the speed limitations of a personal rapid transit system, it would be unlikely to provide a competitive, cost-effective travel option; and it would likely not have the capacity to become integrated into the region's system of transitways nor to support regional transportation efficiency. In addition, the technology for a personal rapid transit that would meet the Project's Purpose and Need is not available and could not be implemented.

Comment #	#36
Commenter	Not Provided
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your comments on the need for public involvement opportunities have been noted.

Comment #	#37
Commenter	Mike Marrou, Marron Collins
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Noise impacts and train horn quiet zone concerns related to the 21st Street Station
- Safety concerns related to freight rail transport of hazardous materials under co-location

Noise impacts and train horn quiet zone concerns related to the 21st Street Station
See *Master Response 16: Concerns related to 21st Street Station and related impacts*.

Safety concerns related to freight rail transport of hazardous materials under co-location
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Comment #	#38
Commenter	Not provided
Commenter Organization	None

Response
Thank you for your comment on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Request for more information regarding construction safety plans
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Comment #	#39
Commenter	Not provided
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your opposition to the Project. The sections that follow include responses to these comments.

- Hazardous and contaminated materials
- Groundwater mitigation
- Concern over how design could impact maintenance costs

Questions over the extent of hazardous and contaminated materials in the Kenilworth Corridor
See *Master Response 8: Questions over the extent of hazardous and contaminated materials in the Kenilworth Corridor*.

Concern over groundwater mitigation plans and costs to cover these mitigations
Refer to *Master Response 17: Concern over impacts to groundwater and surface water in the Kenilworth Corridor.* The costs to address groundwater-related issues and mitigations are included in the Project costs that are discussed in Section 2.3 of the Final EIS.

Concern over how design could impact maintenance costs
The design of the Project in will be developed in accordance with the Metro Light Rail Transit Design Criteria (Council, 2015), which includes design standards and specifications developed in accordance with industry standards and best practices to maintain operational efficiency.

Annual operations and maintenance costs for the Project are described in Chapter 2 and Chapter 7 of the Final EIS, respectively. All cost estimates for the Project reflect design adjustments that have occurred since publication of the Draft EIS in October 2012.

Comment #	#40
Commenter	Not provided
Commenter Organization	None

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your opposition to the Southwest LRT Project has been noted.

Forecast transit ridership at proposed stations in 2040 (average weekday) is provided in Section 4.1 of the Final EIS. The Council's regional travel demand model results, which have been reviewed and approved by the FTA, served as the primary data source for this analysis. The Council's regional travel demand model served as the primary data source for this analysis. *Refer to the Draft Travel Demand Methodology & Forecast, Revision 4, Southwest LRT Technical Report* listed in Appendix C for a more detailed description of the travel demand forecasting methodology. In summary, the Council's travel demand forecasting model has been calibrated based on existing transit ridership data and various other survey data. Further, the model is based on regionally and locally-adopted land use plans and population and employment forecasts for 2040. The model forecasts are also based on the existing and proposed transportation networks in 2040, based on the Council's adopted TPP. Finally, the model forecasts are based on the current definition of the Project, summarized in Chapter 2 of the Final EIS and illustrated in Appendix E of the Final EIS. The Council has coordinated closely with the FTA on the methodology used to forecast transit travel demand for the Project. As such, the methodology and model used and the resulting travel demand forecasts, including forecast transit use at proposed light rail stations, are the most appropriate and available methodology, model, and forecasting results available for this Final EIS.

Comment #	#41
Commenter	Not provided
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Recommendation of alternative Project alignments along Highway 100, West End, North/Northeast, and Brownie Lake
- Concern over impacts on groundwater related to Project construction activities

Recommendation of alternative Project alignments along Highway 100, West End, North/Northeast, and Brownie Lake
Regarding your comment Highway 100, West End, North/Northeast, and Brownie Lake options be explored: The alternative light rail alignments suggested would not meet the Project's Purpose and Need, because they would not provide high-capacity transit connections between downtown Minneapolis and the key employment, commercial, and residential activity centers in the corridor, as described and illustrated in Chapter 1 of the Final EIS.

The option of placing the proposed light rail alignment along generally north-south Highway 100 corridor would not meet the Project Purpose identified in Section 1.1 of the Final EIS. The Project Purpose notes that "The Southwest LRT Project will provide a competitive, cost-effective travel option that will attract choice riders to the transit system. The competitive and reliable travel time for the Southwest LRT Project is attributed to the diagonal nature of the line compared to the north-south/east-west orientation of the roadway network and to the increasing levels of congestion of the roadway network."

The additional length an alignment that used generally north-south or east-west orientation such as Highway 100 and I-394 (past Brownie Lake), respectively, would increase LRT travel times for trips between west of Highway 100 and downtown Minneapolis (including connecting trips), compared to the generally diagonal southwest to northeast light rail alignment included in the Project.

Additionally, the existing rights-of-way for Highway 100 would not be adequate to accommodate the introduction of a light rail alignment due to geographic and existing transportation infrastructure constraints. As a result, the use of those alignments for light rail would likely lead to property acquisitions and the displacement of adjacent land uses, including residences and commercial properties.

The Southwest Rail Transit Study, completed by HCRRA in October 2003 (available at: http://old.swlrtcommunityworks.org/technical-documents/cat_view/57-archive/60-rail-feasibility-study.html), considered a light rail alignment that would have utilized Highway 100 between I-394 and Highway 7. This alternative (E-2 within the Study) was not recommended for further study because:

- No excess right-of-way in the Highway 100 corridor
- Would have significant right-of-way impacts along Highway 100 due to multiple property owners
- Reduced service to population and employment concentrations in St. Louis Park (Source: Figure 5.3: Screen 1 Recommendation)

Concern over impacts on groundwater related to Project construction activities
Refer to *Master Response 17: Concern over impacts to groundwater and surface water in the Kenilworth Corridor*. Section 3.8 of the Final EIS describes an updated analysis of impacts on geology and groundwater resources and applicable mitigation measures. Section 3.9 of the Final EIS describes an updated analysis of impacts on surface water resources and applicable mitigation measures. The cost of all mitigation measures to be implemented are included in the capital cost estimates for the Project (see Chapter 7).

Comment #	#42
Commenter	Not provided
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Concerns over the range of alternatives included in the Supplemental Draft EIS
Section 2.1 describes the LPA for the Project and the alternatives that were considered during the Project's alternatives analysis and NEPA scoping processes. In total, more than 25 route and mode alternatives or sub-alternatives have been evaluated as part of the project development process for the Project. Detailed information on the Project's alternatives analysis, scoping, and LPA identification process is presented in the following documents: Southwest Transitway Alternatives Analysis Final Report (Hennepin County, 2007), Southwest Transitway Scoping Summary Report (Hennepin County, 2009), and the Draft EIS.

In 2007, the HCRRA completed a federally required study called an Alternatives Analysis, which was a continuation of the Southwest Rail Transit Study, 2003. The Southwest Transitway Alternatives Analysis (AA) compared the benefits, costs and impacts of a range of transit alternatives (modes and routes) to identify which alternative would best serve the needs of the communities as expressed in the Purpose and Need Statement.

In the AA, the alternatives for detailed evaluation included one bus alternative called the Enhanced Bus, two bus rapid transit (BRT) alternatives, and eight light rail transit (LRT) alternatives. It was concluded that three of the eight LRT routes could meet the established project goals. In addition, the enhanced bus alternative was retained to continue to evaluate the possibility of addressing the increasing mobility needs of the area through improved bus service rather than LRT. The Draft EIS includes a detailed description of the alternatives evaluation process (see Section 2.1).

The AA was the starting point for the Draft EIS and formed the basis for the Scoping Process. Based upon the AA, three LRT alternatives and the Enhanced Bus alternative were proposed for inclusion in the Draft EIS. During the NEPA/MEPA Scoping Period from September 8, 2008 through November 7, 2008 for the Southwest Transitway Project (the Project) Draft EIS), two new alignments were proposed. The alternatives were labeled LRT 3C (11th/12th Sub-Alternative) and LRT 3E and were evaluated for their feasibility with regard to the project's goals identified in the Purpose and Need Statement and it was determined that they warranted inclusion in the Draft EIS.

The Draft EIS examined seven alternatives, including the No Build Alternative, the Enhanced Bus Alternative, and five light rail transit (LRT) alternatives (LRT 1A, LRT 3A, LRT 3A-1, LRT 3C-1, and LRT 3C-2). These seven alternatives are described in Section 2.3 of the Draft EIS which provides a description of the alternatives that were considered within the Project selection process. Chapter 11 of the Draft EIS provides a description of how the alternatives were evaluated and the rationale for the identification of the Project. On May 26, 2010, prior to the completion of the Draft EIS and based on an extensive alternatives analysis and public involvement process, the Metropolitan Council adopted the Project's Locally Preferred Alternative (LPA) as recommended by the Hennepin County Regional Railroad Authority (HCRRA) and included it as part of the 2030 Transportation Policy Plan.

While the Draft EIS notes that LRT 3A-1 is identical to LRT 3A in the transit service it would provide (see Chapter 2 of the Draft EIS), it only identifies LRT 3A as the LPA (see pages 2-31 and 2-41 of the Draft EIS for examples). The LPA is a subset of both LRT 3A and LRT 3A-1 of the Draft EIS; therefore, the Project's LPA is included within both LRT 3A and LRT 3A-1. The LPA was identified based on an assessment of four evaluation categories: planning compatibility; performance; implementation factors; and critical environmental resources.

The HCRRA and Council found that LRT 3A and LRT 3A-1 will best meet the Project's Purpose and Need Statement, as expressed by the goals of improving mobility, providing a cost effective and efficient travel option, preserving the environment, protecting quality of life and supporting economic development.

See *Master Response 1: Invalid NEPA/MEPA Scoping Process because original scoping report did not include freight rail colocation*.

See *Master Response 10: Rationale for incorporating freight rail co-location into the Project.*

Comment #	#43
Commenter	Not provided
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Concern over safety and security related to LRT and freight operations in the Kenilworth Corridor
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor* and *Master Response 15, Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right.*

Comment #	#44
Commenter	Not provided
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Safety concerns related to freight rail transport of hazardous materials in Kenilworth Corridor
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Comment #	#45
Commenter	Not provided
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Freight rail in the Kenilworth Corridor should not be included in the No Build Alternative
See *Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data*.

Comment #	#46
Commenter	Not provided
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Concern over fire safety equipment access to Kenilworth Corridor during Project operations and during construction
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*

Comment #	#47
Commenter	Not provided
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Original scoping report excluded freight rail colocation
See *Master Response 1: Invalid NEPA/MEPA Scoping Process because original scoping report did not include freight rail colocation*.

Comment #	#48
Commenter	Not provided
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Current condition of freight rail infrastructure within the Kenilworth Corridor is poor

Freight rail operations within the Kenilworth Corridor will continue, with minor adjustments to freight rail facilities to maintain safe operations through construction and operations of the Project. The Project will include reconstruction of the existing freight rail tracks within portions of the Bass Lake Spur and Kenilworth Corridor, providing new track and roadbed to maintain safe freight rail operations. See Chapter 2 of the Final EIS for more information. However, railroad infrastructure upgrades are outside the scope of this Project, and railroad owners and operators are responsible for keeping the infrastructure in a state of good repair.

In addition, the Council will develop and implement freight rail operation coordination plans to facilitate coordination between the Project and the affected freight railroads during construction activities affecting freight rail operations. As part of this effort, Council staff will also work with affected freight rail owners and operators to provide provisions in the construction contract to identify how the contractor will interact with the railroads. Further, Council staff will work with affected freight rail owners and operators to sequence construction to minimize effects on freight movements and to identify optimal periods for closing the rail service and reducing speeds. Dates and times for all stoppages will be determined through coordination with the railroad owners and operators.

Comment #	#49
Commenter	Not provided
Commenter Organization	None

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your opposition to the Southwest LRT Project has been noted.

Forecast transit ridership at proposed stations in 2040 (average weekday) is provided in Section 4.1 of the Final EIS. The Council's regional travel demand model results, which have been reviewed and approved by the FTA, served as the primary data source for this analysis. The Council's regional travel demand model served as the primary data source for this analysis. *Refer to the Draft Travel Demand Methodology & Forecast, Revision 4, Southwest LRT Technical Report* listed in Appendix C for a more detailed description of the travel demand forecasting methodology. In summary, the Council's travel demand forecasting model has been calibrated based on existing transit ridership data and various other survey data. Further, the model is based on regionally and locally-adopted land use plans and population and employment forecasts for 2040. The model forecasts are also based on the existing and proposed transportation networks in 2040, based on the Council's adopted TPP. Finally, the model forecasts are based on the current definition of the Project, summarized in Chapter 2 of the Final EIS and illustrated in Appendix E of the Final EIS. The Council has coordinated closely with the FTA on the methodology used to forecast transit travel demand for the Project. As such, the methodology and model used and the resulting travel demand forecasts, including forecast transit use at proposed light rail stations, are the most appropriate and available methodology, model, and forecasting results available for this Final EIS.

Comment #	#50
Commenter	Not provided
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Concern over impacts to the water table in the Kenilworth Corridor
- Concern regarding noise and vibration impacts due to construction
- Concern that the Project does not include adequate parking
- Concern that the Project will damage property damage and property values
- Concern over freight rail hazardous materials safety

Concern over impacts to the water table
Refer to *Master Response 17: Concern over impacts to groundwater and surface water in the Kenilworth Corridor*.

Concern regarding noise and vibration impacts due to construction
The Final EIS contains a detailed assessment of both noise and vibration during construction. The assessment considered mitigation measures that will be incorporated into the construction plans at locations throughout the corridor, including a Noise Control Plan (Section 3.12.4.2), which will help minimize noise from construction activities. Alternative construction methods have been recommended at locations where construction would be very close to buildings and where there is the potential for damage. Pre-construction surveys and vibration monitoring will be conducted at locations identified during the preparation of construction documents (see Final EIS Section 3.13.4.3).

Construction noise varies greatly depending on the type of construction activities (see Section 2.1.1.3), equipment used, staging of the construction process, the layout of the construction site and the distance to sensitive receptors. Elevated noise levels are, to a degree, unavoidable for this type of project.

To mitigate construction noise, a detailed Noise Control Plan will be prepared for the Project's construction duration. A noise control engineer or acoustician will work with the contractor(s) to prepare the plan in conjunction with the contractor's specific equipment and methods of construction. Key elements of this plan will include:

- Contractor's specific equipment types
- Schedule and methods of construction
- Maximum noise limits for each piece of equipment with certification testing
- Prohibitions on certain types of equipment and processes during the nighttime hours without local agency coordination and approved variances
- Identification of specific sensitive sites where near construction sites
- Methods for determining construction noise levels
- Implementation of noise control measures where appropriate
- Include a 24-hour construction hotline

Concern that the Project does not include adequate parking
Under the Project, there will be some changes to on-street and off-street parking. Changes to off-street parking will be related to land acquisitions, and changes to on-street parking will occur in some areas where changes to existing roadways are needed to accommodate the Project. Overall, the Project will reduce the supply of off-street parking (i.e., off-street parking lots, typically associated with privately owned businesses) by eliminating 692 spaces and will reduce the supply of on-street parking by eliminating 57 spaces. In addition, the Project will include new park-and-ride lots at nine light rail stations, for a combined addition of approximately 2,487 new park-and-ride spaces. Refer to Section 4.3 of the Final EIS for more information on impacts to parking.

In addition to long-term reductions in the supply of parking, temporary removal of on-street parking spaces may occur at locations to facilitate construction of the Project (e.g., to facilitate truck movement or to provide a temporary truck loading zone). These potential temporary removals of on-street parking spaces will be identified prior to the start of construction as part of a construction staging plan.

The Project could lead to indirect impacts related to "spillover" parking in neighborhoods adjacent to proposed light rail stations. Spillover parking is unwanted parking by light rail riders in off-street parking lots or at on-street parking spaces adjacent to a light rail station. Spillover parking can result from a lack of park-and-ride lot capacity relative to demand for park-and-ride lot spaces, and can affect both businesses and residences by limiting available parking spaces for residents, visitors, customers, and employees. Spillover parking impacts can also be curbed by the local jurisdictions and residents by implementing a "residents parking" permit program, which would allow unlimited time parking for residents and visitors of residents.

The Council will complete a Regional Park-and-Ride System Report on an annual basis. As part of this effort, the Council and Metro Transit will collaborate with regional transit partners, local governments, and the Minnesota Department of Transportation to conduct an annual regional park-and-ride survey, which tracks facility use and emerging travel patterns by park-and-ride users across the region to identify the appropriate mitigation, as needed and where feasible. The results of this survey are published in the annual report. See Section 4.3 of the Final EIS for more information on parking impacts and mitigation measures.

Concern that the Project will damage property and property values
See *Master Response 9: Concern over potential damages to property values within the vicinity of the Project*. Please also see *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.

Concern over freight rail hazardous materials safety
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor* and *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*.

Comment #	#51
Commenter	Not provided
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Safety concerns related to co-location of freight rail and light rail
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Comment #	#52
Commenter	Not provided
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Concern regarding cost and effectiveness of groundborne noise and vibration mitigation in the Kenilworth Corridor
- Concern regarding tunnel construction impacts to residences in the Kenilworth Corridor

Concern regarding cost and effectiveness of groundborne noise and vibration mitigation in the Kenilworth Corridor
See *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.
The project will result in no vibration impacts for residential land uses (See Section 3.13 in Final EIS) resulting from the design of the tunnel slab. The tunnel slab in the Kenilworth Corridor eliminates the vibration impacts relative to an LRT tunnel system with no slab in the same segment of the corridor. As described in Section 3.13, the Project is not expected to result in any long-term vibration impacts and highly resilient rail fasteners will be used where appropriate (i.e., generally in the tunnel section) to eliminate ground-borne noise impacts. The vibration assessment presented in Section 3.13 of the Final EIS takes into account the long-term effects of the Kenilworth Corridor light rail tunnel on vibration.

Concern regarding tunnel construction impacts to residences in the Kenilworth Corridor
Light rail construction in the Kenilworth Corridor has the potential to cause environmental impacts including disruptive noise levels and visual impacts (the construction of the new bridges will require noticeable clearing of trees and other vegetation). Potential impacts during construction include temporary detours of trails and roadways, as well as reductions in vehicular access and parking affecting community cohesion, groundwater management impacts (collection, storage, and disposal), and vibration impacts resulting from the operation of heavy equipment (pile driving, hoe rams, vibratory compaction, and loaded trucks). There will be utility impacts as sewer and water mains, power, gas, and communication lines are relocated. It is reasonable to expect that previously undocumented soil or groundwater contamination may be encountered during construction. Short-term construction impacts to park uses and recreational activities include closures, detours, and temporary facilities built around obstructions. To provide and maintain safety and security related to construction and operation of the Project, the Council will implement the Project's Safety and Security Management Plan. Impacts to identified architecture/history and archaeological properties from construction have been identified as part of the Section 106 process. As documented in the Project's Section 106 MOA (Appendix H), the Kenilworth Channel/Lagoon will be temporarily closed and detoured during construction. Best Management Practices (BMPs) will be developed and implemented during removal of the existing bridges and construction of the new bridges across the Kenilworth Channel/Lagoon, which is both a Section 106 and Section 4(f) protected property (see Section 3.5 and Chapter 6 of the Final EIS for more information on the Project's Section 106 and Section 4(f) analyses and determinations)

Mitigations measures for temporary construction related impacts will be identified in the Construction Mitigation Plan, which will include a Construction Communications Plan and a construction staging plan. The purpose of the Construction Communication Plan is to prepare Project-area residents, businesses, and commuters for construction, listen to their concerns, and develop plans to minimize harmful or disruptive effects. Specific mitigation measures included in the Construction Communication Plan will be location-specific and are listed in Section 3.0 and 4.0 of the Final EIS.

Comment #	#53
Commenter	Robert Brockway
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Mitigation of short-term vibration impacts to condos in the Kenilworth Corridor
- Concern that noise impacts become amplified at higher elevations

Mitigation of short-term vibration impacts to condos in the Kenilworth Corridor
See *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.

As described in Section 3.13, the Project is not expected to result in any long-term vibration impacts and highly resilient rail fasteners will be used as appropriate (i.e., generally in the tunnel section) to eliminate ground-borne noise impacts. The foundational slab of the proposed light rail tunnel in the Kenilworth Corridor has been designed to reduce the vibration levels relative to a location without such a slab. The vibration assessment presented in Section 3.13 of the Final EIS takes into account the long-term effects of the Kenilworth Corridor light rail tunnel on vibration levels.

Concern that noise impacts become amplified at higher elevations
Noise assessments were conducted for all sensitive locations along the Southwest LRT corridor segments including noise from operations, stations and grade crossings. Noise and vibration levels are highest closest to the source, which is the ground floor of buildings. Noise and vibration levels will be lower as noise moves further from the source, which would be at higher levels of high rise buildings, because energy (such as noise and vibration) does not increase with increasing distance from its source. Section 3.12 of the Final EIS summarizes the findings of this analysis.

Comment #	#54
Commenter	Jan Search
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Concern over vibration impacts to residences in the Kenilworth Corridor
- Concern regarding construction impacts to residences in the Kenilworth Corridor
- Concern regarding lowered property value in the Kenilworth Corridor
- Concern regarding habitat destruction in the Kenilworth Corridor
- Concern regarding recreational bicycle and walking path amenities in the Kenilworth Corridor
- Concern regarding contamination of wetlands in the Kenilworth Corridor
- Concern regarding contamination of lakes and water resources in the Kenilworth Corridor

Concern over vibration impacts to residences in the Kenilworth Corridor
See *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.

Concern regarding construction impacts to residences in the Kenilworth Corridor
Construction activities are described in Chapter 2 of the Final EIS. Major construction is expected to span approximately three years. The Council will develop a Construction Mitigation Plan and construction communication plan, which will be implemented prior to and during construction. The purpose of the Construction Communication Plan is to prepare Project-area residents, businesses, and commuters for construction; listen to concerns; and develop plans to minimize harmful or disruptive effects.

Concern regarding lowered property value in the Kenilworth Corridor
See *Master Response 9: Concern over potential damages to property values within the vicinity of the Project*

Concern regarding habitat destruction in the Kenilworth Corridor
The Council has utilized multiple MnDNR data sources to perform a more thorough analysis on the existing conditions related to the presence of habitat and wildlife within the Project area. See Section 3.10, Ecosystems, of the Final EIS for the analysis. The Council has also coordinated with the U.S. Fish and Wildlife Service and MnDNR to determine: 1) the presence of federal and state listed threatened and endangered species and associated habitat within the Project area, 2) the Project's likelihood to affect those species and habitat, and 3) the mitigation/commitments that will be required in order for the Project to remain in compliance with the applicable rules and regulations. The Council has determined that the Project will not result in impacts to wildlife and/or habitat that are regulated at the federal or state level because appropriate avoidance measures will be implemented where needed (see Section 3.10 of the Final EIS for additional details). The Project will result in short-term and long-term impacts to habitat that is regulated by local tree ordinances. The Council has performed tree surveys in select areas and has and will continue to coordinate with local permitting authorities to meet the ordinance requirements when feasible.

The Council will also continue to work with the Kenilworth Landscape Design Committee, established in May 2015. The purpose of this committee is, in part, to help ensure that landscape design will restore the natural setting while incorporating the regional trail system, light rail, and freight rail. This group focuses on landscape design in the Kenilworth Corridor from West Lake Station to Penn Avenue Station. Furthermore, the Council retained a landscape design consultant to prepare a landscape design study for the Kenilworth Corridor, which will be implemented into the Project. See Section 9.2 of the Final EIS for additional detail on this committee. Historic properties and districts located within the Kenilworth Corridor are described in Appendix H of the Final EIS. It is important to note that the "Kenilworth Corridor" is not a historic or federally protected property unto itself, but rather is a geographical area reference that contains

portions of Section 106 historic and Section 4(f) properties (e.g., Kenilworth Channel/Lagoon and Cedar Lake Parkway).

Regarding concerns over the Project's increase in light, noise, and activity, and the associated effects on wildlife species that occur in this area, Section 3.10.3 of the Final EIS concludes that wildlife in the project area are not expected to be affected by the Project on a long-term basis.

Regarding requests to preserve or enhance existing habitat, native landscaping has been incorporated into the design along the entire alignment, where applicable and appropriate. The Council will establish native vegetated wetland buffers, where possible, within the Project's permanent acquired right-of-way, as required by local permitting authorities and discussed in Section 3.9 of the Final EIS.

The Project has avoided habitat fragmentation at identified Regionally Significant Ecological Corridors, except for one located near the proposed Penn Station. The Project's design at that location will incorporate appropriately sized and spaced openings in the permanent safety/security barriers to maintain habitat connectivity and allow for movement of terrestrial species, as discussed in Section 3.10.3 of the Final EIS.

The Project will not have a long-term direct impact on migratory birds. It is likely that the regulated migratory bird species present in the migratory bird study area have adapted to survive in urban areas and tolerate high levels of human activity given the limited forest or woodland areas present.

Regarding construction impacts to sensitive aquatic habitats, the Project has minimized short-term impacts on wetlands to the maximum extent practicable. See Section 3.9.5 of the Final EIS for examples of BMPs that will be implemented during construction, where applicable and appropriate, and see Appendix D in the Final EIS for a link to the Section 404 Clean Water Act permit application that includes all relevant details regarding wetland impact avoidance and minimization.

Regarding requests for additional analysis on regulated bird species, a more thorough analysis has been performed since the publication of the Supplemental Draft EIS. As discussed in Section 3.10.1 of the Final EIS, the Council has identified the regulated species that have been observed and confirmed to nest in Hennepin County. In addition, the Council has utilized MnDNR data sources to identify occurrences of bald eagle and golden eagle nesting sites as well as Migratory and Waterfowl Feeding and Resting Areas. The Project is not expected to affect migratory birds on a long-term basis, and will implement measures to avoid short-term impacts.

Concern regarding recreational bicycle and walking path amenities in the Kenilworth Corridor
The Project will result in changes to the pedestrian and bicycle facilities. Direct changes may include intersection modifications, new station area platform access points, new at-grade sidewalk and trail crossings of LRT tracks, and modifications to trail widths. All existing public regional and local trails that will be relocated by the Project will be replaced with similar facilities that will provide the same transportation connectivity. The Project will not result in long-term adverse impacts to pedestrian and bicycle transportation as a result of public trail relocation. Final EIS Section 4.5 describes the Project's potential impacts on pedestrian and bicycle transportation in the corridor.

The Council, City of Minneapolis, MPRB, and Hennepin County undertook the West Lake Multimodal Transportation Study, completed in February 2016. The goal of the study was to identify opportunities to address non-motorized and motorized travel within the West Lake LRT Station area with projects that can be implemented as a part of the construction of the Southwest LRT or as part of other capital initiatives. The study report includes Green Line Design Recommendations that will be constructed as part of the Project, including enhanced crosswalk markings at specific intersections, and wayfinding signage.

Concern regarding contamination of wetlands in the Kenilworth Corridor
The Project will avoid and minimize impacts to wetlands through design solutions. In addition, the implementation of appropriate construction best management practices will help to avoid or minimize erosion and sedimentation impacts and protect wetland water quality. Example surface water resource BMPs include the following:

- Minimizing the amount of cleared area at a construction site
- Stabilizing construction entrances and haul roads

- Washing truck tires at construction entrances, as necessary
- Building silt fences downslope from exposed soil
- Protecting catch basins from sediment
- Containing and controlling concrete and hazardous materials onsite
- Installing temporary ditches to route runoff around or through construction sites, with straw bales or rock check dams strategically located to slow and settle runoff
- Providing temporary plastic or mulch to cover soil stockpiles and exposed soil
- Using straw wattles to reduce the length of unbroken slopes and minimize runoff concentration
- Using temporary erosion control blankets or mulch on exposed steep slopes to minimize erosion before vegetation is established
- Building temporary sedimentation ponds to remove solids from concentrated runoff and groundwater pumping before being discharged
- Conducting vehicle fueling and maintenance activities no closer than 100 feet from a wetland

Final EIS Section 3.9 describes the Project's potential impacts on surface water resources, including wetlands. Section 3.9.5.1 describes potential wetland impacts. The USACE has granted preliminary concurrence that the Project's wetland impact avoidance and minimization efforts are sufficient to satisfy Clean Water Act requirements, as documented in the USACE's NEPA/404 merger process concurrence letter dated October 14, 2015 (included in Appendix N of the Final EIS).

Concern over increased impervious surface and contamination of lakes and water resources in the Kenilworth Corridor

The new impervious surfaces related to the Project will represent a small overall increase in the total impervious surface area in each watershed. The amount of new impervious surface added is low relative to the overall size of the watersheds, and because the Project will adhere to applicable stormwater management regulations, adverse impacts to public waters and surface water quality resulting from new impervious surfaces are unlikely to occur. Final EIS Section 3.9 describes the Project's impacts on surface water resources, including public waters and surface water quality. Section 3.14 of the Final EIS describes an updated analysis of hazardous and contaminated materials.

Comment #	#55
Commenter	Russel Palma
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Vibration impacts on residential structures
- Noise and vibration mitigation cost and plans regarding long-term noise effects

Vibration impacts on residential structures
See *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.

Noise and vibration mitigation cost and plans regarding long-term noise effects
The Final EIS identifies noise impacts and mitigation (Sections 3.12.4 and 3.13.4 and Appendix K of the Final EIS). For noise, mitigation measures include quiet zones, wayside bells, noise barriers, and testing of residences for interior noise levels. Mitigation for ground borne noise impacts was also identified and includes use of rubber pads or springs to isolate impacts at an audiologist office located in Hopkins and highly resilient rail fasteners in the shallow tunnel in the Kenilworth Corridor (approximately 2,200 feet) to eliminate ground-borne noise impacts by providing vibration isolation (see Theme E.4, Concerns about LRT in the Kenilworth Corridor, in Appendix L of the Final EIS). No mitigation measures are warranted for long-term direct or indirect impacts from vibration due to the absence of any corresponding impacts.

In the more developed areas of the Project corridor, there isn't enough space for berms to be an effective mitigation measure because berms are required to be approximately twice as wide as they are high. Vegetation, regardless of type, is not effective as noise mitigation, unless it is at least 100 feet thick, which would not be possible in this corridor due to spatial constraints.

The cost of mitigation is included in the Project cost estimate, which are discussed in Section 2.3 and Chapter 7 of the Final EIS. The FTA will include mitigation measures identified in the Final EIS (see Tables 3.0-1 and 4.0-1 and the mitigation sections of specific environmental and transportation categories in Chapters 3 and 4 of the Final EIS, respectively) and in the Project's Record of Decision (ROD). FTA will stipulate within the ROD that mitigation measures included in the ROD must be incorporated into the Project by the Council as a condition for receipt of federal funds for the proposed Project, and cannot be reduced or removed without proper reevaluation in the form of an additional environmental review.

Comment #	#56
Commenter	Frank Hornstein
Commenter Organization	District 61A and Minnesota House of Representatives

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Safety concerns related to freight rail transport of hazardous materials under colocation
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Comment #	#57
Commenter	Sarah Brenner
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Safety concerns related to freight rail transport of hazardous materials during LRT construction and under colocation
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Comment #	#58
Commenter	Shawn Smith
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Concern over the accuracy of Project costs estimates within Supplemental Draft EIS
- Safety concerns related to freight rail transport of hazardous materials under co-location

Concern over the accuracy of Project costs estimates within Supplemental Draft EIS
Capital cost estimates for the Project in the Final EIS (see Chapters 2 and 7) are presented in the format of FTA's Standard Cost Category (SCC) workbook, which is a template developed by FTA to provide a consistent format for reporting and estimating capital costs across projects seeking Capital Investment Grant Program funds. The workbook summarizes the Council's estimated capital costs of specific components of the Project into ten common cost categories and the Project's overall capital cost. The SCC workbook is also used to help translate current base-year dollars (i.e., 2016) into year-of-expenditure dollars. Year-of-expenditure dollars represent future-year dollars based on when those dollars would actually be spent by the project, a projected future inflation rate per year, and projected finance costs.

The capital cost estimate for the Project in year-of-expenditure dollars is $1.791 billion (without Locally Requested Capital Investments [LRCIs], which are estimated to cost $29.3 million), as shown in Chapter 7 of the Final EIS (see Table 7.1-1, which includes line item costs based on the SCC workbook). The SCC workbook is described in the FTA web page "Standard Cost Categories (SCC) for Capital Projects" (see https://www.fta.dot.gov/funding/grant-programs/capital-investments/standard-cost-categories-scc-capital-projects), which is cited in Chapter 7 of the Final EIS. The Project's capital cost estimates will continue to be refined as the Council advances the Project toward a Full Funding Grant Agreement. Methods to help avoid capital cost overruns during construction include: use of risk assessments in reviewing capital cost estimates; strategic allocation of line-item and non-allocated contingency based on factors such as the level of design; identification of specific uncertainties or risks for line items; multiple layers of review; setting unit costs based on recent similar local projects and other applicable experience.

Annual base-year and year-of-expenditure systemwide operations and maintenance costs for the No Build Alternative and the Project are also included in Chapters 2 and 7, respectively, of the Final EIS. The updated O&M cost estimates for the Project reflect adjustments to the proposed transit operation plan in 2040, updated unit costs, and design adjustments that have occurred since publication of the Draft EIS. The methodology used for preparing the Project's O&M cost estimates is described in detail in the Southwest Light Rail Transit (LRT) Service Plan Updates and Operations and Maintenance Cost Results for the Final EIS (July 2015), which is cited in Chapter 7 of the Final EIS. Combined annual systemwide operating costs for Metro Transit/Metropolitan Transportation Services and SouthWest Transit are estimated to be approximately $1.392 billion in 2040 under the Project, compared to $1.309 billion under the No Build Alternative.

Safety concerns related to the co-location of freight rail and light rail
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Comment #	#59
Commenter	Art Higinbotham
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Supplemental Draft EIS executive summary does not include adequate detail
- Concern regarding the potential for derailment under colocation

Supplemental Draft EIS executive summary does not include adequate detail
The Executive Summaries to the Draft EIS, Supplemental Draft EIS, and Final EIS are intended to provide a brief summary of the detailed analysis and documentation included within the body of these documents. The Draft EIS, Supplemental Draft EIS, and Final EIS are all available for public review (see Appendix C of the Final EIS for instructions on how to obtain copies of the Draft EIS and Supplemental Draft EIS) and see the Executive Summary of the Final EIS includes for instructions on how to obtain a copy of the Final EIS.

Concern regarding the potential for derailment under colocation
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Comment #	#60
Commenter	Bob Brockway
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Mitigation of short-term vibration impacts to condos in the Kenilworth Corridor
- Concern that noise impacts become amplified at higher elevations

Mitigation of short-term vibration impacts to condos in the Kenilworth Corridor
See *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.

Concern that noise impacts become amplified at higher elevations
Noise assessments were conducted for all sensitive locations along the Southwest LRT corridor segments including noise from operations, stations and grade crossings. Noise and vibration levels are highest closest to the source, which is the ground floor of buildings. Noise and vibration levels will be lower as noise moves further from the source, which would be at higher levels of high rise buildings, because energy (such as noise and vibration) does not increase with increasing distance from its source. Section 3.12 of the Final EIS summarizes the findings of this analysis.

Comment #	#61
Commenter	John Shorrock
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Safety concerns related to freight rail transport of hazardous materials and under colocation
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Also see *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*.

Comment #	#62
Commenter	Angela Erdrich
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your interest in Cedar Lake Park has been noted.

See *Master Response 8: Questions over the extent of hazardous and contaminated materials in the Kenilworth Corridor*.

Comment #	#63
Commenter	Richard Adair
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for transit.

Comment #	#64
Commenter	Amity Foster
Commenter Organization	ISAIAH

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the Penn Station. See *Master Response 5: Concern over the potential for the Project to eliminate the proposed Penn Station*.

Comment #	#65
Commenter	Mary Pattock
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Supplemental Draft EIS should assume a basis of no freight for the noise and vibration impact analyses
- Impact of Kenilworth Corridor light rail tunnel construction pile driving

The Supplemental Draft EIS should assume a basis of no freight for the noise and vibration impact analyses
See *Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data*.

Concern regarding vibration impact of Kenilworth Corridor light rail tunnel construction to residences
See *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.

Comment #	#66
Commenter	George Putzak
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Invalid National Environmental Policy Act (NEPA) scoping process because freight rail colocation was not studied
- Project sought municipal consent prior to Supplemental Draft EIS publication
- Limited choice of alternatives and alignments
- Concern over safety and security impacts related to LRT operation in close vicinity to freight rail

Invalid NEPA scoping process because freight rail colocation was not studied
See *Master Response 1: Invalid NEPA/MEPA Scoping Process because original scoping report did not include freight rail colocation*.

Project sought municipal consent prior to Supplemental Draft publication
See *Master Response 2: Project sought municipal consent prior to the publication of the Supplemental Draft EIS*.

Limited choice of alternatives and alignments
Regarding your comment that Council limited the choice of reasonable alternatives and alignments by advancing the colocation alternative as the locally preferred alternative in the Supplemental Draft EIS, in total, more than 25 route and mode alternatives or sub-alternatives have been evaluated as part of the project development process for the Project. Detailed information on the Project's alternatives analysis, scoping, and LPA identification process is presented in the following documents: Southwest Transitway Alternatives Analysis Final Report (Hennepin County, 2007), Southwest Transitway Scoping Summary Report (Hennepin County, 2009), and the Draft EIS.

In 2007, the HCRRA completed a federally required study called an Alternatives Analysis, which was a continuation of the Southwest Rail Transit Study, 2003. The Southwest Transitway Alternatives Analysis (AA) compared the benefits, costs and impacts of a range of transit alternatives (modes and routes) to identify which alternative would best serve the needs of the communities as expressed in the Purpose and Need Statement.

In the AA, the alternatives for detailed evaluation included one bus alternative called the Enhanced Bus, two bus rapid transit (BRT) alternatives, and eight light rail transit (LRT) alternatives. It was concluded that three of the eight LRT routes could meet the established project goals. In addition, the enhanced bus alternative was retained to continue to evaluate the possibility of addressing the increasing mobility needs of the area through improved bus service rather than LRT. The Draft EIS includes a detailed description of the alternatives evaluation process (see Section 2.1).

The AA was the starting point for the Draft EIS and formed the basis for the Scoping Process. Based upon the AA, three LRT alternatives and the Enhanced Bus alternative were proposed for inclusion in the Draft EIS. During the NEPA/MEPA Scoping Period from September 8, 2008 through November 7, 2008 for the Southwest Transitway Project (the Project) Draft EIS), two new alignments were proposed. The alternatives were labeled LRT 3C (11th/12th Sub-Alternative) and LRT 3E and were evaluated for their feasibility with regard to the project's goals identified in the Purpose and Need Statement and it was determined that they warranted inclusion in the Draft EIS.

The Draft EIS examined seven alternatives, including the No Build Alternative, the Enhanced Bus Alternative, and five light rail transit (LRT) alternatives (LRT 1A, LRT 3A, LRT 3A-1, LRT 3C-1, and LRT 3C-2). These seven alternatives are described in Section 2.3 of the Draft EIS which provides a

description of the alternatives that were considered within the Project selection process. Chapter 11 of the Draft EIS provides a description of how the alternatives were evaluated and the rationale for the identification of the Project. On May 26, 2010, prior to the completion of the Draft EIS and based on an extensive alternatives analysis and public involvement process, the Metropolitan Council adopted the Project's Locally Preferred Alternative (LPA) as recommended by the Hennepin County Regional Railroad Authority (HCRRA) and included it as part of the 2030 Transportation Policy Plan.

While the Draft EIS notes that LRT 3A-1 is identical to LRT 3A in the transit service it would provide (see Chapter 2 of the Draft EIS), it only identifies LRT 3A as the LPA (see pages 2-31 and 2-41 of the Draft EIS for examples). The LPA is a subset of both LRT 3A and LRT 3A-1 of the Draft EIS; therefore, the Project's LPA is included within both LRT 3A and LRT 3A-1. The LPA was identified based on an assessment of four evaluation categories: planning compatibility; performance; implementation factors; and critical environmental resources.

The HCRRA and Metropolitan Council found that LRT 3A and LRT 3A-1 will best meet the Project's Purpose and Need Statement, as expressed by the goals of improving mobility, providing a cost effective and efficient travel option, preserving the environment, protecting quality of life and supporting economic development.

NEPA implementing regulations allow FTA to move forward a preferred alternative for further study be supplementing a draft EIS. For example, 40 C.F.R. S 1502.14(e) requires FTA to “identify the agency’s preferred alternative if one of more exists, in the draft statement and identify such alternative in the final statement…” In accordance with NEPA regulations, therefore, FTA routinely develops NEPA draft documents that note the agency’s preferred alternative.

Concern over safety and security impacts related to LRT operation in close vicinity to freight rail
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Comment #	#67
Commenter	Susu Jeffrey
Commenter Organization	Friends of Coldwater

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Security around 21st Street Station and Penn Station areas
- Kenilworth Corridor light rail tunnel impacts to water resources and lakes
- Suggest alternative route through Uptown (LRT 3C)

Security around 21st Street Station and Penn Station areas
See *Master Response 5: Concern over the potential for the Project to eliminate the proposed Penn Station*.

See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

See *Master Response 16: Concerns related to 21st Street Station and related impacts*.

Concern regarding potential impacts of the Kenilworth Corridor shallow tunnel to water quality in Cedar Lake
The Project is not expected to have any impact on water quality in Cedar Lake. Based on evaluations conducted as part of the Kenilworth Tunnel preliminary design, it was determined that the groundwater and lake levels in the area surrounding Cedar Lake, Lake of the Isles, and Lake Calhoun are similar, with little change in elevation across the system and no evidence of significant groundwater flow from one water body to another. The Council also conducted an independent review of the design of the tunnel to be located within the Kenilworth Corridor. A reference to Southwest Light Rail Transit: Kenilworth Shallow LRT Tunnels Water Resources Evaluation (Burns and McDonnell, 2014) is located in Appendix D of the Final EIS. The report notes that "Cedar Lake and Lake of the Isles are connected by an open channel that equalizes water levels in Cedar Lake, the channel and Lake of the Isles. The data in this report indicate that the lake level elevation in the channel is higher than most of the groundwater elevations. This suggests that groundwater in the corridor does not discharge to the channel and lakes in the corridor and that the lakes may be recharging the aquifer. This is counter to a more typical groundwater-surface water relationship in this climate where groundwater flows toward and discharges to surface water."

Precipitation and evaporation are the dominant factors in lake level fluctuation for this area. Groundwater modeling studies to evaluate the impacts of the proposed Kenilworth Tunnel on water levels in the vicinity of the tunnel show that, because of the sandy soil conditions and lack of groundwater flow in the vicinity of the tunnel, groundwater will rise and fall equally around the tunnel. See Section 3.8, Geology and Groundwater Resources, and Section 3.9, Water Resources, of the Final EIS for more information.

The Council has conducted work, which addressed data needs, advanced the design of the project, and identified approaches to avoid and minimize impacts. This work included: additional testing of soils and groundwater, an evaluation of the effect of tunnels on the area's water system; completion of wetland delineations; coordination with USACE through the Section 404 permit process; coordination with local jurisdictions; incorporation of locally approved floodplain models into design of Project; and continued design of the Project including stormwater and groundwater pumping activities.

As described in Section 3.8 of the Final EIS, the Project will not result in adverse impacts to groundwater or surface water resources within the Kenilworth Corridor. To help avoid those types of impacts, a groundwater management plan will be prepared by the Council, and approved by MnDNR and applicable local jurisdictions before construction. That plan will address long-term and short-term collection, storage, and disposal of surface water runoff and pumped groundwater following construction of the Project. Particularly within the Kenilworth Corridor, the groundwater management plan will include monitoring, which will be used to assess excessive groundwater infiltration and to prioritize any potential repairs to

the waterproofing systems. The Project's plan will be based on an appropriate safety factor, to be determined in consultation with the City of Minneapolis, MCWD and the MnDNR, which will be applied to pumping rates and yearly pumping volumes in calculating maximum inflow amounts. Section 3.8 of the Final EIS includes an updated analysis of geology and groundwater resources, and includes associated applicable best management practices and mitigation measures that will be included in the Project.

There will be no increase in permanent fill of wetlands within the Kenilworth Corridor and stormwater runoff will be directed into stormwater management facilities created as part of the Project, as approved by local jurisdictions and through final permitting. These facilities will be designed to provide stormwater treatment in compliance with NPDES requirements. See Section 3.9 for more information on the evaluation of surface water resources.

See the following sections in the Final EIS for additional information: Section 3.8, Geology and Groundwater Resources and Section 3.9, Surface Water Resources. The Final EIS also includes updated preliminary engineering plans in Appendix E.

Suggest alternative route through Uptown (LRT 3C)
The option of routing the Project through Uptown and south Minneapolis was previously evaluated during Alternatives Analysis, Scoping, and the Draft EIS as LRT 3C-1 and LRT 3C-2.

As documented in Section 11.2.6 of the Draft EIS, LRT 3C-1 was determined to be the least cost effective of the alternatives considered in the Draft EIS, due to its relative high costs and lowest ridership estimates. It was also found that LRT 3C-1 was not compatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, it would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

As documented in Section 11.2.7 of the Draft EIS, LRT 3C-2 was found to be incompatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, LRT 3C-2 would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, the most severe construction impacts, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

The alternative suggested by the commenter would perform very similarly to the 3C-1 and 3C-2 alternatives. Section 2.2 of the Final EIS provides a more detailed description of how the alternatives were evaluated during the Project's various phases and the rationale for the identification of the LPA.

In summary, HCRRA and the Metropolitan Council, as well as the Project's Corridor Management Committee (CMC) found that the light rail alignment that is part of LRT 3A and LRT 3A-1 will best meet the Project's Purpose and Need Statement, as expressed by the goals of improving mobility, providing a cost effective and efficient travel option, preserving the environment, protecting quality of life, and supporting economic development.

Comment #	#68
Commenter	Nancy Green
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Noise and vibration analysis did not include Calhoun Isles condominiums
- Concern over safety and security impacts related to LRT operation in close vicinity to freight rail

Noise and vibration analysis did not include Calhoun Isles condominiums
The Council has completed an extensive geotechnical exploration along the Calhoun Isles condo building and parking ramp. The condo's foundation closest to the corridor and each of the ramp's footings were exposed and located by survey for use in the design of the tunnel support systems. The Council began meeting directly with representatives of the Calhoun Isles Condominium Association in 2013 and have had numerous meetings, as well as follow-up communication, to coordinate investigating building foundation locations, discussing findings, project details, and anticipated construction methods adjacent to the condo and parking buildings.

Detailed noise and vibration assessments were conducted for all sensitive locations along the Southwest LRT corridor segments as presented in Sections 3.12 and 3.13 of the Final EIS, respectively. Based on these analyses, the Project will not result in adverse noise or vibration impacts to the Calhoun Isles condominiums, based on FTA impact criteria.

See *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.

Concern over safety and security impacts related to LRT operation in close vicinity to freight rail
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Comment #	#69
Commenter	Claire Ruebeck
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Justification for including the need for a robust freight system in the Purpose and Need Statement
- Safety concerns related to freight rail transport of hazardous materials under co-location
- Concern over potential Federal Railroad Administration abdication of jurisdiction over shared freight and LRT corridor

Justification for including the need for a robust freight system in the Purpose and Need Statement
As described in Section 1.1 of the Final EIS, the need to maintain a balanced and economically competitive freight system for the Project was identified as one of four statements of need included in the Project's Purpose and Need Statement. Justification for this statement includes the following (refer to Section 1.6 of the Final EIS for additional information):

- The Minneapolis-St. Paul Metropolitan Area is a focal point of the freight railroad system in the state and north central United States. Four of the country's seven Class I railroads provide service to the Twin Cities and Minnesota has the eighth highest rail miles in the nation. Rail accounts for 25 percent of freight tonnage moving in the state, compared to trucks that move 63 percent of the freight tonnage.
- Freight rail takes pressure off the state's highway network and provides environmental benefits through fuel efficiency and moving goods by freight rail rather than by truck can also have a positive effect on the region's mobility. Twin Cities and Western Railway Company (TC&W) reports that an average train load equates to 40 trucks on the roadway system. As congestion increases on the roadway system, moving commodities by freight rail will become more competitive.

Safety concerns related to freight rail transport of hazardous materials under colocation
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Also See *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*.

Concern over Federal Railroad Administration abdication of jurisdiction over shared freight/LRT corridor
The Federal Railroad Administration (FRA) is the federal agency with jurisdictional authority over railroad safety. In October 2014, FRA provided a preliminary jurisdiction determination for the proposed Project which concluded that the proposed Southwest LRT Project will be an urban rapid transit (URT) operation,[4] and therefore, FRA will not exercise its safety jurisdiction over the Southwest LRT Project, except to the extent that it is necessary to ensure railroad safety at any limited shared connections between the Southwest LRT Project and other railroad carriers that operate on the general railroad system of transportation. This applies to the five shared at-grade light rail/freight rail roadway crossings included in the Project (see Table 4.4-2). The Project will be subject to FRA regulations, including 49 C.F.R. Parts 214, 219, 220, 222, 225, 228, 233, 234, 235, and 236, and 49 CFR 229.125, as well as the hours of service laws, at the points of connection between the Southwest LRT Project and the general railroad system. See to Appendix N for a copy of correspondence between the Council and FRA regarding FRA's jurisdictional determination.

[4] Under FRA laws (49 U.S.C. 20102), URT systems are passenger rail operations that do not connect to the general railroad system of transportation.

Comment #	#70
Commenter	Bob Carney
Commenter Organization	We the People

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Concern over accuracy of Project cost estimates
Capital cost estimates for the Project in the Final EIS (see Chapters 2 and 7) are presented in the format of FTA's Standard Cost Category (SCC) workbook, which is a template developed by FTA to provide a consistent format for reporting and estimating capital costs across projects seeking Capital Investment Grant Program funds. The workbook summarizes the Council's estimated capital costs of specific components of the Project into ten common cost categories and the Project's overall capital cost. The SCC workbook is also used to help translate current base-year dollars (i.e., 2016) into year-of-expenditure dollars. Year-of-expenditure dollars represent future-year dollars based on when those dollars would actually be spent by the project, a projected future inflation rate per year, and projected finance costs.

The capital cost estimate for the Project in year-of-expenditure dollars is $1.791 billion (without Locally Requested Capital Investments [LRCIs], which are estimated to cost $29.3 million), as shown in Chapter 7 of the Final EIS (see Table 7.1-1, which includes line item costs based on the SCC workbook). The SCC workbook is described in the FTA web page "Standard Cost Categories (SCC) for Capital Projects" (see https://www.fta.dot.gov/funding/grant-programs/capital-investments/standard-cost-categories-scc-capital-projects), which is cited in Chapter 7 of the Final EIS. The Project's capital cost estimates will continue to be refined as the Council advances the Project toward a Full Funding Grant Agreement. Methods to help avoid capital cost overruns during construction include: use of risk assessments in reviewing capital cost estimates; strategic allocation of line-item and non-allocated contingency based on factors such as the level of design; identification of specific uncertainties or risks for line items; multiple layers of review; setting unit costs based on recent similar local projects and other applicable experience.

Annual base-year and year-of-expenditure system-wide operations and maintenance costs for the No Build Alternative and the Project are also included in Chapters 2 and 7, respectively, of the Final EIS. The updated O&M cost estimates for the Project reflect adjustments to the proposed transit operation plan in 2040, updated unit costs, and design adjustments that have occurred since publication of the Draft EIS. The methodology used for preparing the Project's O&M cost estimates is described in detail in the Southwest Light Rail Transit (LRT) Service Plan Updates and Operations and Maintenance Cost Results for the Final EIS (July 2015), which is cited in Chapter 7 of the Final EIS. Combined annual systemwide operating costs for Metro Transit/Metropolitan Transportation Services and SouthWest Transit are estimated to be approximately $1.392 billion in 2040 under the Project, compared to $1.309 billion under the No Build Alternative.

Comment #	#71
Commenter	Sandi Larson
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

The Supplemental Draft EIS does not address existing sewer and relocation in the Kenilworth Corridor
Regarding comments on the recently installed sewer mains between Depot Street and W. 28th Street, the design and configuration of the sewer connection has been coordinated and reviewed by Metropolitan Council Environmental Services, the designer of the force main construction in 2013. During construction of the LRT tunnels, the force main will be temporarily connected around the construction area, allowing the force main to remain operational during tunnel construction. The permanent reconnection of the force main will occur over the tunnel, retaining the current depth of the tunnel (see the Project Engineering Plans as referenced in Appendix C). The cost of removing and relocating the force sewer main, and associated street restoration, are included in the Project's budget. Lift stations will not be required.

All conflicting utilities affected by the Project will be relocated and services maintained, in accordance with the Southwest LRT Utility Relocation and Management Plan (refer to Appendix C for instructions on how to access this document). Site-specific conflicts will be addressed by design measures such as relocating utilities, as appropriate.

Areas that are altered or disturbed as the result of construction activities will be restored and the costs of these activities are included in the overall cost estimates for the Project

Comment #	#72
Commenter	Cathy Deikman
Commenter Organization	Not Provided

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Kenilworth Channel inaccurately designated as Category 3 instead of as Category 1 for the noise analysis; redesignation requires additional noise mitigation
The Council, in consultation with the MPRB and MnHPO, reached agreement on designation of land use categories for the parks within the Kenilworth Corridor, including high-sensitivity sites near the Kenilworth Lagoon/Channel. The northern bank of the Kenilworth Lagoon, generally between West Lake of the Isles Parkway and South Upton Avenue, is classified as category 1 land use and the lagoon itself is classified as category 3. Residences are classified as category 2. Section 3.12 of the Final EIS provides a description of land use categories and metrics used to identify noise sensitive receptors according to FTA criteria (see Table 3.12-2). Active use areas like bike and running trails are generally not categorized as noise sensitive receptors because these are areas where quiet is not an essential element and the intended purpose. The channel itself supports primarily active uses (e.g., kayaking, skiing), while the lagoon bank is used for more contemplative uses. Noise assessments were conducted using these land use classifications. The assessment at the Channel indicated noise impacts to the Channel but not to the banks of the lagoon, which are located significantly further from the tracks. Mitigation has been recommended at this location, including low height noise barriers on the bridge and rail dampers on the tracks to minimize the noise. While the banks of the lagoon were not identified as impacts, the mitigation for the channel on the bridge would reduce the noise levels at the banks as well. The methodology used to determine these classifications is based on FTA guidance and is provided in Section 3.12 of the Final EIS. Refer to Section 3.12.4 of the Final EIS for more information on impacts and mitigation measures that have been incorporated into the Project.

Comment #	#73
Commenter	Stuart Chazin
Commenter Organization	Kenilworth Preservation Group

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Concerns over Project costs and LRT ridership considering the potential elimination of Mitchell Station and cuts
- Suggest an alternative alignment through Uptown

Concerns over Project costs and LRT ridership considering the potential elimination of Mitchell Station and cuts
As described in Section 2.2.5 of the Final EIS, the Project scope has been adjusted since the publication of the Supplemental Draft EIS to remove Mitchell Station in Eden Prairie and defer construction of the proposed Eden Prairie Town Center Station. With the scope reductions, Eden Prairie will still be served by LRT at the proposed SouthWest Station, Golden Triangle Station and City West Station. There are no plans to eliminate proposed LRT stations in Minneapolis.

The elimination of Mitchell Station and deferral of Eden Prairie Town Center Station does not affect the viability of the Project and as described in Section 4.1, the Project will have adequate ridership to support its purpose and need. In order to receive funding from the FTA, the Project must meet the FTA program evaluation metrics, including the metric for ridership. Refer to Chapter 1 for a description of the Project's purpose and need and Chapter 7 for an updated financial analysis for the Project.

Suggest an alternative alignment through Uptown
The option of routing the Project through Uptown and south Minneapolis was previously evaluated during Alternatives Analysis, Scoping, and the Draft EIS as LRT 3C-1 and LRT 3C-2.

As documented in Section 11.2.6 of the Draft EIS, LRT 3C-1 was determined to be the least cost effective of the alternatives considered in the Draft EIS, due to its relative high costs and lowest ridership estimates. It was also found that LRT 3C-1 was not compatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, it would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

As documented in Section 11.2.7 of the Draft EIS, LRT 3C-2 was found to be incompatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, LRT 3C-2 would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, the most severe construction impacts, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

The alternative suggested by the commenter would perform very similarly to the 3C-1 and 3C-2 alternatives. Section 2.2 of the Final EIS provides a more detailed description of how the alternatives were evaluated during the Project's various phases and the rationale for the identification of the LPA.

In summary, HCRRA and the Metropolitan Council, as well as the Project's Corridor Management Committee (CMC) found that the light rail alignment that is part of LRT 3A and LRT 3A-1 will best meet the Project's Purpose and Need Statement, as expressed by the goals of improving mobility, providing a cost effective and efficient travel option, preserving the environment, protecting quality of life, and supporting economic development.

Comment #	#74
Commenter	Jeanette Colby
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Invalid National Environmental Policy Act (NEPA) scoping process because freight rail colocation was not studied
- Freight rail in the Kenilworth Corridor should not be included in the No Build Alternative

Invalid NEPA scoping process because freight rail colocation was not studied
See *Master Response 1: Invalid NEPA/MEPA Scoping Process because original scoping report did not include freight rail colocation*.

See *Master Response 10: Rationale for incorporating freight rail co-location into the Project*.

Freight rail in the Kenilworth Corridor should not be included in the No Build Alternative
See *Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data*.

Comment #	#75
Commenter	Camille Burke
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Concern over the proximity of the new Kenilworth Channel bridge to existing homes
- Questions about the extent of hazardous and contaminated materials in the Kenilworth Corridor
- Concern regarding Kenilworth Corridor light rail tunnel construction impacts to groundwater and surface water
- Concern over the operating costs and revenues of the Project

Concern over the proximity of the new Kenilworth Channel bridge to existing homes
The Project will require demolition of the existing wood trestle bridges that carry the existing freight rail line and the trail across the Kenilworth Channel and construction of three new concrete bridges for freight rail, LRT and the trail, generally in the same location as the existing bridge. As described in Section 3.4, construction of the new bridges will not require acquisition of any residential property within the area and the new bridges are approximately 120 feet away from an existing home. LRT operation has the potential to cause environmental impacts such as increased noise levels and changes in visual quality; refer to Section 3.7 and 3.12 for more information on visual quality and noise impacts and related mitigation measures, respectively.

For more information, refer to *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.

Refer to Section 3.7 of the Final EIS for detailed information on mitigation pertaining to change in visual quality, Section 3.12 for noise mitigation, and Section 3.13 for vibration mitigation. Section 3.2 of the Final EIS discusses the economic impacts of the Project, including potential changes to property values.

Questions about the extent of hazardous and contaminated materials in the Kenilworth Corridor
See *Master Response 8: Questions over the extent of hazardous and contaminated materials in the Kenilworth Corridor*.

Concern regarding Kenilworth Corridor light rail tunnel construction impacts to groundwater and surface water
Refer to *Master Response 17: Concern over impacts to groundwater and surface water in the Kenilworth Corridor*.

Concern over the operating costs and revenues of the Project
Refer to Chapter 7.2 for a description of the operating funding strategy for the Project. The transit operating revenues for the Project will include fare revenues, state general funding, and CTIB funding. The funding for the O&M costs for the Project comes first from the fare revenues, the remaining costs are split 50 percent state general funds and 50 percent CTIB. Minnesota Sessions Laws (2008) Section 473.4051 subd. 2 states that after operating revenue and federal money have been used to pay for light rail operations, 50 percent of the remaining balance must be paid by the State of Minnesota (Minnesota Session Laws, 2008, Regular Session, Chapter 365 – House File No. 4072). State funding for transit operations is derived from general fund appropriations, and is appropriated by the state legislature on a biennial basis.

Comment #	#76
Commenter	Kathy Low
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your opposition to the Project has been noted.

In response to your comment on a 2011 Hennepin County report stating that there was understanding that freight would be removed from the Kenilworth corridor regardless of LRT of any other Project, see the following:

- *Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data*.
- *Master Response 10: Rationale for incorporating freight rail co-location into the Project*.
- *Master Response 13: Rationale for dismissal of the Brunswick Central" freight rail relocation alternative.*

Regarding your comment that fitting light rail and freight rail into the same corridor will require "massive tunnel portals, crash walls, large cement structures and bridges, and removal of vegetation, please see Section 2.1, Definition of Alternatives, in the Final EIS. This section describes elements that are included in the Project and also notes that construction of the LPA will be a major undertaking that will require changes along the proposed light rail alignment for the duration of the construction period, expected to span approximately three years. The description of construction activities for the LPA in this section is based on the Preliminary Engineering Plans (see Appendix E).

Regarding your comment on the adverse effect on the Kenilworth Lagoon and the Grand Rounds Historic District, See *Master Response 4: Concern about inadequate evaluation of potential impacts to the Grand Rounds Historic district*.

Regarding your comment on the legal obligation to avoid or minimize harm under Section 4(f), please refer to Section 6.3, Final Section 4(f) Evaluation Summary, in the Final EIS, which notes that, "…FTA's determination within this Final Section 4(f) Evaluation is that as a result of the Project there will be a Section 4(f) use (non-*de minimis*) of the Kenilworth Lagoon/Grand Rounds Historic District, based on a Section 106 adverse effect finding. This determination was also made as preliminary for Alternative 3A-1 in the Draft Section 4(f) Evaluation and for the LPA in the Draft Section 4(f) Evaluation Update. Further, FTA determines that there is no prudent and feasible alternative to the Section 4(f) use of the Kenilworth Lagoon/Grand Rounds Historic District and that the Project would cause the least overall harm to protected Section 4(f) resources." For additional information, please see Chapter 6.0 of the Final EIS, Final Section 4(f) Evaluation, and Appendix I, Section 4(f) Supporting Documentation.

Comment #	#77
Commenter	Michael Wilson
Commenter Organization	Cedar Lake Shores Townhome Association

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Additional analysis and specificity regarding hazardous and contaminated materials
- Concern over the potential elimination of pedestrian accessibility improvements from the West Lake Station
- Concern regarding impact of Kenilworth Corridor light rail tunnel construction to residences
- Long-term noise impacts of Kenilworth Corridor light rail tunnel during operation

Additional analysis and specificity regarding hazardous and contaminated materials
See *Master Response 8: Questions over the extent of hazardous and contaminated materials in the Kenilworth Corridor*.

Concern over the potential elimination of pedestrian accessibility improvements from the West Lake Station
As described in Section 4.5.3.1, the proposed West Lake vertical separation and steep grades inhibit direct pedestrian and bicycle access to the station from West Lake Street. In order to provide access to the West Lake Station, vertical circulation consisting of stairs, ramps, and elevators will be provided to make pedestrian and bicycle connections possible.

In addition, the Council, City of Minneapolis, MPRB, and Hennepin County undertook the West Lake Multimodal Transportation Study, completed in February 2016. The goal of the study was to identify opportunities to address non-motorized and motorized travel within the West Lake LRT Station area with projects that can be implemented as a part of the construction of the Southwest LRT or as part of other capital initiatives. The study report includes Green Line Design Recommendations that will be constructed as part of the Project, including enhanced crosswalk markings at specific intersections, and wayfinding signage.

Concern regarding impact of Kenilworth Corridor light rail tunnel construction to residences
See *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.

Long-term noise impacts of Kenilworth Corridor light rail tunnel during operation
As described in Section 3.12.3, the Project is not anticipated to have long-term moderate or severe noise impacts on the Cedar Lake Shores Townhomes. The noise analysis for the Project was conducted in accordance with FTA guidelines. Refer to Section 3.12 for additional information.

Comment #	#78
Commenter	Eric Larsson
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Safety concerns related to freight rail transport of hazardous materials under co-location
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*, and *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*.

See *Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data*.

Comment #	#79
Commenter	Doug Peterson
Commenter Organization	CIDNA

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- The Supplemental Draft EIS does not address existing sewer at 28th Avenue in regards to Kenilworth Corridor light rail tunnel engineering
- Vibration impacts of pile driving on residential buildings

The Supplemental Draft EIS does not address existing sewer at 28th Avenue in regards to Kenilworth Corridor light rail tunnel engineering
Regarding comments on the recently installed sewer mains between Depot Street and W. 28th Street, the design and configuration of the sewer connection has been coordinated and reviewed by Metropolitan Council Environmental Services, the designer of the force main construction in 2013. During construction of the LRT tunnels, the force main will be temporarily connected around the construction area, allowing the force main to remain operational during tunnel construction. The permanent reconnection of the force main will occur over the tunnel, retaining the current depth of the tunnel (see the Project Engineering Plans as referenced in Appendix C of the Final EIS). The cost of removing and relocating the force sewer main, and associated street restoration, are included in the Project's budget. Lift stations will not be required.

All conflicting utilities affected by the Project will be relocated and services maintained, in accordance with the Southwest LRT Utility Relocation and Management Plan (refer to Appendix C of the Final EIS for instructions on how to access this document). Site-specific conflicts will be addressed by design measures such as relocating utilities, as appropriate.

Areas that are altered or disturbed as the result of construction activities will be restored and the costs of these activities are included in the overall cost estimates for the Project.

Concern regarding impact of Kenilworth Corridor light rail tunnel construction to residences
See *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.

Comment #	#80
Commenter	Arlene Fried
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Concern regarding impact of dewatering on Cedar Lake
The Project is not expected to conduct dewatering activities or have impacts from this on Cedar Lake. Based on evaluations conducted as part of the Kenilworth Tunnel preliminary design, it was determined that the groundwater and lake levels in the area surrounding Cedar Lake, Lake of the Isles, and Lake Calhoun groundwater and lake levels are similar, with little change in elevation across the system and no evidence of significant groundwater flow from one water body to another. Precipitation and evaporation are the dominant factors in lake level fluctuation for this area. Groundwater modeling studies to evaluate the impacts of the proposed Kenilworth Tunnel on water levels in the vicinity of the tunnel show that, because of the sandy soil conditions and lack of groundwater flow in the vicinity of the tunnel, groundwater will rise and fall equally around the tunnel. Groundwater removed from the tunnel cells during construction will be returned to the groundwater system. Groundwater that leaks into the Kenilworth Tunnel will be a relatively small quantity of water. See Section 3.8, Geology and Groundwater Resources, and Section 3.9, Water Resources, in the Final EIS for more information.

Comment #	#81
Commenter	Matthews Hollinshead
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your support for the Project has been noted.

Safety concerns related to freight rail transport of hazardous materials under co-location
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

See *Master Response 8: Questions over the extent of hazardous and contaminated materials in the Kenilworth Corridor*. Also see *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*.

Comment #	#82
Commenter	Captain Jack Sparrow
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Supplemental Draft EIS flawed due to elimination of stations after publication
- Safety concerns related to freight rail transport of hazardous materials under co-location
- Ridership on Green Line

Supplemental Draft EIS flawed due to elimination of stations after publication
Since the completion of the Supplemental Draft EIS in 2015, the Council advanced the level of design detail for the Project. This additional level of design resulted in a better understanding of the Project design, impacts, and avoidance, minimization, and mitigation measures. Adjustments to the design were made to better avoid impacts, integrate mitigation measures, and allow for cost reductions. On April 27, 2015, the Council released a revised Project cost estimate of approximately $1.994 billion. The additional costs were primarily related to poor ground conditions along the proposed Project, soil contamination in St. Louis Park and Hopkins, Project delays due to additional studies, and property acquisitions and relocations.

To address the revised Project cost estimate, the Council's CMC and Project staff developed and evaluated a variety of options, in consultation with the Project's local participating jurisdictions. The evaluation of options focused on three key criteria: cost savings incurred; Project ridership; and local jurisdiction consensus. CMC meetings held on May 20, June 3, June 24, and July 1, 2015, included review, discussion, and evaluation of the various options developed, which resulted in a recommendation by the CMC to the Council on July 1, 2015. Related recommendations to the Council were also adopted by the BAC and CAC on June 17 and June 30, 2015, respectively.

On July 8, 2015, the Council adopted design adjustments to address the increased cost estimates. In doing so, the Council considered recommendations from the CMC, BAC, and CAC. In summary, the Council identified $250 million in reductions to the Project's scope and budget. The reductions in the Project's scope included the elimination of the Mitchell Station (which was identified as an option in the Supplemental Draft EIS) and deferral of the Eden Prairie Town Center Station (not anticipated by Project opening, but before 2040); the reduction of five new light rail vehicles; the reduction of park-and-ride capacity from 3,834 spaces to 2,487 spaces; the reduction in the size of the proposed Hopkins OMF (with future expansion capacity on-site); elimination of station artwork; and reductions in landscaping and off-platform station furnishings. The identified cost savings measures were identified, developed, and analyzed in consultation with the Project's local participating agencies. In addition to the reductions in scope and budget, the Council committed to seek approximately $90 million in additional funds to cover the remaining shortfall. Section 2.3 of the Final EIS includes the current base-year capital cost estimates for the LPA, LRCIs, and the Project; similar year-of-expenditure capital costs are summarized in Chapter 7 of the Final EIS, including the Project's revised capital finance plan.

Safety concerns related to freight rail transport of hazardous materials under co-location
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*. Also see *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*.

Ridership on Green Line

Ridership on the existing Green Line has exceeded ridership projections (http://www.metrotransit.org/green-line-sets-monthly-ridership-record). Regarding ridership on the Project (Green Line Extension) the regional travel demand model provides detailed information on transit ridership demand, estimates of passenger boardings, and other critical and relevant information used to evaluate the performance of the Project in relation to the No Build Alternative. See the Technical Report

listed in Appendix C of the Final EIS for a detailed description of the forecasting methodology. See also Chapter 1, Purpose and Need.

Comment #	#83
Commenter	Sally Rousse
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your opposition to colocation and the shallow light rail tunnel in the Kenilworth Corridor. The sections that follow include responses to these specific comments:

- Consider alternative alignment options previously studied
- Safety concerns related to freight rail transport of hazardous materials under co-location
- Kenilworth Trail is used for more than recreation uses

Consider alternative alignment options previously studied
In total, more than 25 route and mode alternatives or sub-alternatives have been evaluated as part of the project development process for the Project. Detailed information on the Project's alternatives analysis, scoping, and LPA identification process is presented in the following documents: Southwest Transitway Alternatives Analysis Final Report (Hennepin County, 2007), Southwest Transitway Scoping Summary Report (Hennepin County, 2009), and the Draft EIS.

In 2007, the HCRRA completed a federally required study called an Alternatives Analysis, which was a continuation of the Southwest Rail Transit Study, 2003. The Southwest Transitway Alternatives Analysis (AA) compared the benefits, costs and impacts of a range of transit alternatives (modes and routes) to identify which alternative would best serve the needs of the communities as expressed in the Purpose and Need Statement.

In the AA, the alternatives for detailed evaluation included one bus alternative called the Enhanced Bus, two bus rapid transit (BRT) alternatives, and eight light rail transit (LRT) alternatives. It was concluded that three of the eight LRT routes could meet the established project goals. In addition, the enhanced bus alternative was retained to continue to evaluate the possibility of addressing the increasing mobility needs of the area through improved bus service rather than LRT. The Draft EIS includes a detailed description of the alternatives evaluation process (see Section 2.1).

The AA was the starting point for the Draft EIS and formed the basis for the Scoping Process. Based upon the AA, three LRT alternatives and the Enhanced Bus alternative were proposed for inclusion in the Draft EIS. During the NEPA/MEPA Scoping Period from September 8, 2008 through November 7, 2008 for the Southwest Transitway Project (the Project) Draft EIS), two new alignments were proposed. The alternatives were labeled LRT 3C (11th/12th Sub-Alternative) and LRT 3E and were evaluated for their feasibility with regard to the project's goals identified in the Purpose and Need Statement and it was determined that they warranted inclusion in the Draft EIS.

The Draft EIS examined seven alternatives, including the No Build Alternative, the Enhanced Bus Alternative, and five light rail transit (LRT) alternatives (LRT 1A, LRT 3A, LRT 3A-1, LRT 3C-1, and LRT 3C-2). These seven alternatives are described in Section 2.3 of the Draft EIS which provides a description of the alternatives that were considered within the Project selection process. Chapter 11 of the Draft EIS provides a description of how the alternatives were evaluated and the rationale for the identification of the Project. On May 26, 2010, prior to the completion of the Draft EIS and based on an extensive alternatives analysis and public involvement process, the Metropolitan Council adopted the Project's Locally Preferred Alternative (LPA) as recommended by the Hennepin County Regional Railroad Authority (HCRRA) and included it as part of the 2030 Transportation Policy Plan.

While the Draft EIS notes that LRT 3A-1 is identical to LRT 3A in the transit service it would provide (see Chapter 2 of the Draft EIS), it only identifies LRT 3A as the LPA (see pages 2-31 and 2-41 of the Draft EIS for examples). The LPA is a subset of both LRT 3A and LRT 3A-1 of the Draft EIS; therefore, the Project's LPA is included within both LRT 3A and LRT 3A-1. The LPA was identified based on an

assessment of four evaluation categories: planning compatibility; performance; implementation factors; and critical environmental resources.

The HCRRA and Metropolitan Council found that LRT 3A and LRT 3A-1 will best meet the Project's Purpose and Need Statement, as expressed by the goals of improving mobility, providing a cost effective and efficient travel option, preserving the environment, protecting quality of life and supporting economic development.

See *Master Response 1: Invalid NEPA/MEPA Scoping Process because original scoping report did not include freight rail colocation*.

Safety concerns related to freight rail transport of hazardous materials under co-location

See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

See *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*.

Kenilworth Trail is used for more than recreation uses

Both HCRRA and MPRB consider the Kenilworth Trail a valuable transportation resource and the transportation function of this and other trails within the Project area was considered in the analysis of pedestrian and bicycle facilities as presented in Section 4.5. As shown in Table 4.5-1, the Kenilworth Trail was observed to have approximately 420 bicycle and 70 pedestrian users during a 2-hour period, which is among the highest in the Project area. Historic properties and districts located within the Kenilworth Corridor are described in Appendix H of the Final EIS. It is important to note that the “Kenilworth Corridor” is not a historic or federally protected property unto itself, but rather is a geographical area reference that contains portions of Section 106 historic and Section 4(f) properties (e.g., Kenilworth Channel/Lagoon and Cedar Lake Parkway).

Comment #	#84
Commenter	Peter Wagenius
Commenter Organization	City of Minneapolis

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Regarding your comments on the federal direction to incorporate the freight rail issue into the Project, see *Master Response 1: Invalid NEPA/MEPA Scoping Process because original scoping report did not include freight rail colocation*.

Comment #	#85
Commenter	Bob Carney
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your opposition to the Southwest LRT Project. We've addressed your comments in the response to comment 70.

Comment #	#86
Commenter	Melitta Mayer
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your opposition to the Southwest LRT Project.

Comment #	#87
Commenter	Nancy Arieta
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your opposition to the Southwest LRT Project.

Comment #	#88
Commenter	Ellen Hoerle
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the Southwest LRT Project.

Comment #	#89
Commenter	Joseph Lampe
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS) and for your submission of material related to Personal Rapid Transit. Your comments are addressed in the response to comment 35.

Comment #	#90
Commenter	Frank Lorenz
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your opposition to the Project. The sections that follow include responses to these specific comments.

- The Supplemental Draft EIS does not include the cost of land acquisition and related litigation
- Concern over the need to provide access to jobs in Eden Prairie for north Minneapolis residents

The Supplemental Draft EIS does not include the cost of land acquisition and related litigation
The financial evaluation for the Project includes the estimated cost of land acquisitions needed for new right-of-way (approx. $207.3 million). As part of the Project, the Council will identify and compensate affected property owners for long-term and short-term (construction) takings according to the provisions of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Code of Federal Regulations [CFR] Title 49, Part 24), as amended (49 CFR, Part 24). The Project will not displace any residences, however, small amounts (generally less than 0.5 acres, but up to 2.5 acres) will be acquired from residential properties and compensated in accordance with Uniform Relocation Act standards.

As shown in Chapter 7, the capital costs estimate for the Project include anticipated costs needed for right-of-way, land acquisition, and existing improvements (approx. $211,785,000), which includes typical legal proceedings. Additional costs not covered by the right-of-way line item are covered under contingency. Litigation associated with NEPA process for this project is a burden shared by the lead agency, FTA and the Council.

Concern over the need to provide access to jobs in Eden Prairie for north Minneapolis residents
The transportation issues facing the Southwest LRT Project Corridor illustrate the need for improved mobility, accessibility, and system linkages to key activity centers (Eden Prairie, Minnetonka, Hopkins, St. Louis Park, and downtown Minneapolis) through high-capacity transit service. The Southwest LRT Project is one of several transit corridors identified in the Council's 2040 Transportation Policy Plan as being in need of enhanced transit service. The Southwest LRT Project Corridor continues to experience increases in population and employment with limited additional traffic capacity on existing streets and highways, resulting in increased travel time, delays, and air pollution.

As described in Chapter 1, employment in the Project Corridor is forecast to increase from 314,904 jobs in 2010 to 427,950 jobs in 2040, a 36 percent increase. The west edge of the Project Corridor near the Hennepin County/Carver County line is the largest area in the Project Corridor that is expected to experience a 50 percent increase in population and employment. Forecast (2040) employment in Eden Prairie, Minnetonka, Hopkins, Edina, St. Louis Park, and Minneapolis is expected increase from 15 percent in St. Louis Park to 47 percent in Hopkins. Minneapolis is and will continue to be the employment center in the region. It is home to 19 percent of the region's jobs, and suburban Hennepin County has another 34 percent of the region's jobs, for a total of approximately 850,000 jobs (Callaghan, 2015). Existing employment density (i.e., jobs per acre) in the vicinity of the existing METRO Green Line and METRO Blue Line and the proposed Project (METRO Green Line Extension) is illustrated in Exhibit 1.4-5 in Chapter 1.

Comment #	#91
Commenter	Bob Carney
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your opposition to the Southwest LRT Project.

Comment #	#92
Commenter	Stuart Nolan
Commenter Organization	Stuart Companies

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Recommendation of alternative alignment along Excelsior Boulevard that turns south at 11th Street
Routing the proposed light rail alignment via 11th Avenue South, generally between Excelsior Boulevard and Bren Road West, would not be feasible or reasonable due to the constrained right-of-way and existing residential and commercial development along 11the Avenue South; 11th Avenue South is generally a two-lane arterial, with many cross streets and driveway entrances and exits intersecting it. A light rail alignment via 11th Avenue South would likely require residential displacements, which will be avoided under the Project. In addition, an in-street light rail alignment would operate at a lower speed than the proposed alignment under the Project, which would increase light rail travel times and reduce the competiveness of transit to attract new riders. In addition, the alignment connection between Smetana Road and Bren Road West would traverse through a high-quality wetland and would increase the required wetland displacements compared to the Project. Section 2.1 of the Final EIS describes the LPA for the Project and the alternatives that were considered during the Project's alternatives analysis and NEPA scoping processes. More detailed information on the Project's alternatives analysis, scoping, and LPA identification process may be found in the following documents: Southwest Transitway Alternatives Analysis Final Report; Southwest Transitway Scoping Summary Report; Southwest LRT Locally Preferred Alternative Report.

Comment #	#93
Commenter	Not Provided
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your comment regarding total expenditure on the Southwest LRT Project planning process. As stated during the public hearing on June 16, 2015, the total Project expenditure at that date was approximately $62 million.

Comment #	#94
Commenter	Not provided
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Question regarding the inclusion of a Kenilworth Corridor light rail tunnel in the Project
The Project includes a shallow tunnel in the Kenilworth Corridor, generally between West Lake Street and the Kenilworth Lagoon. See Section 2.1 of the Final EIS for more information.

Comment #	#95
Commenter	John Shorrock
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Concerns over the selection of LRT for the LPA considering that enhanced bus service cost less
In total, more than 25 route and mode alternatives or sub-alternatives have been evaluated as part of the project development process for the Project. Detailed information on the Project's alternatives analysis, scoping, and LPA identification process is presented in the following documents: *Southwest Transitway Alternatives Analysis Final Report* (Hennepin County, 2007) and *Southwest Transitway Scoping Summary Report* (Hennepin County, 2009), and the Draft EIS.

In 2007, the HCRRA completed a federally required study called an Alternatives Analysis, which was a continuation of the Southwest Rail Transit Study, 2003. The Southwest Transitway Alternatives Analysis (AA) compared the benefits, costs and impacts of a range of transit alternatives (modes and routes) to identify which alternative would best serve the needs of the communities as expressed in the Purpose and Need Statement.

In the AA, the alternatives for detailed evaluation included one bus alternative called the Enhanced Bus, two bus rapid transit (BRT) alternatives, and eight light rail transit (LRT) alternatives. It was concluded that three of the eight LRT routes could meet the established project goals. In addition, the enhanced bus alternative was retained to continue to evaluate the possibility of addressing the increasing mobility needs of the area through improved bus service rather than LRT. The Draft EIS includes a detailed description of the alternatives evaluation process (see Section 2.1).

The AA was the starting point for the Draft EIS and formed the basis for the Scoping Process. Based upon the AA, three LRT alternatives and the Enhanced Bus alternative were proposed for inclusion in the Draft EIS. During the NEPA/MEPA Scoping Period from September 8, 2008 through November 7, 2008 for the Southwest Transitway Project (the Project) Draft EIS), two new alignments were proposed. The alternatives were labeled LRT 3C (11th/12th Sub-Alternative) and LRT 3E and were evaluated for their feasibility with regard to the project's goals identified in the Purpose and Need Statement and it was determined that they warranted inclusion in the Draft EIS.

The Draft EIS examined seven alternatives, including an Enhanced Bus Alternative. The alternatives considered are described in Section 2.3 of the Draft EIS. Chapter 11 of the Draft EIS provides a description of how the alternatives were evaluated and the rationale for the identification of the Project. On May 26, 2010, prior to the completion of the Draft EIS and based on an extensive alternatives analysis and public involvement process, the Metropolitan Council adopted the Project's Locally Preferred Alternative (LPA) as recommended by the Hennepin County Regional Railroad Authority (HCRRA) and included it as part of the 2030 Transportation Policy Plan. The Enhanced Bus Alternative not recommended as the Locally Preferred Alternative because it would not adequately support the goals and objectives of the Project (see Chapter 11 of the Draft EIS for more information).

While the Draft EIS notes that LRT 3A-1 is identical to LRT 3A in the transit service it would provide (see Chapter 2 of the Draft EIS), it only identifies LRT 3A as the LPA (see pages 2-31 and 2-41 of the Draft EIS for examples). The LPA is a subset of both LRT 3A and LRT 3A-1 of the Draft EIS; therefore, the Project's LPA is included within both LRT 3A and LRT 3A-1. The LPA was identified based on an assessment of four evaluation categories: planning compatibility; performance; implementation factors; and critical environmental resources.

The HCRRA and Council found that LRT 3A and LRT 3A-1 will best meet the Project's Purpose and Need Statement, as expressed by the goals of improving mobility, providing a cost effective and efficient travel option, preserving the environment, protecting quality of life and supporting economic development.

Comment #	#96
Commenter	Scott Blumhoefer
Commenter Organization	Heartland Corn Products

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

TC&W route changes will have economic impacts on farmers and south central MN residents
The Project will maintain existing freight rail operations within the Bass Lake Spur and Kenilworth Corridor, including maintaining existing TC&W operations. The Project will result in relatively minor modification to the infrastructure and reconstruction of the freight tracks, but will not result in changes to freight rail operations and will not change access to existing freight rail markets or open access to new freight rail markets.

A number of short-term impacts to freight rail operations will result from construction activities. In order to minimize these impacts, the Council will develop and implement a freight rail operations coordination plan. The plan will facilitate coordination between the Project and the affected freight railroad owners and operators throughout the construction period, to help ensure the Project does not create unreasonable constraints during construction. See Sections 2.1 and 4.4 of the Final EIS for more information.

Comment #	#97
Commenter	Matthew Pawlowski
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your comments on the Project's cost effectiveness are noted.

Comment #	#98
Commenter	Mark McGree
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Recommendation of alternative route from West Lake Station, along Cedar Lake Parkway to I-394
Based on this recommendation, the Council reviewed a proposed light rail alignment along Cedar Lake Parkway, between West Lake Street and south of I-394. Based on the development and evaluation of that proposed light rail alignment, FTA and the Council and have determined that this alternative route would substantially increase some adverse environmental impacts, compared to the Project. Those impacts would include adverse effects to and the use of portions of Cedar Lake Park and Cedar Lake Parkway, both of which are federally-protected Section 106 historic and Section 4(f) park properties. In addition, the proposed alignment would result in the displacement of multiple residences on the west side of Cedar Lake Parkway, compared to the Project, which would result in no displacement of residences. Further, because the proposed light rail alignment would both increase the length of the light rail alignment and because it would involve several tighter radius curves than under the Project, light rail travel time in this segment would increase under the proposed alignment change, compared to the Project. The increased light rail travel time would tend to reduce Project ridership. See the *Cedar Lake Parkway/I-394 Light Rail Alignment Assessment Technical Memorandum* for additional information (Council, 2016 – see Appendix C for instructions on how to access the technical memorandum). Because the proposed light rail alignment alternative would increase the noted adverse environmental impacts, increase light rail travel times, and tend to reduce Project ridership, compared to the Project, the Council and FTA dismissed the proposed alternative light rail alignment along Cedar Lake Parkway/ I-394 from further study.

In total, more than 25 route and mode alternatives or sub-alternatives have been evaluated as part of the project development process for the Project. Detailed information on the Project's alternatives analysis, scoping, and LPA identification process is presented in the following documents: *Southwest Transitway Alternatives Analysis Final Report* (Hennepin County, 2007) and *Southwest Transitway Scoping Summary Report* (Hennepin County, 2009), and the Draft EIS.

In 2007, the HCRRA completed a federally required study called an Alternatives Analysis, which was a continuation of the Southwest Rail Transit Study, 2003. The Southwest Transitway Alternatives Analysis (AA) compared the benefits, costs and impacts of a range of transit alternatives (modes and routes) to identify which alternative would best serve the needs of the communities as expressed in the Purpose and Need Statement.

In the AA, the alternatives for detailed evaluation included one bus alternative called the Enhanced Bus, two bus rapid transit (BRT) alternatives, and eight light rail transit (LRT) alternatives. It was concluded that three of the eight LRT routes could meet the established project goals. In addition, the enhanced bus alternative was retained to continue to evaluate the possibility of addressing the increasing mobility needs of the area through improved bus service rather than LRT. The Draft EIS includes a detailed description of the alternatives evaluation process (see Section 2.1).

The AA was the starting point for the Draft EIS and formed the basis for the Scoping Process. Based upon the AA, three LRT alternatives and the Enhanced Bus alternative were proposed for inclusion in the Draft EIS. During the NEPA/MEPA Scoping Period from September 8, 2008 through November 7, 2008 for the Southwest Transitway Project (the Project) Draft EIS), two new alignments were proposed. The alternatives were labeled LRT 3C (11th/12th Sub-Alternative) and LRT 3E and were evaluated for their feasibility with regard to the project's goals identified in the Purpose and Need Statement and it was determined that they warranted inclusion in the Draft EIS.

The Draft EIS examined seven alternatives, including the No Build Alternative, the Enhanced Bus Alternative, and five light rail transit (LRT) alternatives (LRT 1A, LRT 3A, LRT 3A-1, LRT 3C-1, and LRT

3C-2). These seven alternatives are described in Section 2.3 of the Draft EIS which provides a description of the alternatives that were considered within the Project selection process. Chapter 11 of the Draft EIS provides a description of how the alternatives were evaluated and the rationale for the identification of the Project. On May 26, 2010, prior to the completion of the Draft EIS and based on an extensive alternatives analysis and public involvement process, the Metropolitan Council adopted the Project's Locally Preferred Alternative (LPA) as recommended by the Hennepin County Regional Railroad Authority (HCRRA) and included it as part of the 2030 Transportation Policy Plan.

While the Draft EIS notes that LRT 3A-1 is identical to LRT 3A in the transit service it would provide (see Chapter 2 of the Draft EIS), it only identifies LRT 3A as the LPA (see pages 2-31 and 2-41 of the Draft EIS for examples). The LPA is a subset of both LRT 3A and LRT 3A-1 of the Draft EIS; therefore, the Project's LPA is included within both LRT 3A and LRT 3A-1. The LPA was identified based on an assessment of four evaluation categories: planning compatibility; performance; implementation factors; and critical environmental resources.

The HCRRA and Metropolitan Council found that LRT 3A and LRT 3A-1 will best meet the Project's Purpose and Need Statement, as expressed by the goals of improving mobility, providing a cost effective and efficient travel option, preserving the environment, protecting quality of life and supporting economic development.

Comment #	#99
Commenter	Chris Polston
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Recommendation of alternative alignment along Hennepin Avenue
The option of routing the Project through uptown and south Minneapolis along Hennepin Avenue was previously evaluated during the Alternatives Analysis, Scoping, and the Draft EIS as LRT 3C-1 and LRT 3C-2.

As documented in Section 11.2.6 of the Draft EIS, LRT 3C-1 was determined to be the least cost effective of the alternatives considered in the Draft EIS, due to its relative high costs and lowest ridership estimates. It was also found that LRT 3C-1 was not compatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, it would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

As documented in Section 11.2.7 of the Draft EIS, LRT 3C-2 was found to be incompatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, LRT 3C-2 would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, the most severe construction impacts, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

The alternative suggested by the commenter would perform very similarly to the 3C-1 and 3C-2 alternatives. Section 2.2 of the Final EIS provides a more detailed description of how the alternatives were evaluated during the Project's various phases and the rationale for the identification of the LPA.

Comment #	#100
Commenter	Marion Spirn
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Concern regarding Kenilworth Corridor light rail tunnel construction and train operation impacts to residences
- Pumping in the Kenilworth Corridor light rail tunnel may disturb the water table and lakes
- Safety concerns related to freight rail transport of hazardous materials under co-location
- Concern that noise impacts become amplified at higher elevations
- Concern over impacts to the "natural sanctuary" in the Kenilworth Corridor from train operation
- Concern over spillover parking

Vibration during Construction (of Shallow Tunnel) and Operation
See *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*. As described in Section 3.13, the Project is not expected to result in any long-term vibration impacts and highly resilient rail fasteners will be used as appropriate (i.e., generally in the tunnel section) to eliminate ground-borne noise impacts. The foundational slab of the proposed light rail tunnel in the Kenilworth Corridor has been designed to reduce the vibration levels relative to a location without such a slab. The vibration assessment presented in Section 3.13 of the Final EIS takes into account the long-term effects of the Kenilworth Corridor light rail tunnel on vibration levels.

Kenilworth Corridor light rail tunnel pumping system and impacts to water resources and lakes
Refer to *Master Response 17: Concern over impacts to groundwater and surface water in the Kenilworth Corridor.*

Relative to your comment concerning dewatering, Section 3.8 of the Final EIS notes that dewatering, which is lowering of the water table, would not occur under the Project and anticipated short-term and long-term groundwater pumping would not result in a lowering of the water table. Temporary pumping of groundwater will comply with permits related to groundwater pumping. A Minnesota Department of Natural Resources groundwater pumping permit is required during construction if a threshold of 1.0 million gallons per year or 10,000 gallons per day is expected/ reached. The discharge from temporary groundwater pumping is regulated under a National Pollution Discharge Elimination System permit that is required for construction activities. During the Engineering phase, the Council will determine the full range of locations where temporary groundwater pumping will be required, the volume of groundwater to be pumped, and the design of the temporary drainage systems to accommodate the groundwater.

Where temporary groundwater pumping may be needed during construction, the Project will adhere to permit requirements related to groundwater pumping and discharge from groundwater pumping, thereby minimizing the potential of adverse groundwater quality impacts. Tunnel construction will encounter groundwater, however the method of constructing the tunnel and the tunnel design will limit the impact of the tunnel on groundwater and the groundwater table. The tunnel will be constructed "cell by cell." A description of this construction technique is found in Kenilworth Shallow LRT Tunnel Basis of Design (November 2014). See Appendix C of the Supplemental Draft EIS for instructions on how to obtain a copy of the report. The internal tunnel water control system is designed to be part of the closed system that prevents groundwater from entering the tunnel. If any water were to enter the LRT tunnel and be collected by the internal tunnel water control system, it would likely be either groundwater entering via small cracks or joints in the concrete walls, floors, and ceilings or water brought into the tunnel by light rail trains (e.g., dripping, melting ice), either of which are expected to be very small quantities Water collected in the

tunnel will be treated, if required, and pumped to the adjacent sanitary sewer systems owned by either the City of Minneapolis or Metropolitan Council Environmental Services.

Coordination with private well owners will occur as part of MnDOT Field Title meetings and subsequent acquisition negotiations if there is an acquisition from a parcel with such a well. Impacts caused by temporary groundwater pumping during construction of the tunnel in the Kenilworth Corridor will be minimized as described in the Kenilworth Shallow LRT Tunnel Basis of Design Technical Report located in Southwest LRT Project Geology and Groundwater Evaluation Supporting Documentation (see Appendix C for instructions on how to access supporting documentation).

Safety concerns related to freight rail transport of hazardous materials under co-location
Regarding your concerns about oil tank cars travelling on freight tracks, See *Master Response 3: General concerns related to safety and security for LRT operating within close vicinity to freight in the Kenilworth Corridor*, and *Master Response 11, Safety concerns related to hazardous freight rail cargo within the Kenilworth Corrido*r.

Concern that noise impacts become amplified at higher elevations
Noise assessments were conducted for all sensitive locations along the Southwest LRT corridor segments including noise from operations, stations and grade crossings. Noise and vibration levels are highest closest to the source, which is the ground floor of buildings. Noise and vibration levels will be lower as noise moves further from the source, which would be at higher levels of high rise buildings, because energy (such as noise and vibration) does not increase with increasing distance from its source. Section 3.12 of the Final EIS summarizes the findings of this analysis.

Concern over impacts to the "natural sanctuary" in the Kenilworth Corridor from train operation
Light rail construction in the Kenilworth Corridor has the potential to cause environmental impacts including disruptive noise levels and visual impacts (the construction of the new bridges will require noticeable clearing of trees and other vegetation). Potential impacts during construction include temporary detours of trails and roadways, as well as reductions in vehicular access and parking affecting community cohesion, groundwater management impacts (collection, storage, and disposal), and vibration impacts resulting from the operation of heavy equipment (pile driving, hoe rams, vibratory compaction, and loaded trucks). There will be utility impacts as sewer and water mains, power, gas, and communication lines are relocated. It is reasonable to expect that previously undocumented soil or groundwater contamination may be encountered during construction. Short-term construction impacts to park uses and recreational activities include closures, detours, and temporary facilities built around obstructions. Impacts to identified architecture/history and archaeological properties from construction have been identified as part of the Section 106 process. As documented in the Project's Section 106 MOA (Appendix H), the Kenilworth Channel/Lagoon will be temporarily closed and detoured during construction. Best Management Practices (BMPs) will be developed and implemented during removal of the existing bridges and construction of the new bridges across the Kenilworth Channel/Lagoon, which is both a Section 106 and Section 4(f) protected property (see Section 3.5 and Chapter 6 of the Final EIS for more information on the Project's Section 106 and Section 4(f) analyses and determinations). Table ES-2 in the Executive Summary of the Final EIS summarizes the mitigation measures for each environmental and transportation category that will be implemented in the Kenilworth Corridor to address the operational and construction impacts (see the corresponding sections of Chapters 3 and 4 for a more detailed description of the mitigation measures).

Historic properties and districts located within the Kenilworth Corridor are described in Appendix H of the Final EIS. It is important to note that the "Kenilworth Corridor" is not a historic or federally protected property unto itself, but rather is a geographical area reference that contains portions of Section 106 historic and Section 4(f) properties (e.g., Kenilworth Channel/Lagoon and Cedar Lake Parkway).

Regarding your comment on disturbance of a "natural sanctuary" by trains, please see Section 3.10 of the Final EIS that documents effects the Project will have on ecosystems. This section considers impacts of the Project on threatened and endangered species, habitat, and migratory birds. The USFWS concurred that the Project will have "no effect" on the Higgins eye (pearly mussel) and Snuffbox mussel, or their associated critical habitats, and the Project "may affect but not likely to adversely affect" the northern long-eared bat. There are no element occurrences of the Blanding's turtle within 0.9 mile of the Project's alignment. However, there is an element occurrence of the Blanding's turtle within the MnDNR study

area, so the MnDNR has indicated that this species may be adversely affected by the Project. The following MnDNR recommendations are part of the Project's design to avoid long-term direct impacts to the Blanding's turtle (see Appendix N of the Final EIS for agency coordination letters): (1) roads have been designed using the minimum standard for widths and lanes when practicable (which reduces road kills by slowing traffic and reducing the distance turtles need to cross); (2) wetland crossings have been elevated where practicable; (3) utility access and maintenance roads have been kept to a minimum where practicable (this reduces road-kill potential); and (4) terrain disturbed by the Project will be left with as much natural contour as practicable.

In addition, to avoid habitat fragmentation, appropriately sized and spaced openings will be provided in the permanent safety/security barriers (fences) in the area located approximately between 21st Street Station and Penn Station to maintain connectivity of terrestrial habitat and allow movement of terrestrial species, primarily small mammals. Within the Kenilworth Corridor specifically, the Council developed a landscape design that preserves and builds upon the natural character of the corridor, where applicable and appropriate.

Concern over spillover parking

Under the Project, there will be some changes to on-street and off-street parking. Changes to off-street parking will be related to land acquisitions, and changes to on-street parking will occur in some areas where changes to existing roadways are needed to accommodate the Project. Overall, the Project will reduce the supply of off-street parking (i.e., off-street parking lots, typically associated with privately owned businesses) by eliminating 692 spaces and will reduce the supply of on-street parking by eliminating 57 spaces. In addition, the Project will include new park-and-ride lots at nine light rail stations, for a combined addition of approximately 2,487 new park-and-ride spaces. Refer to Section 4.3 of the Final EIS for more information on impacts to parking.

In addition to long-term reductions in the supply of parking, temporary removal of on-street parking spaces may occur at locations to facilitate construction of the Project (e.g., to facilitate truck movement or to provide a temporary truck loading zone). These potential temporary removals of on-street parking spaces will be identified prior to the start of construction as part of the Construction Staging Plan.

The Project could lead to indirect impacts related to "spillover" parking in neighborhoods adjacent to proposed light rail stations. Spillover parking is unwanted parking by light rail riders in off-street parking lots or at on-street parking spaces adjacent to a light rail station. Spillover parking can result from a lack of park-and-ride lot capacity relative to demand for park-and-ride lot spaces, and can affect both businesses and residences by limiting available parking spaces for residents, visitors, customers, and employees. Spillover parking impacts can also be curbed by the local jurisdictions and residents by implementing a "residents parking" permit program, which would allow unlimited time parking for residents and visitors of residents.

The Council will complete a Regional Park-and-Ride System Report on an annual basis. As part of this effort, the Council and Metro Transit will collaborate with regional transit partners, local governments, and the Minnesota Department of Transportation to conduct an annual regional park-and-ride survey, which tracks facility use and emerging travel patterns by park-and-ride users across the region to identify the appropriate mitigation, as needed and where feasible. The results of this survey are published in the annual report. See Section 4.3 of the Final EIS for more information on parking impacts and mitigation measures.

Comment #	#101
Commenter	Marion Collins
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Concern over impact to water resources in the Kenilworth Corridor
- Concern over disturbance of contaminated soils in the Kenilworth Corridor
- Concern over vibration impacts in the Kenilworth Corridor
- Concern over noise impacts in the Kenilworth Corridor
- Concern over destruction of trees and parkland in the Kenilworth Corridor
- Safety concerns related to residential areas under colocation
- No anticipated economic development in the Kenilworth Corridor
- Concern over bus operations in the Kenilworth Corridor
- Recommendation of alternative alignment along Hennepin Avenue

Concern over impact to water resources in the Kenilworth Corridor
The Project's potential impacts on a wide range of natural resources and socioeconomic factors are discussed in Sections 3 and 4 of the Final EIS. The Project's potential impacts on surface water quality are discussed in Final EIS Section 3.9.5.2. The Project's potential impacts on drinking water quality are discussed in Section 3.8.3.2.

Refer to *Master Response 17: Concern over impacts to groundwater and surface water in the Kenilworth Corridor.*

During construction of the tunnel, it is likely that the Project will encounter groundwater. The method of constructing the tunnel and the tunnel design will limit the impact of the tunnel on groundwater and the groundwater table. The tunnel will be constructed “cell by cell.” A description of this construction technique is found in Kenilworth Shallow LRT Tunnel Basis of Design (November 2014). See Appendix C of the Supplemental Draft EIS for instructions on how to obtain a copy of the report. The internal tunnel water control system is designed to be part of the closed system that prevents groundwater from entering the tunnel. If any water were to enter the LRT tunnel and be collected by the internal tunnel water control system, it would likely be either groundwater entering via small cracks or joints in the concrete walls, floors, and ceilings or water brought into the tunnel by light rail trains (e.g., dripping, melting ice), either of which are expected to be very small quantities. Water collected in the tunnel will be treated, if required, and pumped to the adjacent sanitary sewer systems owned by either the City of Minneapolis or Metropolitan Council Environmental Services.

Concern over disturbance of contaminated soils in the Kenilworth Corridor
See *Master Response 8: Questions over the extent of hazardous and contaminated materials in the Kenilworth Corridor*.

Concern over vibration impacts in the Kenilworth Corridor
Sections 3.12 and 3.13 of the Final EIS (Noise and Vibration, respectively) document severe and moderate noise impacts and vibration impacts, as well as mitigations for the Project, including in the Kenilworth Corridor.

As described in Section 3.13.3 of the Final EIS, the Project will result in ground-borne noise impacts at 54 units (in five buildings) for residential land uses in the tunnel section south of the Kenilworth Channel (see Exhibit 3.13-2), without mitigation. The tunnel slab, a Project feature for the Kenilworth Corridor light rail tunnel, significantly reduces the number and magnitude of ground-borne noise impacts relative to a tunnel without a slab within the same segment of the corridor. The Council will also implement highly resilient rail fasteners in the Kenilworth Corridor tunnel section (approximately 2,200 feet) to eliminate ground-borne

noise impacts. Please also see *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.

Concern over noise impacts in the Kenilworth Corridor
Section 3.12, Noise of the Final EIS provides results of the noise analysis, and identifies mitigation measures that the Project will implement to address adverse noise impacts. The majority of Project noise impacts will be related to LRT horns sounding at FRA shared grade crossings in the corridor. The proposed shallow tunnel in the Kenilworth Corridor will avoid most noise impacts compared to an at-grade light rail alignment within the same segment of the corridor. Without the tunnel, the number of noise impacts, shown in Table 3.12-5 of the Final EIS, would be much greater.

Section 3.12, Noise, of the Final EIS provides the noise analysis for the Project. The section documents severe and moderate noise impacts caused by the Project and identifies mitigation measures for the impacts, including noise impacts in the Kenilworth Corridor. The primary avoidance measure for noise impacts within the Kenilworth Corridor is the proposed shallow LRT tunnel. Implementation of the tunnel will avoid most noise impacts compared to an at-grade LRT alignment within the same segment of the corridor. Without the tunnel, the number of noise impacts would be greater.

From Lake Citihomes to South Upton Avenue there will be 18 buildings with moderate noise impacts and one building with a severe noise impact without mitigation; with mitigation, there will be residual noise impacts (moderate) at five buildings (seven units at Lake Citihomes and four residences at Burnham Road North). The residences with residual moderate noise impacts do not meet the threshold for mitigation (e.g., impact does not meet 3-dB increase threshold) as defined by Council's Regional Transitway Guidelines (see Appendix D of the Final EIS).

Some of the noise impacts near 21st Street Station will be mitigated by the use of wayside bells instead of the routine sounding of train horns. For the residences not mitigated by the use of a wayside bell (one severe and four moderate impacts identified along Thomas Avenue South and Burnham Road North), interior noise testing will be conducted to determine if the residences meet the interior noise level criteria (defined in Appendix K). Based on the results, the Council will identify the noise mitigation to be implemented for the residences. If the interior noise level exceeds the criteria set in the Council's Regional Transitway Guidelines (Appendix D), the Council will work with property owners on applicable mitigation. This could include implementation of sound insulation, which would require approval by the property owner(s).

Concern over destruction of trees and parkland in the Kenilworth Corridor
Historic properties and districts located within the Kenilworth Corridor are described in Appendix H of the Final EIS. It is important to note that the "Kenilworth Corridor" is not a historic or federally protected property unto itself, but rather is a geographical area reference that contains portions of Section 106 historic and Section 4(f) properties (e.g., Kenilworth Channel/Lagoon and Cedar Lake Parkway).
The Kenilworth Trail, a transportation corridor, is located on property owned by the Hennepin County Regional Railroad Authority (HCRRA) and maintained by the Minneapolis Park and Recreation Board. The trail was built under a temporary permit agreement that recognizes that the primary purpose of the property owned by HCRRA is designated for construction of light rail and other transportation purposes. Under the Project, the Kenilworth Trail will maintain its current functionality as a trail. See Section 4.5.3 of the Final EIS for additional information on evaluation of trails. Refer to Section 3.6 for a detailed evaluation of parks, recreation areas, and open space.

For the viewpoints within the Kenilworth Corridor, these impacts ranged from low to substantial. Viewpoints 5 and 6, included in the Supplemental Draft EIS, are renumbered to 16 and 18, respectively, in the Final EIS. Further, an additional viewpoint from the Burnham Road Bridge looking southeast down the channel toward the Kenilworth Corridor Bridges was added to the analysis—viewpoint 17. The level of impact remains the same for viewpoints 16 and 18 (low level of impact), however, there will be a substantial level of impact at viewpoint 17 as construction of the new bridges will require noticeable clearing of trees and other vegetation on the west side of the right-of-way.

The visual quality evaluation for the area north of the Kenilworth Channel (viewpoint 18 – looking toward the 21st Street Station) concluded that the level of visual impact will be low. Removal of trees is a contributing factor in the visual assessment for this area. The visual evaluation found that the removal of

trees will slightly decrease the vividness of the view. However, the addition of the street trees, the widened sidewalk, and the plantings in the 21st Street Station area will make a positive contribution. For a more detailed explanation of the rationale for this conclusion, refer to the "Concern over visual impacts at 21st Street Station" in *Master Response 16: Concerns related to 21st Street Station and related impacts*.

These findings are based on FHWA's Visual Impact Assessment of Highway Projects (FHWA, 1988). The method was designed to provide a systematic and objective approach to evaluation of the visual changes. The FHWA methodology is well established and widely accepted for the assessment of visual impacts and is well suited to assess the visual impacts of linear transportation facilities in urban areas. The assessment for the Project was based on visual assessment of the Project corridor, completed through site visits, analysis of existing conditions, and an evaluation of visual change. All viewpoint sites were visited and the corresponding views were photographed to document the existing views. This field work, review of the photographs, and the subsequent coordination/consultation process with the Project team provided a basis for understanding the typical visual issues for each visual assessment area. Computer modeling and rendering techniques were then used to produce simulated images of the with-Project conditions for the viewpoints evaluation (see Appendix J of the Final EIS). These visual simulations provided the bases for the assessment of visual change.

The Council will also continue to work with the Kenilworth Landscape Design Committee, established in May 2015. The purpose of this committee is, in part, to help ensure that landscape design will restore the natural setting while incorporating the regional trail system, light rail, and freight rail. This group focuses on landscape design in the Kenilworth Corridor from West Lake Station to Penn Avenue Station. See Section 9.2 of the Final EIS for additional detail on this committee.

Safety concerns related to residential areas under colocation
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*, and *Master Response 11, Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*.

No anticipated economic development in the Kenilworth Corridor
See *Master Response 16: Concerns related to 21st Street Station and related impacts*.

Concern over bus operations in the Kenilworth Corridor
Regarding your concerns over providing bus service in the Kenilworth Corridor, as described in Section 4.1.3 of the Final EIS bus service will be modified as appropriate to meet demand and provide connections to the proposed Project stations, including the 21st Street Station. Exhibit 4.1-4 shows the bus operations plan under the No Build Alternative and Exhibit 4.1-5 i illustrates the Project bus operation plan. Metro Transit currently provides bus service to the vicinity of the proposed 21st Street Station via bus route 25. This service is proposed to continue under both the No Build and the Build Alternative (service will be provided directly to the 21st Street Station). Currently, no additional bus service to this area is proposed under the Project. For more information, see *Master Response 16: Concerns related to 21st Street Station and related impacts*.

Recommendation of alternative alignment along Hennepin Avenue
The option of routing the Project through uptown and south Minneapolis was previously evaluated during Alternatives Analysis, Scoping, and the Draft EIS as LRT 3C-1 and LRT 3C-2.

As documented in Section 11.2.6 of the Draft EIS, LRT 3C-1 was determined to be the least cost effective of the alternatives considered in the Draft EIS, due to its relative high costs and lowest ridership estimates. It was also found that LRT 3C-1 was not compatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, it would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

As documented in Section 11.2.7 of the Draft EIS, LRT 3C-2 was found to be incompatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, LRT 3C-2 would have had greater construction impacts, due to

extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, the most severe construction impacts, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

The alternative suggested by the commenter would perform very similarly to the 3C-1 and 3C-2 alternatives. Section 2.2 of the Final EIS provides a more detailed description of how the alternatives were evaluated during the Project's various phases and the rationale for the identification of the LPA. Section 2.2 of the Final EIS provides a more detailed description of how the alternatives were evaluated during the Project's various phases and the rationale for the identification of the LPA.

Comment #	#102
Commenter	Jami LaPray, Thom Miller
Commenter Organization	Safety in the Park!

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Metropolitan Council's Decision Making Process in St. Louis Park/Minneapolis Segment
- Freight rail and LRT Co-location in the Kenilworth Corridor
- Retain moving the bike trail in the Kenilworth Corridor as a co-location option that does not involve tunnels
- Freight and Light Rail Swap; Southerly Connector

Metropolitan Council's Decision Making Process in St. Louis Park/Minneapolis Segment
Regarding your comments on the Metropolitan Council's decision making process relative to the selection of freight and light rail co-location, the process used by the Council was consistent with NEPA/MEPA. Section 2.2 of the Final EIS, along with Appendix F document details of this process, which included evaluation and comparison of refined relocation and co-location options. Brunswick Central was a product of the design refinement process, typical of similar transit capital projects. Operating costs relative to the relocation of freight rail were not addressed in the Supplemental Draft EIS; these costs could not be accurately or reliably estimated at the time of the analysis, therefore, including them would be speculative.

Freight rail and LRT Co-location in the Kenilworth Corridor
Regarding your comments on co-location of freight and LRT in the Kenilworth Corridor, See *Master Response 10: Rationale for incorporating freight rail co-location into the Project*. Also refer to *Master Response 13: Rationale for dismissal of the "Brunswick Central" freight rail relocation alternative*.

Retain moving the bike trail in the Kenilworth Corridor as a co-location option that does not involve tunnels
Regarding your comment that at least one co-location option that does not involve tunnels should be retained, and that moving the bike trail when the Kenilworth Corridor is needed for transit is the most likely option to retain, please see *Master Response 14: Relocate the Kenilworth Trail instead of co-locating freight rail and light rail within the Kenilworth Corridor*.

Freight and Light Rail Swap; Southerly Connector
Please refer to *Master Response 12: Concern over potential impacts related to replacement of the Skunk Hollow Switching Wye with the Southerly Connector between the Bass Lake Spur and the MN&S Spur*. Regarding comments on probable change in TC&W railroad's business plan, future freight rail operations are subject to a range of market forces and are dependent on the business plans of freight railroad operators, both of which are outside of the jurisdiction of the FTA and the Council (see Section 4.4.4.2 of the Final EIS for additional information). Regarding your comment on the lack of public meetings about the freight rail "Swap" and the "Southerly Connector," these Project design elements were addressed in the Supplemental Draft EIS, available for review at the Supplemental Draft EIS Open Houses, and for comment during the Supplemental Draft EIS public hearings, both, held June 16, 17, and 18 of 2015 in Hopkins, Eden Prairie, and Minneapolis, respectively.

The Council incorporated the freight rail and light rail "Swap" design modification into the proposed Project in April 2014 because the potential land use and economic development benefits and improved transit access to existing activity centers (e.g., to support future transit oriented development) outweighed its additional cost.

Section 3.2.3 of the Final EIS addresses impacts on economic activity under the Project, including on freight rail owners and operators. This section documents that overall, the Project will not adversely affect

freight rail owners and operators because there will be no adverse, long-term impacts. Specific to the Southerly Connector/Skunk Hollow switching wye, the Project will change the geometry of the freight rail, however the action will not result in any change to access—existing freight rail markets and customers will be served, while new freight rail markets cannot be serviced without STB approval. Because future freight rail operations are subject to a range of market forces and are dependent on the business plans of freight railroad operators, both of which are outside of the jurisdiction of the FTA and the Council, the Supplemental Draft EIS and the Final EIS do not assess impacts that might result from such changes (see Section 4.4.4.2 of the Final EIS for additional information) because FTA and the Council are not privy to freight rail owners/operators business plans and operational objectives.

Comment #	#103
Commenter	Irene Elkins
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Concern regarding safety impacts of increased freight rail on planned and existing infrastructure in St. Louis Park
- Recommendation of light rail bridge over switching wye alternative to a freight rail bridge
- Concern regarding potential impacts to neighborhood livability surrounding Wooddale and Louisiana Stations

Concern regarding safety impacts of increased freight rail on planned and existing infrastructure in St. Louis Park
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*. The construction and operations of freight rail co-located with LRT in St. Louis Park will be handled in a similar manner.

Recommendation of light rail bridge over switching wye alternative to a freight rail bridge
Please refer to *Master Response 12: Concern over potential impacts related to replacement of the Skunk Hollow Switching Wye with the Southerly Connector between the Bass Lake Spur and the MN&S Spur*

Concern regarding potential impacts to neighborhood livability surrounding Wooddale and Louisiana Stations
As described in Section 2.2, it has been a priority for the Council to minimize residential and neighborhood impacts in the area of the proposed Wooddale and Louisiana stations and other parts of the Project. The Project's potential land use impacts, which could affect neighborhoods along the Project, and acquisition and displacement impacts are discussed in Final EIS Sections 3.1 and 3.4, respectively.

Comment #	#104
Commenter	Fritz Vandover
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Concern regarding impacts related to the proposed Southerly Connector
Please refer to *Master Response 12: Concern over potential impacts related to replacement of the Skunk Hollow Switching Wye with the Southerly Connector between the Bass Lake Spur and the MN&S Spur*

Comment #	#105
Commenter	Elise Durbin
Commenter Organization	City of Minnetonka

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement (EIS)*. The sections that follow include response(s) to these comments.

- Recommendation to develop operating procedures according to city noise ordinances, including minimizing outdoor use of the OMF
- Potential for long-term pumping of groundwater and potential risk for contamination related to the OMF
- Correction needed for evaluation of wetland impacts and appropriate permitting will need to occur
- Request to confirm water resource and stormwater management plan details with city engineer
- City Review of Final Plans: Storm Water Management and Erosion and Sediment Control
- Expand Traffic Operations Analysis Study Area; Request for further information regarding traffic operations analysis and Level of Service (LOS) impacts

Recommendation to develop operating procedures according to city noise ordinances, including minimizing outdoor use of the OMF
Noise levels, including those resulting from maintenance both inside and outside the OMF, are subject to local noise ordinances and noise rules administered by the MPCA (Minnesota Rules Chapter 7030). Local units of governments and MPCA administer these noise rules to establish maximum allowable noise levels; where applicable, local government and MPCA procedures allow for the issuance of noise variances.

The anticipated outdoor use of the proposed operations and maintenance facility (OMF) will be limited to the movement of light rail vehicles (LRVs), and vehicle movements at the proposed OMF are anticipated to be 10 mph or less. Noise-sensitive land uses in Minnetonka were determined to include the Sunrise International Montessori School, the Claremont Apartments, and the Deer Ridge Apartments. The proposed Hopkins OMF would be within an existing office/warehouse and light manufacturing development. Based on the FTA screening procedure, the residential areas in the vicinity of the OMF are far enough from the site of the proposed facility that no noise impacts are anticipated. As a result, a time of day limitation on outdoor movement of LRVs within the proposed Hopkins OMF site is not warranted. Section 3.12 of the Final EIS summarizes the noise analysis performed for the Project.

Potential for long-term pumping of groundwater and potential risk for contamination related to the OMF
The likelihood of releases of hazardous and contaminated materials into groundwater from routine maintenance activities at the proposed Hopkins OMF will be low because of design features that address containment of hazardous and contaminated materials used at the OMF and as a result of implementation of best management practices required for the storage and handling of hazardous and contaminated materials. Maintenance activities outside of the OMF, which could include raising the track profile in areas that have settled, replacing rail and ties, and grinding to reshape the rails, are not expected to affect areas of high groundwater pollution sensitivity (See Exhibit 3.8-4) or groundwater in general. Overall, 171 high- or medium-risk sites within the hazardous and contaminated materials study area were investigated through Phase II Environmental Site Assessments (ESAs), including six either at the OMF site or within close proximity (see Exhibits 3.14-1 and 3.14-2).

A groundwater management plan will be prepared by the Council, and approved by Minnesota Department of Natural Resources and applicable local jurisdictions, before construction. That plan will address collection, storage, and disposal of surface water runoff and pumped groundwater following construction of the Project. The Project does not include substantial long-term groundwater pumping at

the Hopkins OMF site. During construction, temporary groundwater pumping will be required in the area of the proposed Hopkins OMF. Appropriate remediation for pumping of groundwater in areas with contaminated groundwater will be determined in response action plans (RAPs), which will be developed and approved by MPCA prior to construction. See Final EIS Section 3.14.3 for more information about potential long-term pumping at the proposed OMF and RAPs.

As stated in Section 3.8 of the Final EIS, temporary pumping of groundwater will comply with permits required for groundwater pumping. A Minnesota Department of Natural Resources groundwater pumping permit is required during construction if a threshold of 1.0 million gallons per year or 10,000 gallons per day is expected/ reached. The discharge from temporary groundwater pumping is regulated under a National Pollution Discharge Elimination System permit that is required for construction activities. During the Engineering phase, the Council will determine the full range of locations where temporary groundwater pumping will be required, the volume of groundwater to be pumped, and the design of the temporary drainage systems to accommodate the groundwater.

Correction needed for evaluation of wetland impacts and appropriate permitting will need to occur
Wetland NM-HOP-13 does straddle the municipal boundary between the City of Minnetonka and City of Hopkins as stated in the comment. The Supplemental Draft EIS incorrectly listed this wetland as solely within the jurisdiction of the City of Hopkins. This error has been corrected in the Final EIS (see Section 3.9). The Council has coordinated with local regulatory agencies to discuss and determine local jurisdiction prior to developing wetland and stormwater permits, including the City of Minnetonka. Impacts to wetland NM-HOP-13 have been reduced since the publication of the Supplemental Draft EIS, as indicated in Section 3.9.5.1 of the Final EIS. The City of Minnetonka will have the opportunity to review and comment on the wetland sequencing associated with this proposed impact prior to issuing a Wetlands Conservation Act Notice of Decision.

Request to confirm water resource and stormwater management plan details with city engineer
The Council has coordinated with the City of Minnetonka and Nine Mile Creek Watershed District to discuss and confirm applicable regulatory requirements including locally designated floodplain areas, wetland impact and buffer requirements, stormwater requirements related to rate control, water quality treatment and volume control, erosion and sediment control requirements, and storm sewer design criteria. Section 3.9.5.3, Exhibit 3.9-4, and Table 3.9-7 in the Final EIS show long-term flood impacts resulting from the Project. Within the City of Minnetonka, the Project will have long-term impacts on five regulated floodplains. Impacts to locally regulated floodplains will be mitigated by appropriate compensatory storage within or adjacent to the affected water body, as summarized in Table 3.9-8 of the Final EIS. The Project will utilize the following methods to create compensatory storage: excavation of upland adjacent to existing floodplain, excavation of existing floodplain, and construction of stormwater BMPs with the capacity for storage. Final design will include the appropriate compensatory storage required by applicable local agencies. Where it is not feasible to meet this requirement, a variance will be requested and the appropriate documentation provided to justify the variance.

Various construction activities will incur some short-term impacts on floodplains. Temporary workspaces and access roads will require temporary fill within floodplains. Some construction activities will result in the loss or disturbance of soils and vegetation, which will increase the likelihood of temporary erosion and sedimentation in floodplains. The Project will develop appropriate plans and obtain applicable permits for floodplains, as well as implement appropriate wildlife-friendly BMPs to avoid erosion and sedimentation impacts to floodplains during construction. Short-term floodplain fill placed during construction will be removed and elevations restored to existing conditions resulting in a no net-loss of flood storage volume.

City Review of Final Plans: Storm Water Management and Erosion and Sediment Control
The erosion and sediment control and stormwater management plans for the proposed Hopkins OMF will include best management practices that address wastes associated with the long-term management of a rail line including grease and hydraulic fluid; spill prevention and mitigation; and management techniques and strategies that address common pollutants such as de-icing salt, phosphorous, and suspended solids. The City of Minnetonka will have the opportunity to review the final plans to ensure compliance with the City's regulations.

Expand Traffic Operations Analysis Study Area; Request for further information regarding traffic operations analysis and Level of Service (LOS) impacts

The Supplemental Draft EIS included a limited traffic analysis for the three areas—including the Hopkins OMF area—included for study in that document. The Final EIS includes a detailed traffic analysis for the entire Project corridor, including the OMF, to determine if the Project would create any traffic impacts. Specifically, the city's letter references a 35 second delay on K-Tel Drive and asks how this delay will impact Shady Oak Road, Excelsior Boulevard, 17th Avenue, and 11th Avenue. The City also requested information on the LOS for K-Tel and these roadways.

The table below is an excerpt from Table 4.2-2, Peak-hour Traffic Operations Analysis for Existing Conditions (2014), No Build Alternative (2040), and the Project (2040) in the Final EIS; roadways referenced in the City's letter are included in the table. The table summarizes intersection LOS for average weekday a.m. and p.m. peak hours, under existing conditions and year 2040 conditions for the No Build Alternative and the Project. For a detailed description of the traffic operations analysis for the Project, including a description of the location of traffic movements with queuing issues, refer to the PEC-West Traffic Memorandum (2015) and PEC-East Traffic Memorandum (2015). In summary, all of the intersection mentioned in your letter that would operate at LOS A to D under the No Build Alternative will also operate at a LOS A to D under the Project. One intersection would operate at a LOS E in the No Build Alternative, but will improve to a LOS C with the Project. One intersection which will operate at a LOS F with the No Build Alternative will also operate at a LOS F with the Project.

Map ID[a]	Intersection or LRT Crossing	Existing Conditions (2014)[a]		No Build Alternative (2040)[a]		Project (2040)[a]	
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
22	Shady Oak Rd/Valley View Rd	A	A	B	**E**	B	C
23	Shady Oak Rd/70th St	A	A	B	**F**	B	**F**
24	Proposed 70th St LRT Grade Crossing[c]	N/A	N/A	N/A	N/A	A	A
25	Shady Oak Rd/WB Hwy 62 Ramp	B	B	C	C	C	C
26	Shady Oak Rd/EB Hwy 62 Ramps/W 62nd St	B	A	D	D	D	D
27	Shady Oak Rd/City West Pkwy	C	C	C	C	C	C
33	K-Tel Dr/5th St S Crossing[c]	N/A	N/A	N/A	N/A	A	A
34	Excelsior Blvd/Shady Oak Rd	C	C	D	D	D	D
35	Excelsior Blvd/17th Ave S	A	B	A	B	B	B
36	Excelsior Blvd/11th Ave S	B	C	C	C	B	C
37	Proposed 11th Ave S LRT Grade Crossing[c]	N/A	N/A	N/A	N/A	A	A
38	11th Ave S/5th St S	A	B	A	B	A	B
39	Excelsior Blvd/8th Ave S	B	C	B	C	C	C
40	Excelsior Blvd/5th Ave S	B	C	C	C	C	C
41	Excelsior Blvd/Hwy 169 Southbound Ramps	C	B	C	B	C	B
42	Excelsior Blvd/Hwy 169 Northbound Ramps	D	C	D	C	D	C
43	Excelsior Blvd/Jackson Ave/Milwaukee St	D	C	D	C	D	D
44	Excelsior Blvd/Pierce Ave	A	A	A	A	B	B
45	Excelsior Blvd/Blake Rd	D	D	D	D	D	D

The proposed at-grade light rail crossing of 5th Avenue is expected to operate at LOS A under Project conditions. Section 4.2.3.1 also states that the proposed Hopkins OMF will not substantially impact any

arterial roadways and will not result in changes to any signalized intersections. In addition, the OMF will not substantially change traffic patterns in the area, as it will have similar characteristics to the industrial uses currently in place and as it is expected to decrease trip generation over the current use. Therefore, the OMF will not generate long-term direct or indirect traffic impacts.

No mitigation measures are warranted for long-term impacts to roadways and traffic because there will be no adverse impacts, due to the effectiveness of identified avoidance measures. The Project includes a variety of roadway modifications that will avoid any new congested intersections, and the Project will not worsen conditions at intersections that would be congested under the No Build Alternative in 2040 (see Appendix E for a listing of those roadway modifications).

Comment #	#106
Commenter	Shea Koch
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Regarding your suggestion to move the bike trail, please refer to *Master Response 14: Relocate the Kenilworth Trail instead of co-locating freight rail and light rail within the Kenilworth Corridor*.

Comment #	#107
Commenter	Susanne Wollman
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Recommendation to relocate Kenilworth Trail as an alternative to freight rail relocation
Please refer to *Master Response 14: Relocate the Kenilworth Trail instead of co-locating freight rail and light rail within the Kenilworth Corridor*.

Comment #	#108
Commenter	Neil Baker
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Recommendation to relocate Kenilworth Trail as an alternative to freight rail relocation
Please refer to *Master Response 14: Relocate the Kenilworth Trail instead of co-locating freight rail and light rail within the Kenilworth Corridor*.

Comment #	#109
Commenter	Richard Weiblen
Commenter Organization	Liberty Property Trust

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement (EIS)*. Your letter presents several comments concerning the proposed Hopkins Operation and Maintenance Facility's (OMF's) impact on two of the Trust's industrial investment properties. The sections that follow include response(s) to these comments.

- Supplemental Draft EIS did not fully evaluate the selected OMF site against comparable sites
- Current owner is not interested in purchasing remnant parcels
- Concern regarding relocation cost and compensation for tenants

Supplemental Draft EIS did not fully evaluate the selected OMF site against comparable sites
Following publication of the Draft EIS, the Council determined that selecting the proposed Project's OMF site—one that accommodates its functional and spatial needs and is compatible with surrounding uses—would require additional site identification and evaluation to build upon and complement the studies conducted during the Draft EIS phase. The Project team used a four-step process to identify and evaluate the expanded range of OMF sites.

- **First-Step Evaluation.** Included a preliminary site evaluation, narrowing potential sites from approximately 30 to 18. The criteria used during the first-step evaluation were similar to those used for the Draft EIS, as follows:
  - Site of 10 to 15 acres
  - Regular geometric parcel shape and flat
  - Efficient light rail train movement to and from the site
  - Good roadway access to the site
  - Compatible with adjacent land use
- **Second-Step Evaluation**. To further evaluate the 18 second-step candidate sites, more detailed evaluation criteria than those used on the Draft EIS were developed addressing four operational characteristics and nine site characteristics (see Appendix F). The Step Evaluation narrowed potential sites from 18 to seven. As part of the second step of evaluation, the Project team visited each site; reviewed community comprehensive plans, zoning codes, and county property records; and obtained information about onsite soils and subsurface conditions. Based on this research, the Project team and Metro Transit staff used the criteria to qualitatively rate the second-step candidate sites. The evaluation of the sites was reviewed with corridor jurisdictions through the TPAC, CAC, BAC, and CMC.
- **Third-Step Evaluation.** The Project team prepared conceptual layout plans for each of the seven third-step OMF sites. The conceptual plans examined the relationship to adjacent edges, setbacks, environmentally sensitive areas, and remnant space within the OMF site available for redevelopment. The Project team presented the seven OMF sites at three public open houses on May 13 (Eden Prairie), May 15 (St. Louis Park), and May 22, 2013 (Hopkins/Minnetonka). The third step evaluation carried forward two potential OMF sites. In summary, these two potential OMF sites had the least conflict with either existing or adjacent land uses and planned development.
- **Forth-Step Evaluation**. The Project's fourth step of evaluation of potential OMF sites focused on two potential sites: Site 3/4 in Eden Prairie and Site 9A in Hopkins

Based on the four step evaluation described above, the Council identified the Hopkins OMF 9A as the OMF to be incorporated into the Project's LPA. A key advantage of the Hopkins OMF is the improved out-of-service operations and operating cost savings due to its relatively central location on the proposed light

rail line (about midway between downtown Minneapolis and Eden Prairie). Because of the central location of the Hopkins OMF on the proposed Project alignment, trains will travel less distance from the termini of the Project to reach the OMF. This will result in lower operating costs.

Current owner is not interested in purchasing remnant parcels
The Council acknowledges Liberty Property Trust's current lack of interest in buying back a potential remnant piece of your industrial properties. As noted in Section 3.4.3.3 of the Final EIS, until construction of the Project is complete, the Council will not know whether any portion of property would be considered as a remnant parcel.

Concern regarding relocation cost and compensation for tenants
The acquisition of property and displacement of businesses as a result of property acquisitions will be mitigated in accordance with Uniform Relocation Act and Minnesota Statute 117. Relocation benefits will be available, under the provisions of the Uniform Relocation Act and MN Stat. 117, for displaced businesses and non-profit organizations including moving costs, tangible personal property loss as a result of relocation or discontinuance of operations, reestablishment expenses, and costs incurred in finding a replacement site.

Refer to Section 3.4 of the Final EIS for more information. Section 3.4 also identifies and illustrates the properties to be acquired and the Council's determination of the number of businesses that will be displaced, current at the time of publication of the Final EIS. Ultimately, the number of business displacements will be determined through the property acquisition process.

Comment #	#110
Commenter	Mark Wegner
Commenter Organization	Twin Cities & Western Railroad Company

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your letter presents a range of issues concerning changes to the Project's scope from the Draft EIS to the Supplemental Draft EIS. The sections that follow include response(s) to these comments.

- Shippers and customers have made previous investments based on information that freight rail service will remain at current level
- Freight route – service disruption during construction
- Freight route – safety and public perception
- Freight alignment change – cost cutting options affecting TC&W

Shippers and customers have made previous investments based on information that freight rail service will remain at current level
As described in Section 4.4.4.1, the Project will result in changes to existing freight rail infrastructure within the Bass Lake Spur, Kenilworth Corridor, and the Wayzata Subdivision. Table 4.4-2 summarizes the proposed freight rail modifications. The Project will not adversely affect freight rail owners and operators because there will be no adverse, long-term impacts. The Project will change the geometry of the freight rail, however the action will result in no changes to access to existing freight rail markets and customers, or access to new freight rail markets not currently served. Under the Project, freight rail service within the Kenilworth Corridor will be maintained at its current level.

Freight route – service disruption during construction
Short-term impacts to freight rail operations will result from construction activities along the three freight rail corridors adjacent to the Project. These impacts are described in Section 4.4.4.3. Freight rail stoppage locations and durations may be refined based on consultation with freight rail operators, as appropriate.

Other construction activities will include shifting the existing track into a temporary location (two to three feet to the north/west) to allow for construction of the proposed light rail tunnel. This shift will be gradual, and is estimated to take approximately a week to shift the tracks and another week to shift the tracks back after the light rail tunnel is complete. Coordination between the contractor and the railroads will assist in minimizing disruptions and planning for the expected shutdowns to occur at times that will cause the least impact on freight rail operations.

In order to minimize these impacts, the Council will develop and implement a freight rail operations coordination plan. The plan will facilitate coordination between the Project and the affected freight railroad owners and operators throughout the construction period, to help ensure the Project does not create unreasonable constraints during construction. Section 4.4.4.3 discusses short-term (construction) impacts on freight rail and Section 4.4.5.2 discusses mitigation measures for those impacts.

Freight route – safety and public perception
The Project is being developed to conform to FTA's Rail Fixed Guideway Systems; State Safety Oversight Program for Safety and Security Guidance for Recipients with Major Capital Projects (Circular C 5800.1), covered under 49 CFR Part 633 – Project Management Oversight. For information on the safety and security, including construction communications, see *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Freight alignment change – cost cutting options affecting TC&W

As described in Section 2.2.5 of the Final EIS, the Council identified $250 million in reductions to the Project's scope and budget. The reductions in the Project's scope included: the elimination of the Mitchell Station and deferral of the Eden Prairie Town Center Station (until after 2020 and before 2040); the reduction of five new light rail vehicles; the reduction of park-and-ride capacity from 3,834 spaces to 2,487 spaces; the reduction in the size of the proposed Hopkins OMF (with future expansion capacity on-site); elimination of station artwork; and reductions in landscaping and off-platform station furnishings. The identified cost savings measures were identified, developed, and analyzed in consultation with the Project's local participating agencies. These design changes are not anticipated to have an effect on freight rail operations within the Bass Lake Spur or the Kenilworth Corridor.

The Project will result in the removal of approximately 13,600 feet of freight rail siding track along the Bass Lake Spur, which will effect freight rail operations by eliminating the bi-directional maneuvering and parking of TC&W freight trains in siding areas at the Wooddale Ave and Bass Lake Spur freight rail crossing that occurs under existing conditions. The removal of the siding tracks will be addressed with CP (owner) and TC&W (operator) under the purchase agreement for the Bass Lake Spur which will include compensation for the removal of the siding tracks. The purchase agreement between the Council and CP Railway for the acquisition of the Bass Lake Spur will be negotiated and executed after the publication of this Final EIS.

Comment #	#111
Commenter	John Erickson
Commenter Organization	Cedar Lake Shores Townhome Association (CLSTA)

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Concern over construction impacts for residents immediately adjacent to Kenilworth Corridor light rail tunnel entrance
- Support for temporary shift in freight rail and reduced freight operating speeds
- Request for more detail regarding ground borne noise and vehicle source input characteristics
- Noise and vibration mitigation for residents immediately adjacent to Kenilworth Corridor light rail tunnel and West Lake Station
- Visual mitigation to preserve nighttime ambience and reduce impacts of Kenilworth Corridor light rail tunnel entrance lighting

Concern over construction impacts for residents immediately adjacent to Kenilworth Corridor light rail tunnel entrance
See *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.

Support for temporary shift in freight rail and reduced freight operating speeds during construction
Regarding your comment in support of the plan to temporarily move freight trails closer to the Cedar Lake Shores Townhomes and reduce freight rail operating speeds during construction, please see Section 2.1 of the Final EIS for an updated description of construction activities, including those related to freight rail infrastructure.

Request for more detail regarding ground borne noise and "vehicle source input characteristics"
Section 3.13, addresses vibration and ground borne noise under the Project. As documented in this section, the Council completed a detailed vibration analysis which included an assessment of potential ground-borne noise impacts in the vicinity of the proposed Kenilworth Corridor shallow tunnel. As shown in Table 3.13-7, the Project will result in ground-borne noise impacts at 54 units (five buildings) for residential land uses in the tunnel section south of the Kenilworth Channel, without mitigation. As mitigation for these impacts, the Project will include highly resilient rail fasteners in the tunnel section (approximately 2,200 feet) to eliminate ground-borne noise impacts at all of the 54 units effected.

Noise mitigation for residents immediately adjacent to Kenilworth Corridor light rail tunnel and West Lake Station
As described in Section 3.12.3, the Project will not result in any moderate or severe noise impacts in the area of the Cedar Lake Shores Townhomes (St. Paul Avenue). Regarding your comments on general noise impacts related to the proposed West Lake Station, the Project will employ features to minimize noise project-wide, including using wheel skirts (panels over the wheels) to reduce wheel/rail noise and continuously welded rail to eliminate gaps in the tracks that generate additional noise. Throughout the design process noise generating elements (e.g., crossovers) have been located, where possible, away from sensitive locations. Finally, the quiet zones identified below would also have the added benefit of eliminating horn blowing from the existing freight trains in the corridor.

The Final EIS identifies noise impacts and mitigation (Sections 3.12.4 and 3.13.4 and Appendix K). For noise, mitigation measures include quiet zones, wayside bells, noise barriers, and testing of residences for interior noise levels. Mitigation for ground borne noise impacts was also identified and includes use of rubber pads or springs to isolate impacts at an audiologist office located in Hopkins and highly resilient rail fasteners in the shallow tunnel in the Kenilworth Corridor (approximately 2,200 feet) to eliminate ground-borne noise impacts by providing vibration isolation (see Theme E.4 , Concerns about LRT in the

Kenilworth Corridor, in Appendix L of the Final EIS). No mitigation measures are warranted for long-term direct or indirect impacts from vibration due to the absence of any corresponding impacts.

In the more developed areas of the Project corridor, berms (which are required to be approximately twice as wide as they are high) could not be implemented. Vegetation, regardless of type, is not effective as noise mitigation, unless it is at least 100 feet thick, which would not be possible in this corridor due to spatial constraints.

Visual mitigation to preserve nighttime ambience and reduce impacts of Kenilworth Corridor light rail tunnel entrance lighting

Regarding your concern that LRT track curvature between the West Lake Station into the tunnel entrance could result in light pollution at certain homes, the project will include features such as directional lighting and light shielding, where appropriate to avoid light pollution affecting residences. While light from light rail vehicles will be visible, because of directional lighting, it will not shine directly at nearby residences.

As shown in Section 3.7, the Project will have a substantial visual quality impact for the representative viewpoint in the area of the south tunnel portal. In order to mitigation visual quality impacts, the Council has prepared design guidelines for key structures throughout the proposed light rail alignment, focusing on bridges and retaining walls. Those guidelines are included within the Visual Quality Guidelines for Key Structures (Council, 2015 – refer to Appendix C to access the Guidelines). These guidelines were developed by the Council, reflecting various coordinating efforts with affected local jurisdictions. The guidelines have been used by the Council in the advancement of the Project's design and development of final design plans. The guidelines have and will help to ensure a consistent aesthetic element for key structures throughout the proposed light rail alignment, while allowing for some flexibility in wall treatments. Refer to Section 3.7.4 for more information.

Section 3.7.4 in the Final EIS describes the mitigation measures the Council will implement to mitigate the Project's visual quality and aesthetic impacts. The Council will also continue to work with the Kenilworth Landscape Design Committee, established in May 2015. The purpose of this committee is, in part, to help ensure that landscape design will restore the natural setting while incorporating the regional trail system, light rail, and freight rail. This group focuses on landscape design in the Kenilworth Corridor from West Lake Station to Penn Avenue Station. See Section 9.2 of the Final EIS for additional detail on this committee.

Comment #	#112
Commenter	Tom Cremons
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Freight rail (relocation and colocation) were not openly addressed in the selection process
- Brunswick Central alternative should have been discarded.
- Recommendation to relocate Kenilworth Trail as an alternative to freight rail relocation
- Lack of study and citizen input regarding Southerly Connector

Freight rail (relocation and colocation) were not openly addressed in the selection process
Regarding your comment on description of the process for selecting option 3A, *See Master Response 1: Invalid NEPA/MEPA Scoping Process because original scoping report did not include freight rail co-location*.

Colocation and relocation alternatives were evaluated in the Draft EIS. Public comments on the Draft EIS resulted in the colocation alternative being further evaluated in the Supplemental Draft EIS, which was also available for public review and comment. The process used to evaluate this alternative was as open to public and agency input as other alternatives evaluated in the environmental process.

Brunswick Central alternative should have been discarded
Regarding your comment concerning retention of the "Brunswick Central" plan as an option, as described in Chapter 2 and Appendix F, the Freight Rail Relocation Brunswick Central design adjustment has been dismissed from further study. For more information, refer to *Master Response 13: Rationale for dismissal of the "Brunswick Central" freight rail relocation alternative*.

Recommendation to relocate Kenilworth Trail as an alternative to freight rail relocation
Please refer to *Master Response 14: Relocate the Kenilworth Trail instead of collocating freight rail and light rail within the Kenilworth Corridor*.

Lack of study and public input regarding Southerly Connector
Regarding your comment on the lack of study and citizen input regarding the Southerly Connector, it is included in the design of the Project (see Section 2.1), and related environmental consequences were evaluated as part of this Final EIS. This includes the evaluation of potential impacts related to neighborhoods and communities (see Section 3.3), visual quality (see Section 3.7), noise (see Section 3.12), vibration (see Section 3.13), and safety and security (see Section 4.6), among others. Because it is part of the overall Southwest LRT Project, this topic was included in the Supplemental Draft EIS and available for comment during the public comment period held from May 22 through July 21, 2015. Additionally, because this is a Project design element, it was addressed in the Supplemental Draft EIS, available for review at the Supplemental Draft EIS Open Houses, and for comment during the Supplemental Draft public hearings. The open houses and public hearings were held on June 16, 17, and 18 of 2015 in Hopkins, Eden Prairie, and Minneapolis, respectively.

Please refer to *Master Response 12: Concern over potential impacts related to replacement of the Skunk Hollow Switching Wye with the Southerly Connector between the Bass Lake Spur and the MN&S Spur*.

Section 3.2.3 of the Final EIS addresses impacts on economic activity under the Project, including on freight rail. Though the geometry of the freight rail alignment will change, the action will result in no changes to access to existing freight rail markets and customers, or access to new freight rail markets not currently served. Because future freight rail operations are subject to a range of market forces and are dependent on the business plans of freight railroad operators, both of which are outside of the jurisdiction of the FTA and the Council, the Supplemental Draft EIS and the Final EIS do not assess impacts that might result from such changes.

Comment #	#113
Commenter	Dale Bachman
Commenter Organization	Bachman's Inc

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Support light rail alignment along Technology Drive between SouthWest Station and Prairie Center Drive
- Impacts of grading on stormwater pond and wetlands
- Request for more information regarding impact of temporary construction easement on property

Support light rail alignment along Technology Drive between SouthWest Station and Prairie Center Drive
During the Draft EIS public comment period, the City of Eden Prairie asked the Council to investigate the feasibility of a more centrally located and walkable Eden Prairie Town Center Station and associated light rail alignment that would provide better opportunities for transit-oriented development and redevelopment. The City noted that a light rail station within walking distance of the Eden Prairie Town Center (a regional shopping mall) would help meet the City's long-term economic development goals and provide higher ridership due to its proximity to concentrations of existing and future employment and commercial activity centers. Section 2.2 and Appendix F of the Final EIS describe the options evaluated through the design adjustment process and how those options were evaluated and screened. Based on design adjustments resulting from that process, which were identified by the Council in April 2014, the proposed light rail alignment in Eden Prairie (starting at SouthWest Station) will run on a new bridge over Technology Drive and Prairie Center Drive, then pass south of Lake Idlewild, generally via Eden Road, and follow the north side of Flying Cloud Drive over I 494. As described in Section 2.2.5 of the Final EIS, in July 2015, the Council identified approximately $250 million in scope and budget reductions for the Project, which included the deferral of the Eden Prairie Town Center Station and related roadway improvements (until after 2020 but before 2040). Theme F in Appendix L of the Final EIS includes additional information on the design adjustment process within Eden Prairie that occurred after publication of the Draft EIS.

Impacts of grading on stormwater pond and wetlands
The impacts on grading will continue to be evaluated as the design of the Project advances. The Southwest LRT Project Office will continue to coordinate the design with the City and Bachman's, as the design is advanced, as appropriate.

Impact of temporary construction easement
A temporary construction easement is necessary at the Bachman's property and short-term impacts to Bachman's related to the temporary construction easement and other construction activities will continue to be evaluated as the Project advances. Temporary construction easement needs will be minimized to the extent feasible. As defined in Chapter 2 of the Final EIS, the LPA has been adjusted to minimize impacts in the vicinity of Technology Drive and will not require the relocation of any businesses or parking areas.

The Council will develop a Construction Mitigation Plan and Construction Communication Plan, which will be implemented prior to and during construction. The purpose of the Construction Communication Plan is to prepare Project-area residents, businesses, and commuters for construction; listen to concerns; and develop plans to minimize harmful or disruptive effects; including coordination with Bachman's regarding access to the loading dock. Periodic communication by means of the Council's outreach program will be important to keep the public and impacted property owners aware of progress and construction expectations.

Comment #	#114
Commenter	Diane Hedges
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Concerned about impacts of a freight rail bridge through St. Louis Park and the light rail bridge over switching wye design alternative
Please refer to *Master Response 12: Concern over potential impacts related to replacement of the Skunk Hollow Switching Wye with the Southerly Connector between the Bass Lake Spur and the MN&S Spur*.

Comment #	#115
Commenter	Anna Mulfinger
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Multi-level bicycle and pedestrian path design alternative
After publication of the Draft EIS the Council developed and evaluated a range of design adjustments to LRT 3A-1 (co-location), including an elevated bicycle and pedestrian trail through a portion of the Kenilworth Corridor. In summary, the *Elevate the Kenilworth Trail* design adjustment was dismissed from further study because visual impacts due to structure height and connecting ramps, impacts the visual quality and setting of the trail (e.g., separation from ground vegetation) and the addition of grade changes to the trail, and potential visual impacts on Kenilworth Lagoon. This evaluation was presented to the public, stakeholders and participating agencies for review and comment, including the Project's Corridor Management Committee. See Appendix F of the Final EIS for additional information.

Comment #	#116
Commenter	Angela Erdrich
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your opposition to the Southwest LRT Project. The sections that follow include responses to these specific comments:

- The environmental analysis should assume a basis of no freight
- Safety concerns related to freight rail transport of hazardous materials under co-location

The environmental analysis should assume a basis of no freight
See *Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data*.

Safety concerns related to freight rail transport of hazardous materials under co-location
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*. Also see *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*.

Comment #	#117
Commenter	Jeanette Colby
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement (EIS)*. The sections that follow include response(s) to these comments.

- Colocation in the Kenilworth Corridor makes freight a permanent condition
- Inadequate visual impacts assessment for the Kenilworth Corridor
- Concern over noise evaluation methodology and noise impacts in the Kenilworth Corridor
- General safety concerns related to station area design and emergency responders

Colocation in the Kenilworth Corridor makes freight a permanent condition
See *Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data*.

Inadequate visual impacts assessment for the Kenilworth Corridor
For a response to your comments on the visual impact assessment for the Kenilworth Corridor, see Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right.

Concern over noise evaluation methodology and noise impacts in the Kenilworth Corridor
For a response to your comments on the noise evaluation for the Kenilworth corridor, see Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right.

General safety concerns related to station area design and emergency responders
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Comment #	#118
Commenter	Kristina Patterson
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Light rail bridge over switching wye design alternative
Please refer to *Master Response 12: Concern over potential impacts related to replacement of the Skunk Hollow Switching Wye with the Southerly Connector between the Bass Lake Spur and the MN&S Spur.*

Comment #	#119
Commenter	Arlene Fried
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your opposition to colocation of LRT and freight rail in the Kenilworth Corridor.

Safety concerns related to freight rail transport of hazardous materials under co-location
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*. Also see *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*.

Comment #	#120
Commenter	Doug Jones
Commenter Organization	Pointe West Commons Homeowner Association

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Recommendation to relocate Kenilworth Trail as an alternative to freight rail relocation
- Light rail bridge over switching wye design alternative

Recommendation to relocate Kenilworth Trail as an alternative to freight rail relocation
Please refer to *Master Response 14: Relocate the Kenilworth Trail instead of co-locating freight rail and light rail within the Kenilworth Corridor*.

Light rail bridge over switching wye design alternative
Please refer to *Master Response 12: Concern over potential impacts related to replacement of the Skunk Hollow Switching Wye with the Southerly Connector between the Bass Lake Spur and the MN&S Spur*

Comment #	#121
Commenter	Paul Petzschke
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your letter presents several issues concerning potential impacts associated with driving sheet piling during construction of the shallow tunnel in the Kenilworth Corridor.

Concerns regarding Kenilworth Corridor light rail tunnel construction impacts to residences
See *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.

Comment #	#122
Commenter	Doug Seitz
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

No studies justifying need for or identifying impacts of proposed Southerly Connector
Please refer to *Master Response 12: Concern over potential impacts related to replacement of the Skunk Hollow Switching Wye with the Southerly Connector between the Bass Lake Spur and the MN&S Spur*

Comment #	#123
Commenter	Jeanette Colby
Commenter Organization	Kenwood Isles Area Association (KIAA)

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right.*

Comment #	#124
Commenter	Kim Ramey
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Concerns regarding the municipal consent processes
- Inadequate evaluation of alternative routes
- Protective groundwater measures during construction
- Studies, protective measures, and expert consultation for subterranean and endangered species
- Property acquisition, impact, displacement and compensation

Concerns regarding the municipal consent processes
Section 2.1 describes the LPA for the Project and the alternatives that were considered during the Project's alternatives analysis and NEPA scoping processes. More detailed information on the Project's alternatives analysis, scoping, and LPA identification process may be found in the following documents: Southwest Transitway Alternatives Analysis Final Report; Southwest Transitway Scoping Summary Report; Southwest LRT Locally Preferred Alternative Report.

The HCRRA and Metropolitan Council found that LRT 3A and LRT 3A-1 will best meet the Project's Purpose and Need Statement, as expressed by the goals of improving mobility, providing a cost effective and efficient travel option, preserving the environment, protecting quality of life and supporting economic development.

See *Master Response 2: Project sought municipal consent prior to the publication of the Supplemental Draft EIS, for more information*.

Inadequate evaluation or alternative routes
As described in Section 2.2, a range of alternative alignments (including those suggested) were considered during Project planning. In total, more than 25 route and mode alternatives or sub-alternatives have been evaluated as part of the project development process for the Project. Detailed information on the Project's alternatives analysis, scoping, and LPA identification process is presented in the following documents: *Southwest Transitway Alternatives Analysis Final Report* (Hennepin County, 2007) and *Southwest Transitway Scoping Summary Report* (Hennepin County, 2009), and the Draft EIS.

In 2007, the HCRRA completed a federally required study called an Alternatives Analysis, which was a continuation of the Southwest Rail Transit Study, 2003. The Southwest Transitway Alternatives Analysis (AA) compared the benefits, costs and impacts of a range of transit alternatives (modes and routes) to identify which alternative would best serve the needs of the communities as expressed in the Purpose and Need Statement.

In the AA, the alternatives for detailed evaluation included one bus alternative called the Enhanced Bus, two bus rapid transit (BRT) alternatives, and eight light rail transit (LRT) alternatives. It was concluded that three of the eight LRT routes could meet the established project goals. In addition, the enhanced bus alternative was retained to continue to evaluate the possibility of addressing the increasing mobility needs of the area through improved bus service rather than LRT. The Draft EIS includes a detailed description of the alternatives evaluation process (see Section 2.1).

The AA was the starting point for the Draft EIS and formed the basis for the Scoping Process. Based upon the AA, three LRT alternatives and the Enhanced Bus alternative were proposed for inclusion in the Draft EIS. During the NEPA/MEPA Scoping Period from September 8, 2008 through November 7, 2008, for the Southwest Transitway Project (the Project) Draft EIS), two new alignments were proposed. The alternatives were labeled LRT 3C (11th/12th Sub-Alternative) and LRT 3E and were evaluated for their feasibility with regard to the project's goals identified in the Purpose and Need Statement and it was determined that they warranted inclusion in the Draft EIS.

The Draft EIS examined seven alternatives, including the No Build Alternative, the Enhanced Bus Alternative, and five light rail transit (LRT) alternatives (LRT 1A, LRT 3A, LRT 3A-1, LRT 3C-1, and LRT 3C-2). These seven alternatives are described in Section 2.3 of the Draft EIS which provides a description of the alternatives that were considered within the Project selection process. Chapter 11 of the Draft EIS provides a description of how the alternatives were evaluated and the rationale for the identification of the Project. On May 26, 2010, prior to the completion of the Draft EIS and based on an extensive alternatives analysis and public involvement process, the Metropolitan Council adopted the Project's Locally Preferred Alternative (LPA) as recommended by the Hennepin County Regional Railroad Authority (HCRRA) and included it as part of the 2030 Transportation Policy Plan.

While the Draft EIS notes that LRT 3A-1 is identical to LRT 3A in the transit service it would provide (see Chapter 2 of the Draft EIS), it only identifies LRT 3A as the LPA (see pages 2-31 and 2-41 of the Draft EIS for examples). The LPA is a subset of both LRT 3A and LRT 3A-1 of the Draft EIS; therefore, the Project's LPA is included within both LRT 3A and LRT 3A-1. The LPA was identified based on an assessment of four evaluation categories: planning compatibility; performance; implementation factors; and critical environmental resources.

The HCRRA and Metropolitan Council found that LRT 3A and LRT 3A-1 will best meet the Project's Purpose and Need Statement, as expressed by the goals of improving mobility, providing a cost effective and efficient travel option, preserving the environment, protecting quality of life and supporting economic development.

In 2015 a Supplemental Draft EIS was prepared in order to evaluate design adjustments made to the LPA following publication of the Draft EIS had the potential to result in new adverse impacts as described below and needed to be evaluated in a Supplemental Draft EIS.

The alternative light rail alignments suggested were considered throughout the process described above and dismissed because they would not meet the Project's Purpose and Need. This determination was made because they would not provide high-capacity transit connections between downtown Minneapolis and the key employment, commercial, and residential activity centers in the corridor, as described and illustrated in Chapter 1 of the Final EIS. Further, connections to points within the corridor would tend to have increased light rail travel times due to the additional length of the alignment, compared to the generally diagonal southwest to northeast light rail alignment that will be provided by the Project. In addition, the existing rights-of-way for other alignments (e.g., Highway 100 and I-394) would not be adequate to accommodate the introduction of a light rail alignment due to geographic and existing transportation infrastructure constraints. As a result, the use of those alignments for light rail would likely lead to the displacement of adjacent land uses, including residences and commercial properties. Section 2.2 of the Final EIS provides a description of the Project’s Alternatives Analysis, Scoping, and Draft EIS phases within which various alternatives were developed and evaluated. Responses to specific alternative Southwest LRT routes you suggest in your letter are provided below:

- Midtown Greenway—Regarding your comment that the Project should be routed along the Midtown Greenway: The option of routing the Project through Uptown and south Minneapolis via the Midtown Greenway was previously evaluated during Alternatives Analysis, Scoping, and the Draft EIS as LRT 3C-1 and LRT 3C-2. In general, that alignment alternative was dismissed from further study because it would be less cost effective and less efficient, have greater adverse environmental impacts, and support economic development and the study area's quality of life to a lesser degree compared to the Locally Preferred Alternative (LPA). Hennepin Avenue is also a busy urban arterial, with a very constrained street right-of-way, many cross streets and driveway entrances and exits along its alignment. This alternative would perform very similarly to the 3C-1 and 3C-2 alternatives. Section 2.2 of the Final EIS provides a more detailed description of how the alternatives were evaluated during the Project's various phases and the rationale for the identification of the LPA. In summary, HCRRA and the Metropolitan Council, as well as the Project’s Corridor Management Committee (CMC) found that the light rail alignment that is part of LRT 3A and LRT 3A-1 will best meet the Project's Purpose and Need Statement, as expressed by the goals of improving mobility, providing a cost effective and efficient travel option, preserving the environment, protecting quality of life, and supporting economic development.

- Lake Street—This alignment, which largely parallels that of the Midtown Greenway, discussed above, would perform very similarly to the 3C-1 and 3C-2 alternatives.
- Lagoon Avenue, 31st Street, 28th Street and 26th Street—Use of local streets in the eastern most portion of the Project area was studied in the Draft EIS under Alternatives LRT 3C-1 and LRT 3C-2. These alternatives were dismissed from further evaluation in the Draft EIS for not supporting Project Goals. Please see Section 2.2 of the Final EIS for a summary of this evaluation. Though not the same specific streets as those identified in your letter, use of the local streets suggested in your letter would also not support identified Project goals.
- Cedar Lake Trail—As described in Section 2.1.1, in the Final EIS, the Project does utilize a portion of the Cedar Lake Trail corridor, beginning at the 21st Street Station and into downtown Minneapolis.
- Highway 55—This route has not been studied for the Southwest LRT corridor as its east-west orientation does not address the need for transit in the southwest portion of the Twin Cities.
- Highway 394 and Highway 100— Regarding your comment that Southwest LRT should be routed via TH 100 and I-394, rather than the Kenilworth Corridor: the option of placing the proposed light rail alignment along generally north-south or east-west freeway corridors would not meet the Project Purpose identified in Section 1.1 of the Final EIS. The Project Purpose notes that "The Southwest LRT Project will provide a competitive, cost-effective travel option that will attract choice riders to the transit system. The competitive and reliable travel time for the Southwest LRT Project is attributed to the diagonal nature of the line compared to the north-south/east-west orientation of the roadway network and to the increasing levels of congestion of the roadway network."

  The additional length an alignment that used generally north-south or east-west orientation of existing freeways such as Highway 100 and I-394 (past Brownie Lake), respectively, would increase LRT travel times for trips between west of Highway 100 and downtown Minneapolis (including connecting trips), compared to the generally diagonal southwest to northeast light rail alignment included in the Project.

  Additionally, the existing rights-of-way for Highway 100 and I-394 would not be adequate to accommodate the introduction of a light rail alignment due to geographic and existing transportation infrastructure constraints. As a result, the use of those alignments for light rail would likely lead to property acquisitions and the displacement of adjacent land uses, including residences and commercial properties.

  The *Southwest Rail Transit Study* (HCRRA, 2003), considered a light rail alignment that would have utilized Highway 100 between I-394 and Highway 7 (refer to Appendix C for instructions on how to access this document). This alternative (E-2 within the Study) was not recommended for further study because:

  - No excess right-of-way in the Highway 100 corridor
  - Would have significant right-of-way impacts along Highway 100 due to multiple property owners
  - Reduced service to population and employment concentrations in St. Louis Park (Source: Figure 5.3: Screen 1 Recommendation)

The Project Purpose also indicates that the Project will improve access and mobility to the jobs and activity centers in the Minneapolis central business district, as well as along the entire length of the corridor for reverse-commute trips to the expanding suburban employment centers. These employment centers, shown on Exhibit 1.4-5 of the Final EIS, demonstrate that the Project alignment will more effectively provide access to these employment centers: Golden Triangle Business Park, Optum Corporate Headquarters and Business Park, Downtown Hopkins, and Park Nicollet Methodist Hospital compared to an alignment along I-394 and Highway 100. Also, an I-394/Highway 100 alignment would not provide direct service to stations projected to experience the highest average weekday station usage, including the Beltline Station or the West Lake Station, which are projected to have the highest level of ridership under the Project (See Section 4.1, Transit, of the Final EIS, including Table 4.1-5, Average Weekday Station Usage by Mode of Access, Year 2040, for additional information).

Protective groundwater measures during construction
Refer to *Master Response 17: Concern over impacts to groundwater and surface water in the Kenilworth Corridor.*

What endangered species, flora, fauna have been found and studied? Were experts in the specific areas of these individual species consulted? How will these species be protected?
Endangered species flora and fauna within the study area for threatened and endangered species is included in Section 3.10 of the Final EIS. The primary federal law protecting threatened and endangered species is the Endangered Species Act (ESA) of 1973 (16 U.S.C. §§ 1531-1544). This law requires that all federal agencies consider and avoid, if possible, adverse impacts to federally listed rare, threatened and endangered species or their critical habitats, which may result from their direct, regulatory, or funding actions. Under 16 U.S.C. §§ 1536 Section 7 of the ESA, federal agencies are required to consult with the USFWS and/or the National Marine Fisheries Service (NMFS) (jointly referred to as the Services5), to ensure that FTA is not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat.

The USFWS concurred that the Project will have "no effect" on the Higgins eye (pearly mussel) and Snuffbox mussel, or their associated critical habitats, and the Project "may affect but not likely to adversely affect" the northern long-eared bat. There are no element occurrences of the Blanding's turtle within 0.9 mile of the Project's alignment. However, there is an element occurrence of the Blanding's turtle within the MnDNR study area, so the MnDNR has indicated that this species may be adversely affected by the Project. The following MnDNR recommendations are part of the Project's design to avoid long-term direct impacts to the Blanding's turtle (see Appendix N of the Final EIS for agency coordination letters): (1) roads have been designed using the minimum standard for widths and lanes when practicable (which reduces road kills by slowing traffic and reducing the distance turtles need to cross); (2) wetland crossings have been elevated where practicable; (3) utility access and maintenance roads have been kept to a minimum where practicable (this reduces road-kill potential); and (4) terrain disturbed by the Project will be left with as much natural contour as practicable.

Property acquisition, impact, displacement and compensation
The Project will impact homeowners in the form of long-term and short-term (i.e., temporary easements) property acquisitions. As part of the Project, the Metropolitan Council will identify and compensate affected property owners for long-term and short-term (construction) takings according to the provisions of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Code of Federal Regulations [CFR] Title 49, Part 24), as amended (49 CFR, Part 24), and MN Stat. 117 which sets forth requirements for acquisition of land, compensation, and uniform relocation benefits. The Project will not displace any residences, however, small amounts (generally less than 0.5 acres, but up to 2.5 acres) will be acquired from residential properties and compensated in accordance with Uniform Relocation Act standards. Refer to Section 3.4 for more information on acquisitions and displacements.

Light rail also has the potential to cause environmental impacts ("nuisance effects") that could reduce the value of an area for some properties. These potential nuisance effects include disruptive noise levels; vibration, visual impacts; and reductions in vehicular access and parking. The rate and timing of such impacts would depend on the location of the property relative to construction activities. Refer to Sections 3.12, 3.13, 3.7, and 4.2 for more information on short-term impacts related to noise, vibration, visual quality, and roadways, respectively.

In terms of a specific liability plan during the construction of the Southwest LRT line, there will be a process in place to fully investigate any claim that the construction activities caused damage or injury. This process will also include insurance to respond to such claims. The Council will have a combination of insurance and self-insurance to respond to claims for incidents related to LRT, like the Council currently has for other LRT lines in the region. The cost of this insurance is included in the cost estimate for the Project. Freight rail operators will continue to respond to claims, as they do now, to claims unrelated to LRT operations.

[5] The USFWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of the NMFS are mainly marine wildlife such as whales and anadromous fish such as salmon.

For additional detail on construction impacts related to tunnel construction See *Master Response 7: Concerns related to adverse vibration impacts of LRT tunnel construction*, and for additional information on impacts to property values see *Master Response 9: Concern over potential damages to property values within the vicinity of the Project*.

As shown in Chapter 7, the capital costs estimate for the Project includes anticipated costs needed for right-of-way, land acquisition, and existing improvements (approx. $211,785,000), which includes compensation for homeowners in accordance with the Uniform Relocation Act. Additional costs not covered by the right-of-way line item are covered under contingency. FTA and the Council are the lead agencies for the Project and are responsible for the administration of the Uniform Relocation Act and for mitigation measures for construction activities.

Comment #	#125
Commenter	Kim and Kenneth Ramey
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your letter presents a range of questions concerning the Project's potential impacts to water resources. The questions from your letter are listed below. The sections that follow include responses to these questions.

- Will Cedar Lake, Minnehaha Creek, Lake Minnetonka, Lake of the Isles water levels be monitored and measured during the construction process?
- Has there been baseline water levels measured in the Minneapolis city lakes and Lake Minnetonka? If not when will the baseline measurements be completed before construction begins?
- How often and at what specific locations will lake water measurements be calculated during construction? And how long after construction is complete?
- What is the depth of the groundwater at Cedar Lake in the affected area where Southwest LRT preferred plan is being constructed?
- How many feet apart around Cedar Lake were groundwater depths calculated?
- During the construction process of Southwest LRT explain in depth what studies have been completed regarding pile driving around Cedar Lake?
- How many piles will be used around Cedar Lake and at what depth?
- How have the incidents surrounding other lakes around the world of water disappearances or water diversion been studied? What lakes were used to study this phenomenon?
- What studies have been done regarding the issues surrounding broken lakes seals causing the lake water levels to be diverted or disappear?
- In the case of a catastrophic environmental event of diverted or disappearing lake water which direction and where would this water go?
- Is there an emergency plan in place to deal with an unforeseen catastrophic environmental events? If so, is the emergency plan in the current budget?
- Have the subterranean soils identified around Cedar Lake been studied for the viability to withstand the harsh environmental intrusion of construction process?
- How will the soil around the lake area be altered?
- What will soil correction cost?
- What matter will be used to stabilize soil around the lake area and will this matter be environmentally safe to use around lake water?
- How will altering soil conditions around Cedar Lake effect/protect subterranean species?
- What studies have been done on the effect of hydrostatic pressure during the construction process and after when the trains are fully operational around Cedar Lake?
- What will be the effect of hydrostatic pressure caused by the weight and vibration of the frequently passing trains on Cedar Lake and surrounding areas?
- Are there endangered species, fauna, flora in the Southwest LRT preferred plan construction route?

- What studies were done by Cedar Lake to assess the effect of changing the landscape of this environmentally sensitive urban forest on migratory birds, butterflies, bees?

Will Cedar Lake, Minnehaha Creek, Lake Minnetonka, Lake of the Isles water levels be monitored and measured during the construction process? Has there been baseline water levels measured in the Minneapolis city lakes and Lake Minnetonka? If not, when will the baseline measurements be completed before construction begins? How often and at what specific locations will lake water measurements be calculated during construction? And how long after construction is complete?
Based on evaluations conducted as part of the Kenilworth Tunnel preliminary design, the Council determined that monitoring of water levels of water bodies adjacent to the proposed LRT alignment during construction are not needed and there have not been baseline water level measurements in the Minneapolis lakes or Lake Minnetonka.

The groundwater and lake level evaluation found that in the area surrounding Cedar Lake, Lake of the Isles, and Lake Calhoun, groundwater and lake levels are similar, with little change in elevation across the system. The Council conducted an independent review of the design of the tunnel to be located within the Kenilworth Corridor. A reference to *Southwest Light Rail Transit: Kenilworth Shallow LRT Tunnels Water Resources Evaluation* (Burns and McDonnell, 2014) is located in Appendix D of the Final EIS. The report notes that "Cedar Lake and Lake of the Isles are connected by an open channel that equalizes water levels in Cedar Lake, the channel and Lake of the Isles. The data in this report indicate that the lake level elevation in the channel is higher than most of the groundwater elevations**.** This suggests that groundwater in the corridor does not discharge to the channel and lakes in the corridor and that the lakes may be recharging the aquifer. This is counter to a more typical groundwater-surface water relationship in this climate where groundwater flows toward and discharges to surface water." Based on the evaluation documented in the S*outhwest Light Rail Transit: Kenilworth Shallow LRT Tunnels Water Resources Evaluation* (Burns and McDonnell, 2014), the Council has determined that construction of the Project will not change water levels in Cedar Lake, Minnehaha Creek, Lake Minnetonka, or Lake of the Isles. Therefore, the Project will not conduct baseline measurements of water levels before or after construction.

What is the depth of the groundwater at Cedar Lake in the affected area where Southwest LRT preferred plan is being constructed?
Within the Kenilworth Corridor (approximately between West Lake Station and Penn Station), groundwater was generally observed 15 to 25 feet from the surface, with some areas near West Lake Station where groundwater was observed approximately 10 feet from the surface. More detailed information about groundwater elevations can be found in Southwest LRT Project Geology and Groundwater Evaluation Supporting Documentation (see Appendix C for instructions on how to access supporting documentation) and in *Burns and McDonnell*, 2014 (Appendix D).

How many feet apart around Cedar Lake were groundwater depths calculated?
Groundwater depths were measured based on soil borings and cone penetrometer test (CPT). While the distances between soil boring and CPT locations vary, the Council has performed 37 soil borings and 8 cone penetrometer test (CPT) soundings in the Kenilworth Corridor between the proposed West Lake Station and Penn Station. Detailed information on the methodology for measuring groundwater depths, including testing locations, are included in the subterranean evaluation reports within the Southwest LRT Project Geology and Groundwater Evaluation Supporting Documentation (see Appendix C of the Final EIS for instructions on how to access supporting documentation).

During the construction process of Southwest LRT explain in depth what studies have been completed regarding pile driving around Cedar Lake? How many piles will be used around Cedar Lake and at what depth?
An evaluation of construction techniques for the Kenilworth Corridor, including potential pile driving locations, is included in the *Kenilworth Shallow LRT Tunnel, Basis of Design Report* (see Appendix C of the Final EIS for instructions on how to access supporting documentation). The closest pile driving that would occur in the vicinity of Cedar Lake will be for bridge piers across Kenilworth Channel. No pile driving will occur directly adjacent to Cedar Lake.

How have the incidents surrounding other lakes around the world of water disappearances or water diversion been studied? What lakes were used to study this phenomenon? What studies

have been done regarding the issues surrounding broken lakes seals causing the lake water levels to be diverted or disappear? In the case of a catastrophic environmental event of diverted or disappearing lake water, which direction and where would this water go?
The council has not inventoried studies regarding incidents instances of water disappearances, water diversions, or broken lake seals outside the study area. Based on the hydrologic studies completed for the Project, these issues are not likely to occur as a result of the Project.

Is there an emergency plan in place to deal with an unforeseen catastrophic environmental events? If so, is the emergency plan in the current budget?
The Council will implement the Project's Safety and Security Management Plan (SSMP) (Council, 2014) and the Metro Light Rail Transit Design Criteria (Council, 2015). The purpose of the SSMP is to consider safety and security when designing and constructing the Project. The plan covers requirements for safety and security design criteria, hazard analyses, threat and vulnerability analyses, construction safety and security, operational staff training, and emergency response measures. The Council has also prepared and will implement a construction contingency plan (CCP) in order to handle previously undocumented soil or groundwater issues that may be encountered during construction (refer to Appendix C for instructions on how to access this document). This plan outlines procedures for initial contaminant screening; soil and groundwater sampling; laboratory testing; and removal, transport, and disposal of contaminated materials at licensed facilities. Contaminated material removal and disposal will be in accordance with this plan, monitored by qualified inspectors, and documented in final reports for submittal to MPCA. Refer to Section 3.14 for more information. The development of the SSMP and the CCP are included in the current cost estimates for the Project (see Section 7.1 for the Project's Capital Funding Strategy). In addition, a groundwater management plan will be prepared by the Council, and approved by MnDNR and applicable local jurisdictions before construction. That plan will include required groundwater monitoring and management practices during construction. The Project will also adhere to permit requirements related to groundwater pumping and discharge from groundwater pumping.

Have the subterranean soils identified around Cedar Lake been studied for the viability to withstand the harsh environmental intrusion of construction process? How will the soil around the lake area be altered? What will soil correction cost be? What matter will be used to stabilize soil around the lake area and will this matter be environmentally safe to use around lake water?
Throughout the proposed light rail alignment, including the area between Cedar Lake and Lake of the Isles, there are areas of compressible soils, which are illustrated in Exhibit 3.8-2 in the Final EIS. Areas of compressible soils along the Project will be addressed with appropriate design and construction techniques to avoid the potential for uneven ground settlement and bearing failure of the building foundations for the light rail alignment, stations, structures, and surface parking lots/parking structures.

Methods of addressing compressible soils include removing the soft soils and replacing them with fill suitable for use around lakes, deep foundations, driven piles, drilled shaft-supported foundations, or lightweight fill. The Council will continue to evaluate compressible soils during the Engineering phase and will obtain additional soil data where necessary to assist in making the decision about where to excavate and replace soft soils. See Section 3.8.3.1 of the Final EIS. Regardless of the construction techniques used, soils outside the limits of the Project's groundwater and geology study area, including the soils surrounding Cedar Lake, would not be affected by the Project.

As described in Section 7.1.3, the capital cost estimates for the Project include funds for sitework and special conditions, which include soil correction, based on geotechnical studies of the corridor rather than estimates of soil correction at specific locations.

How will altering soil conditions around Cedar Lake effect/protect subterranean species?
Subterranean species located in areas of soil disturbance will be directly affected by the Project, however, none of these species have been identified as federally or state protected species, nor has that habitat been identified as state or federally protected. See Section 3.10 of the Final EIS includes an analysis of threatened and endangered species as well as commitments and mitigation measures to address potential impacts.

What studies have been done on the effect of hydrostatic pressure during the construction process and after when the trains are fully operational around Cedar Lake? What will be the effect

of hydrostatic pressure caused by the weight and vibration of the frequently passing trains on Cedar Lake and surrounding areas?
The *Kenilworth Shallow LRT Tunnels Water Resources Evaluation* (Burns and McDonnell, 2014) addressed this issue and considered hydrostatic pressure during construction. Due to the existing soil conditions, the shallow depth of the tunnel with respect to the depth of the homogeneous sandy soil conditions, and the horizontal distance from the lake, there are no anticipated effects on Cedar Lake. No impact from hydrostatic pressure is expected to occur, based on an independent water resources study in 2013-2014.

Are there endangered species, fauna, flora in the Southwest LRT preferred plan construction route?
Endangered species flora and fauna within the study area for threatened and endangered species is included in Section 3.10 of the Final EIS. The USFWS concurred that the Project will have "no effect" on the Higgins eye (pearly mussel) and Snuffbox mussel, or their associated critical habitats, and the Project "may affect but not likely to adversely affect" the northern long-eared bat. There are no element occurrences of the Blanding's turtle within 0.9 mile of the Project's alignment. However, there is an element occurrence of the Blanding's turtle within the MnDNR study area, so the MnDNR has indicated that this species may be adversely affected by the Project. The following MnDNR recommendations are part of the Project's design to avoid long-term direct impacts to the Blanding's turtle (see Appendix N of the Final EIS for agency coordination letters): (1) roads have been designed using the minimum standard for widths and lanes when practicable (which reduces road kills by slowing traffic and reducing the distance turtles need to cross); (2) wetland crossings have been elevated where practicable; (3) utility access and maintenance roads have been kept to a minimum where practicable (this reduces road-kill potential); and (4) terrain disturbed by the Project will be left with as much natural contour as practicable.

What studies were done by Cedar Lake to assess the effect of changing the landscape of this environmentally sensitive urban forest on migratory birds, butterflies, bees?
As described in Section 3.10.3, long-term impacts from the Project to habit include removal, conversion, degradation, and splitting of existing habitat within the areas where the Project's permanent civil improvements will be located. The Project will result in a loss and/or degradation of vegetated areas associated with five natural land cover types, which could result in a decrease in wildlife foraging areas, breeding habitats, and nesting areas. In order to mitigate long-term impacts to habitat, native landscaping will be incorporated into the Project's design during Engineering, where applicable and appropriate. Within the Kenilworth Corridor specifically, the Council developed a landscape design that preserves and builds upon the natural character of the corridor, where applicable and appropriate.

The Project will not have a long-term direct impact on migratory birds. It is likely that the regulated migratory bird species present in the migratory bird study area have adapted to survive in urban areas and tolerate high levels of human activity given the limited forest or woodland areas present. Therefore, the Project is not expected to result in long-term impacts on migratory bird populations.

The proposed light rail alignment and associated improvements will be located in a predominantly urban area. In general, species occurring in an urban setting are adapted to functioning within a highly variable and altered environment. The Project will result in a short-term loss of vegetated areas associated with five natural land cover types, which could result in short-term loss of habitat within the areas that will be temporarily disturbed by the Project's construction activities. This loss of habitat is considered short-term because these areas will be revegetated upon the completion of the Project.

The Project is implementing design features to avoid or minimize construction impacts by placing fencing to isolate areas of construction disturbance, developing a plan prior to construction to minimize the amount of trees and vegetation that will be removed as part of the Project, and protecting aquatic habitat. Aiding the spread of invasive species or noxious weeds will be avoided by implementing BMPs. An invasive species and noxious weeds management plan will be identified in the Project's construction specifications. The Council will monitor plan compliance during construction. To avoid habitat fragmentation of a Regional Ecological Corridor (as defined by the Minnesota Land Cover Classification System – see Section 3.10.1.2) located near Penn Station, appropriately sized and spaced openings will be provided in the permanent safety/security barriers (fences) in the area located approximately between 21st Street Station and Penn Station to maintain connectivity of terrestrial habitat and allow movement of

terrestrial species, primarily small mammals. Other Regional Ecological Corridors will not be bisected because the LRT alignment will be elevated over them. Habitat that is temporarily disturbed during construction will be re-seeded and restored, where appropriate, upon construction completion.

Comment #	#126
Commenter	Lynn Levine
Commenter Organization	None

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Please see response to comment #124 which addresses most of your comments. Comments in your letter that are not responded to in comment #124 are responded to below.

Regarding your comment that the plan was driven by money being available and not the other way around, the planning for this Project began at the local level approximately 15 years ago with the Southwest Rail Transit Study (HCRRA, 2003). On May 26, 2010, prior to the completion of the Draft EIS and based on an extensive alternatives analysis and public involvement process, the Metropolitan Council adopted the Project's Locally Preferred Alternative (LPA) as recommended by the Hennepin County Regional Railroad Authority (HCRRA) and included it as part of the 2030 Transportation Policy Plan. In 2011, FTA approved the Project's entry into the FTA's New Starts program. The Project has been developed within the framework of FTA's New Starts criteria, in hopes of receiving funding. The New Starts program is discretionary funding source that is competitive. There is no guarantee that Project will receive federal funding under this program. Therefore, as evidenced by the Project's local planning history, the Project has not been prejudiced by funding considerations.

Regarding your comment about the cumulative effect on wetlands, the Final EIS does not reference the Ewing wetland in the Bryn Mawr neighborhood or other specific wetland actions that have occurred in the past because the cumulative impacts analysis does not discuss specific wetlands impacts, rather the cumulative impact assessment discusses past actions on wetlands, such as historic wetland filing, on a broader regional basis as opposed to a project specific description of individual wetlands (see 3.17.1 for more information on the cumulative impact methodology). Regarding your comment on the acceptable starting point for assessing impacts to the lakes within the Project area under NEPA, the baseline for assessing impacts is the existing condition of the affected environmental resources.

Regarding your comment about whether there are penalties if impacts are greater than predicted, NEPA does not mandate a threshold of significance in the analysis for impacts. For this reason, permits and required approvals for certain resources establish acceptable thresholds for impacts. The Council will seek permits and approvals from applicable agencies, such as the USACE and the Minnesota Pollution Control Agency (see Table 9.5 of the Final EIS for a complete listing). For federal permits such as Section 404 Wetland Permit, the Project will need to meet the standards set in the permit or approval. Where applicable, variances can be issued for local or regional permits that exceed allowable thresholds, at the discretion of the permitting agency. For instances where a new adverse impact is created by the Project, the Project will need to reevaluate the NEPA process for that impact.

Regarding your comment on low ridership in the Kenilworth Corridor, as described in Section 4.1 of the Final EIS, a 14 percent increase (13,000 new trips) is forecast in average weekday transit trips under the Project, compared to the No Build Alternative (2040). Two of the planned stations are located in the Kenilworth Corridor, West Lake Station and 21st Street Station. The West Lake Station is expected to be the most frequently used station, accounting for 13 percent of Project boardings. The Council evaluated eliminating or deferring stations in July 2015 based on evaluation of several factors including ridership and decided to keep the 21st Street Station as part of the Project. See Table 4.1-5 in Section 4.1 of the Final EIS. See *Master Response 16: Concerns related to 21st Street Station and related impacts*.

The ridership projections for this Project were developed based on the Council's regional travel demand model (see Section 4.1), which was approved by FTA. Refer to Chapter 1 for a description of the Project's Purpose and Need and Chapter 7 for an updated financial analysis for the Project. Chapter 8 of the Final EIS assesses Project costs relative to the Project's benefits.

Comment #	#127
Commenter	Gail Freedman
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your opposition to the Southwest LRT Project.

Comment #	#128
Commenter	Bill McGaughey
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the Southwest LRT Project.

Comment #	#129
Commenter	Erin Cosgrove
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Kenilworth Trail relocation not listed as alternative in Supplemental Draft EIS
Please refer to *Master Response 14: Relocate the Kenilworth Trail instead of co-locating freight rail and light rail within the Kenilworth Corridor*.

Comment #	#130
Commenter	Pat Bursaw
Commenter Organization	Minnesota Department of Transportation (MnDOT)

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Request for ongoing plan review
- Commuter and Passenger Rail
- Noise
- Water Resources
- Design
- Right-of-Way and permits

Request for ongoing plan review
The Council coordinates regularly with MnDOT on the advancement of Project plans and will continue this coordination through the design and construction phases.

Commuter and Passenger Rail
Your comment regarding the potential future need for an extension of the tail track that currently exists between Target Field and Royalston Avenue to ensure sufficient capacity and to maintain operational flexibility at Target Field Station has been noted. Also noted is your comment that any future design changes between Royalston Avenue and I-94 should continue to allow the opportunity to construct a single track between Royalston Avenue and the I-94 overpass for future use managing train movements within Target Field Station. As described in Section 2.1.1 of the Final EIS, the Project does not include any plans for track extensions in this area, at this time. However, the Project will not preclude such expansions in the future.

Noise
Your letter notes that it is MnDOT's understanding that further determinations need to be made regarding which roadways are exempt under Minnesota Statute 116.07 for the Final EIS. The statement regarding exempt vs. non-exempt roadways was removed from the discussion in the Final EIS. The Final EIS assesses the Project's noise levels in the context of Minnesota's noise rule, which is administered by MPCA. The Council coordinated with MPCA staff in developing this assessment. MPCA has an established set of Noise Standards (Minnesota Rules, Chapter 7030), which provide limits on environmental noise using the L10 and L50 descriptors, which represent the noise level exceeded 10 percent (6 minutes) and 50 percent (30 minutes) of the time during an hour, respectively. The standards include both daytime and nighttime limits for three different categories of land use or noise area classification, with residential land uses included in noise area classification 1. Classifications 2 and 3 are generally for commercial and industrial land uses, respectively. Because of the time limit component of the MPCA noise standards, the Project will not exceed the standards under the proposed operating conditions. Light rail vehicles will pass by a location for approximately 10 seconds 12 times an hour (based on the operating assumptions of 10 minute headways in each direction) for a total of 120 seconds, or two minutes. Because the duration of exposure to LRT noise does not exceed the L10 (six minutes) and L50 (30 minutes) time components, there is no potential for the Project to exceed MPCA thresholds. Because the Project does not exceed the MPCA thresholds, the FTA noise impact criteria are more protective than the MPCA standards and have been used to assess and mitigate noise impacts identified within this Final EIS. See Section 3.12.1.2 of the Final EIS.

In addition to operational noise levels, construction noise levels also are subject to noise rules administered by MPCA as well as local noise ordinances. MPCA administers these noise rules to establish maximum allowable noise levels; where applicable, MPCA procedures allow for the issuance of noise variances. To address both the applicable local noise ordinances and the MPCA noise rules, the Council will develop a Noise Control Plan as described in Section 3.12.4.2. Key elements of this plan will include:

- Contractor's specific equipment types
- Schedule and methods of construction
- Maximum noise limits for each piece of equipment with certification testing
- Prohibitions on certain types of equipment and processes during the nighttime hours without local agency coordination and approved variances
- Identification of specific sensitive sites where near construction sites
- Methods for determining construction noise levels
- Implementation of noise control measures where appropriate
- Include a 24-hour construction hotline

Water Resources
The Council continues to coordinate with MnDOT through ongoing design reviews, which include review of design drainage and the proposed Project design does not increase discharge into MnDOT right-of-way. The Council will continue coordination with MnDOT on the review of design plans, including final design plans, which may determine the need for a drainage permit if the Project increases discharge into MnDOT right-of-way.

Design
As noted in your comment, all trunk highway impacts will be reviewed and approved through the layout approval process (i.e., design review process). The Council notes that permit forms are available on MnDOT's utility website.

Right-of-Way (ROW) and Permits
The Council will obtain necessary permits required to construct in MnDOT right-of-way. See Table 9.5-1 for a current list of permits and approvals needed for the Project.

Comment #	#131
Commenter	Bob Carney Jr.
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). In addition to expressing opposition to the Project, your letter includes several comments proposing improvements to Project and recommendations for the larger Twin Cities transit and transportation system. The comments related to the Southwest LRT Supplemental Draft EIS from your letter are summarized below and responses to those comments follow.

- Other preferable alternatives and co-location not in LPA when chosen
- No Build Option is a Reasonable Alternative
- Focus on Transit/Transportation System, Not Corridor Planning
- State Funding for Southwest LRT Project
- Additional Concerns
  - Concern about Using Park Land for Project
  - Proposed Project Changes
- Non-Project Proposed Changes

Other preferable alternatives and co-location not in LPA when chosen
See *Master Response 1: Invalid NEPA/MEPA Scoping Process because original scoping report did not include freight rail colocation*, in response to your comment regarding sending the Southwest LRT Project back to the scoping phase.

See *Master Response 10: Rational for design adjustments incorporated into the LPA based on co-location in the Kenilworth Corridor*, in response to your comment that the initially identified LPA did not include freight rail.

Relative to you comment that other alternative alignments are available that are preferable to the Project, please see the response below under the heading Proposed Project Alignment Alternatives.

No Build Option is a Reasonable Alternative
Section 2.1 of the Final EIS describes that the No Build Alternative represents the existing transportation system with all planned transportation improvements included in the Current Revenue Scenarios (i.e., financially constrained) of the 2040 TPP (adopted January 2015), except for the Southwest LRT Project LPA. The No Build Alternative represents both a possible outcome of this Final EIS process, and is a reference point to gauge the benefits, costs, and impacts of the Project. NEPA/MEPA processes require consideration of the No Build Alternative. The No Build Alternative is evaluated in this Final EIS (see Sections 3.0 and 4.0) and in previous Project phases. Please also see Chapter 8 of the Final EIS for a summary comparison of the Project to the No Build Alternative based upon metrics related to the Project's purpose statement. In summary, FTA and the Council have found that the No Build Alternative would not meet the Project's Purpose and Need.

Focus on Transit/Transportation System, Not Corridor Planning
The Project has been developed within the FTA's New Starts Project Development Process, including the development, evaluation, and identification of design adjustments based on comments received on the Draft EIS. Under FTA's process, alternatives are developed and reviewed, the LPA is identified and then adopted into the region's fiscally constrained long range transportation plan, and environmental documentation is completed. As previously noted, the LPA for the Southwest transit corridor was adopted into the regional Transportation Policy Plan, reflecting that it is a product of both a regional and corridor planning process.

Relative to your comment that "we need to view transportation, and Transit, as a system," Chapter 1, Purpose and Need, of the Final EIS notes that the Project will connect southwest Minneapolis and the region's southwest suburbs with the region's system of transitways, including existing light rail transit, bus

rapid transit, commuter rail, and express bus routes. Further, the transit and regional roadway traffic analysis for the Project, summarized in Sections 4.1 and 4.2 of the Final EIS, reflect the analysis and travel demand forecasts of the regional transit and roadway network, regional land use plans, and regional adopted population and employment forecasts.

State Funding for Southwest LRT Project
The state's legislative and budgeting process is used to determine the state's transportation priorities. The Project's proposed capital finance plan, which includes a proposed state funding share is described in Chapter 7 of the Final EIS. The state legislative and budgeting process will be used to determine whether or not to participate in Project funding.

Additional Concerns

Concern about Using Park Land for Project
Section 4.5.2.2 of the Final EIS, discusses that the Kenilworth Trail is located on property owned by the Hennepin County Rail Road Authority (HCRRA) and maintained by the Minneapolis Park and Recreation Board. These trails were built under permit agreements between HCRRA and the applicable jurisdictions that recognized the potentially temporary term of the agreements and specified that the primary purpose of the right-of-way was for construction of light rail and other transportation purposes. Historic properties and districts located within the Kenilworth Corridor are described in Appendix H of the Final EIS. It is important to note that the "Kenilworth Corridor" is not a historic or federally protected property unto itself, but rather is a geographical area reference that contains portions of historic and Section 4(f) properties (e.g., Kenilworth Channel/Lagoon and Cedar Lake Parkway). Under the Project, the Kenilworth Trail will maintain its current functionality as a trail. See Section 4.5.3 of the Final EIS for additional information on evaluation of trails.

The Council has and will continue to coordinate with the City of Minneapolis to implement the memorandum of understanding (MOU) between the Council and the City of Minneapolis, which was approved by the Council on July 9, 2014. The Council will also continue to work with the Kenilworth Landscape Design Committee, established in May 2015, to, in part, help ensure that landscape design will restore the natural setting while incorporating the regional trail system, light rail, and freight rail.

Proposed Project Alternative Alignments

- **Stop Line at Shady Oak or Downtown Hopkins; Shopper and Commuter Bus Service from Hopkins to Eden Prairie (Part A: Items 1-3)**—Your letter suggests stopping the line at either the Shady Oak Station or the Downtown Hopkins Station and including a system of shopping of extended stay traveler routes from the last Hopkins LRT station to Eden Prairie.

  Bus connections to the SouthWest Station, Eden Prairie Center transit hub, and Golden Triangle employment centers to the LRT alignment were considered as an option at the Southwest LRT Corridor Management Committee (CMC) on May 20, 2015, but were dismissed. It was concluded that this option would not effectively address the Project Purpose and Need (see Chapter 1 of the Final EIS), as the Project that would provide light rail transit service from Hopkins to Minnetonka and Eden Prairie.

  Many of the proposed Southwest LRT stations will have bus connections. The Project also includes feeder routes and improved headways on existing bus routes that will connect to LRT stations. As part of the Project, bus feeder headways have been equilibrated to meet future demand. Section 2.1.1.1 of the Final EIS describes passenger drop off, bus, bicycle and pedestrian related improvements at each of the stations.

- **Use Modified Version of 3C Alignment from West Lake to Downtown (Part A, Item 12 and Part C)**—The comment letter notes that this alignment was considered earlier in the Southwest LRT process but was dropped in part because "a tunnel under Nicollet would be too expensive." The modified "3C" route that is shown and described in the comment letter. The option of routing the Project through uptown and south Minneapolis was previously evaluated during Alternatives Analysis, Scoping, and the Draft EIS as LRT 3C-1 and LRT 3C-2. The suggested modified 3C would perform very similarly to the 3C-1 and 3C-2 alternatives. Section 2.2 of the Final EIS provides a more detailed description of how the alternatives were evaluated during the Project's various phases and the

rationale for the identification of the LPA. In general, that alignment alternative was dismissed from further study because it would be less cost effective and efficient, have greater adverse environmental impacts, and support economic development and the study area's quality of life to a lesser degree compared to the LPA. Section 2.2 of the Final EIS provides a more detailed description of how the alternatives were evaluated during the Project's various phases and the rationale for the identification of the LPA.

Proposed Project Changes

- **Provide Better Reverse Commuter Service to Southwest Quadrant, with Improved Links to Low Income Neighborhoods (Part A: Item 5)—**Section 1.6 of the Final EIS Purpose and Need chapter documents the need to provide competitive, reliable transit options for transit dependent populations, including reverse commuters, as well as for choice transit riders. The Project will assist in creating more efficient links between the proposed light rail alignment and low income neighborhoods than currently exist (see Section 5.2 of the Final EIS describes the locations of minority and low-income populations along the proposed light rail alignment). The Council, Metro Transit, and SouthWest Transit collaborated to develop the 2040 bus operations plan associated with the Project. The plan, which includes new or restructured local bus routes connecting stations to regional and local destinations, will increase the hours and miles of bus service provided (see Section 2.1.1.3 of the Final EIS for more information). The increased transit service is expected to improve access between low income neighborhoods and the proposed light rail alignment. The transit operations included in the bus operations plan are those that are anticipated at this time. The actual service plans will be adopted prior to opening in 2020 and will be a result of a service planning process that complies with the Council's and SouthWest Transit's service planning policies, with federal requirements (e.g., Title VI), and a variety of external factors (e.g., transit demand, funding availability, public and agency comment).
- **Build Transit Hubs Linking Highways 100 and 169 to the LRT (Part A, Items 6 and 7)**—Links from Highway 100 to the LRT will be provided at the Beltline Station, which will include a park-and-ride lot. Links from Highway 169 to the LRT alignment will be provided at both the Downtown Hopkins and the Blake Station, both of which will provide park-and-ride lots.

Non-Project Proposed Changes

Your comment includes a number of proposals that do not meet the Project's purpose and need (described in Section 1.0 of the Final EIS) or fall outside of the Southwest transit corridor. In summary, the purpose of the Project is to improve transit travel to/from the Cities of Minneapolis, St Louis Park, Hopkins, Minnetonka, and Eden Prairie. Examples of your non-Project proposals include:

- Transit hubs, including Uptown, North, Convention, Greenway, and I-35 W, all linked by elevated bus-only transit ways and freeways and include park-and-ride ramps (Part A, Item 9; Part B, Item 14)
- High-frequency Service on West Broadway in North Minneapolis and one-stop freeway service from West Broadway and I-94 to Greenway and I-35W Hub (Part A, Item 8)
- High-frequency Service on Greenway (Part B, Item 15)
- High-frequency transit service on Lake Street, Franklin and Nicollet bus routes and other North-South routes (Part B, Item 17)
- Specially designed and equipped shopping buses with scheduled runs planned around LRT corridors to expand shopping opportunities, especially for transit-dependent communities in North and South Minneapolis (Part A, Item 10)
- Elevated, all season bicycle "sky-bi" system, connected to elevated bus transit ways (Part A, Item 11)
- Cancel the proposed Bottineau LRT (Part A, Item 13)
- Freeway-speed express bus service on I-35W (Part A, Item 16)
- Grid system of high-frequency bus service throughout I-494/I-694 beltway (Part B, Item 19)
- Subsidized Car2Go Service (Part A, Item 4)

Comment #	#132
Commenter	Becca Vargo Daggett
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for a light rail bridge over the existing switching wye.

Recommendation for light rail bridge over switching wye as alternative to a freight rail bridge
Please refer *to Master Response 12: Concern over potential impacts related to replacement of the Skunk Hollow Switching Wye with the Southerly Connector between the Bass Lake Spur and the MN&S Spur*.

Comment #	#133
Commenter	George Puzak
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Please refer to the response to comment 66.

Comment #	#134
Commenter	Craig Oberlander, Michael O'Leary
Commenter Organization	Idlewild Properties, LLC and Redstone American Grill, Inc.

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Chapter 2: Alternative Considered
- Chapter 3: Affected Environment, Impacts and Mitigation
- Eden Prairie Segment

Chapter 2: Alternative Considered
Your comments regarding Chapter 2 of the Supplemental Draft EIS state that Technology Drive is the best alignment for efficient operation, as recommended in the Draft EIS. During the Draft EIS public comment period, the City of Eden Prairie asked the Council to investigate the feasibility of a more centrally located and walkable Eden Prairie Town Center Station and associated light rail alignment that would provide better opportunities for transit-oriented development and redevelopment. The City noted that a light rail station within walking distance of the Eden Prairie Town Center (a regional shopping mall) would help meet the City's long-term economic development goals and provide higher ridership due to its proximity to concentrations of existing and future employment and commercial activity centers. Section 2.2 and Appendix F of the Final EIS describe the options evaluated through the design adjustment process and how those options were evaluated and screened. Based on design adjustments resulting from that process, which were identified by the Council in April 2014, the proposed light rail alignment in Eden Prairie (starting at SouthWest Station) will run on a new bridge over Technology Drive and Prairie Center Drive, then pass south of Lake Idlewild, generally via Eden Road, and follow the north side of Flying Cloud Drive over I 494. This design adjustment is consistent with the light rail alignment shown in the City of Eden Prairie's officially adopted Major Center Area Study (2006) (shown as LRT Alternative B) and Comprehensive Guide Plan (2009) and is the City of Eden Prairie's adopted route. As described in Section 2.2,5 of the Final EIS, in July 2015, the Council identified approximately $250 million in scope and budget reductions for the Project, which included the deferral of the Eden Prairie Town Center Station and related roadway improvements (until after 2020 but before 2040). Theme F in Appendix L of the Final EIS includes additional information on the design adjustment process within Eden Prairie that occurred after publication of the Draft EIS.

Although deferred, the Eden Prairie Town Center Station is still planned to be in place by 2040 and is considered an element of the Project. In addition, it is considered a reasonably foreseeable future action as it is included in multiple locally adopted plans and policies (see Section 3.1). Therefore, the deferral of Eden Prairie Town Center Station does not warrant a reevaluation of the Technology Drive Alignment. Further, the Technology Drive alignment would not be compatible with the City of Eden Prairie's Comprehensive Guide Plan which is the locally adopted land use plan for the city.

Chapter 3: Affected Environment, Impacts and Mitigation
Land Use
Regarding the comment that the proposed alignment will acquire at least six more businesses than would be acquired by the Technology Drive alignment, both alignments impact a similar number of properties, although the Project alignment will result in a higher number of displaced businesses. Based on the level of design included in the Draft EIS, four privately owned parcels would have been impacted by the Technology Drive alignment between Prairie Center Drive and Flying Cloud Drive and there likely would not have been any displaced businesses. Under the Project alignment, approximately 10 businesses will be impacted in this area with eight businesses being acquired.

The design adjustment process the Council used to identify the Project's LRT alignment included considerations to avoid or minimize the Project's adverse environmental impacts and both land use and acquisition impacts were considered. While the nature of the businesses may be different, the land uses

between the Technology Drive alignment and the current Project alignment are similar in that both are primarily commercial use. Both alignments also impact a similar number of properties, although the current Project alignment will result in a higher number of displaced businesses.

Regarding your comment about there being more development opportunity along the Technology Drive alignment, the Project did consider indirect impacts related to potential station area development. While development and redevelopment in the land use study area is regulated by the affected local jurisdictions and is driven by regional and local economic conditions, light rail lines can advance the timing and increase the intensity of development, within the limits allowed by local comprehensive plans, particularly in areas surrounding a proposed station. Typically, indirect impacts related to redevelopment occur in the area within one-half mile of an LRT station as this is the generally accepted distance potential LRT riders are willing to walk to access a station. While there may be more vacant land along the Technology Drive alignment than the Project alignment, the land surrounding both areas would be within the station area for either alignment and therefore the Technology Drive alignment does not offer substantially higher redevelopment opportunity than the Project alignment.

Regarding your comments on potential future city projects within the vicinity of the Proposed Southwest LRT Project, the evaluation of environmental impacts for the Project includes reasonably foreseeable future actions (i.e., included in an approved local budget, plan, or policy) in the evaluation of cumulative impacts for the Project (see Section 3.17). The improvements to city roads and parks noted in your letter are generally not included in the evaluation of environmental impacts because they are not included in an approved local budget, plan, or policy, and, therefore, are outside of the scope of this Project and outside of the jurisdiction of the Council and FTA.

Parklands, Recreation Areas and Open Spaces

All parks, recreation areas, and open spaces within 350 feet of the Project have been documented in the Final EIS. While portions of Lake Idlewild are within 350 feet of the Project, these areas are not officially designated or planned by the City of Eden Prairie as park, recreation area, or open space which was the criteria used for inclusion of properties in the Supplemental Draft EIS (see Section 3.1.2.4) or the Final EIS (see Section 3.6.1). Lake Idlewild is not identified as a park or recreation area in the city's Comprehensive Guide Plan (locally approved land use plan) and is not included in the roster of community facilities listed in Comprehensive Guide Plan. The Comprehensive Guide Plan identifies this area as "Town Center" land use for the 2030 land use plan which is a designation for a future redevelopment area. Lake Idlewild is not shown in the Park and Open Space System Plan as an existing parkland or other (includes private recreation) and is not included in the city's official parks and trail map. FTA also evaluated Lake Idlewild as a potential Section 4(f) property. However, because Lake Idlewild is not officially designated or planned by the City of Eden Prairie (the official with jurisdiction for that property) as a public park or recreation area, nor is it officially designated as a publicly owned wildlife or waterfowl refuge or identified as a Section 106 historic resource, FTA has determined that Lake Idlewild is not a protected property under Section 4(f) (see 23 CFR 7744.1 and the Section 4(f) Policy Paper [FHWA]; July 2012 – pages 5-6, 23-24, and 57-58). See Chapter 6 of the Final EIS for additional information on Section 4(f).

The City of Eden Prairie's 2013 trail map shows the trail around Lake Idlewild as a "general trail," but does not specify the ownership of the trail (i.e., public or private). According to the Hennepin County property tax information database, the trail around Lake Idlewild is located on multiple private properties. Further, the LPA will not directly affect the trail around Lake Idlewild and there would be no change to connectivity for trail users. It is not anticipated that the Project would have noise or visual impacts to the trail around Lake Idlewild. The future Town Center Park would be located on land owned by Emerson Process Management Education Services, and is privately owned. It is not considered a Section 4(f) property. These areas would not be evaluated in the same manner as other publicly owned, publicly accessible parks, such as Purgatory Park. Impacts to planned/future resources, such as Town Center Park, are addressed in the Cumulative Impacts section (3.17) of the Final EIS which found no adverse impacts to this area. The City of Eden Prairie's *Strategic Plan for Housing and Economic Development* (October 2012) notes that implementation of zoning for the proposed park is awaiting the outcome of the Town Center LRT station alternatives analysis. The Official Map may be implemented when the light rail alignment is finalized, and land dedication is contingent on potential future development of the Emerson Rosemont property. The potential impact on the potential future park will not prompt the Council to

consider a revised alignment in Eden Prairie. Additional information on trails and the Project's potential impacts on them is found in Sections 3.6 and 4.5 of the Final EIS.

Eden Prairie Segment

Roadways and Traffic

Under the Project, signalized at-grade LRT crossings of roadways will operate with "traffic signal preemption" with active warning such as lights and gates, and not "traffic signal priority." Traffic signal priority means that traffic signals are coordinated to synchronize with light rail train movements to improve transit travel times; however, the trains may have to stop at the crossing for a short period when their traffic signal is red. Trains generally move at the same time as adjacent with traffic in a priority system.

Traffic signal preemption means that intersection traffic movements are controlled to allow the train to pass through without stopping. Signal preemption with automatic gates provides a higher level of control and safety at the at-grade crossings (i.e., gates block vehicles from entering the crossing). However, signal preemption can have a greater effect on roadway traffic operations. Traffic signal preemption was chosen for the Project based on requirements of the Manual of Uniform Traffic Control Devices (Section 8C.5), which states Highway-LRT grade crossings in semi-exclusive alignments should be equipped with automatic gates and flashing-light signals where LRT speeds exceed 35 mph. The Project will generally result in LRT speeds exceeding this threshold, and therefore the Project will include flashing-light signals, automatic gates, and traffic signal preemption at signalized at-grade LRT crossings of roadways. For consistency in crossing treatments and for safety, gated crossings are also included in this Project for crossings where LRT speeds are anticipated to be less than 35 mph. The traffic analysis performed for the Final EIS included preemption at crossings to understand the necessary roadway and traffic signal modifications to provide acceptable traffic levels of service in the build condition. The analysis and proposed roadway and traffic signal design advancement has been coordinated with the agencies for each crossing location, including MnDOT and the City of Eden Prairie.

Traffic operations for the Project in 2040 (average weekday) were evaluated based on overall intersection level of service (LOS) and traffic queues. The threshold for acceptable level of intersection operation is between LOS D and LOS E, with LOS A-D being considered acceptable, and LOS E-F unacceptable, during the peak hour. A Project impact related to traffic was identified if: (1) the overall intersection LOS will be E or F for the Project (2040) but would be LOS D or better for the No Build Alternative (2040); or (2) if an approach or movement for the Project (2040) will experience a queuing issue, but there would be no queuing issue at that location under the No Build Alternative (2040). In 2040, the proposed Eden Road/Eden extension, the main entrance to the Redstone property, will have a LOS C (20-35 seconds of delay) in the morning peak travel period and a D (35-55 seconds of delay) in the evening peak travel. See Final EIS Table 4-2.8.

Because the 2040 LOS at the main entrance to the Redstone property under both the No Build Alternative and under the Project is forecasted to be better than LOS E or F, the Project is not considered to have a traffic impact on that intersection. The Eden Road/Glen Road intersection, which is proposed to be converted to a T-intersection with the closure of the existing driveway to the Redstone property, is forecasted to have a LOS A in 2040 under the Project, like the existing LOS. See Appendix E in the Final EIS for the current design of the proposed light rail alignment and associated roadway improvements at the Redstone property, including a new driveway aligned with the restaurant entrance to replace the driveway that will be closed at the Glen Road intersection. Given that the Project will maintain driveway access to the property and that the property's main entrance will be at a signalized intersection with an acceptable LOS, the Project's traffic operations are not anticipated to create substantial adverse impacts on Redstone's ability to operate its restaurant at the property.

Regarding your comment on air quality impacts related to increased emissions from traffic delays, as described in Section 3.11 of the Final EIS, the air quality and greenhouse gases evaluation completed for the Project measured air quality at a regional level, based on the results of the travel demand forecasting completed for the Project. While the air quality analysis does not evaluate site specific air quality impacts, it does factor in increased vehicle delay as this delay is represented in the regional travel demand forecasts.

Parking

Since publication of the Supplemental Draft EIS, the light rail alignment within the vicinity of the proposed Eden Prairie Town Center Station has been refined to minimize impacts to the Redstone property. Refer to Final EIS Appendix E for engineering drawings showing the proposed changes in this area. With the design changes, the estimated number of off-street parking spaces lost has been reduced from 36 in the Supplemental Draft EIS to 10 (see Table 4.3-1 in the Final EIS). The owners of all property acquired by the Project, including parking spaces, will be compensated in accordance with federal state law (Uniform Relocation Act and MN Stat. 117).

FTA and the Council acknowledge the restaurant's desire not to lose any parking stalls, however currently no parking is allowed on either side of Eden Road. With the Project, 38 on-street spaces will be available in front of the restaurant and more on-street spaces will be available just east and west of the restaurant. Restaurant patrons parking on Eden Road could use the new sidewalk, cross the tracks, and enter the parking lot at the signalized Eden Road/Eden extension intersection.

To ensure the safety of restaurant patrons and employees entering and exiting the main parking lot entrance, there will be gates on both sides of the proposed tracks. The signalized intersection will prevent confusion about how to cross the tracks from the parking lot and enter Eden Road, and the gates will prevent train-car conflicts. In addition, the Project will include construction of an approximately 170-foot retaining wall for a portion of space between the Project alignment and the Redstone parking lot to account for differences in grade and to provide a barrier between the parking lot and the LRT alignment. The Project will also install fencing between the Project alignment and the Redstone parking lot. Refer to the section above in this response (Roadways and Traffic) for responses to your concerns regarding potential impacts to the Redstone driveways. The travel speed of LRT in this area is approximately 35 mph (see Section 3.12.3.1 of the Final EIS). Impacts to the Redstone property will continue to be evaluated as part of the final design process.

Noise Analysis

The existing noise levels measured at locations such as N24 and N25 are the actual noise levels in the area without the Project. The Project noise level is just for the Project, not the future noise with the existing and Project noise combined. The Project noise level takes into account all noise sources from LRT operations, including bells at crossings and stations. It also includes the speed and distance to any sensitive receptors. The FTA noise impact criteria levels are based on the existing noise levels and the Project noise (not total future noise) is compared to the criteria to determine impact. The Final EIS includes information regarding the change in noise levels from the existing to the future, due to the introduction of the Project.

The noise levels shown in the fact sheets are maximum noise levels for an event. This information is used to calculate the Ldn (day night sound level), which is what is included in the assessment. The Ldn is a cumulative noise level that takes into account how loud events are, how often they occur, how long they occur, and when they occur (day vs night, with a penalty for nighttime noise). Maximum noise levels cannot be compared to an Ldn; they are different descriptors.

The Final EIS noise analysis took into account noise from horn and bell operations at all at-grade crossings near sensitive land uses based on operational use of horns and bells at each at-grade crossing (see Appendix K for additional information).

The dominant noise source on a LRT vehicle is the wheel rail noise. The noise from the steel wheels rolling on the steel rail changes with speed and was accounted for in the impact assessment. Acceleration and braking are also considered in the impact assessment; however, they are not the dominant noise sources. The noise from pedestrian signals would not change the noise analysis results, as these noise levels are much lower than other sources, such as LRT pass-bys, and would not add to the overall noise levels.

The FTA does not consider commercial land uses to be noise sensitive unless the use is specifically noise sensitive, such as a recording studio or audiologist. Because commercial land uses are not considered noise sensitive, the Council has not conducted a noise impact assessment of the Redstone property.

Visual Quality and Aesthetics
In the Final EIS, Supplemental Draft EIS Viewpoint 9 is Viewpoint 4. In analyzing the impacts for this viewshed, a simulation was prepared to depict the Project's design, including removal of trees along Eden Road and the opening up of the views from the road toward the restaurant and the surrounding parking lot. Based on review of the simulation, the Council and FTA determined in the Final EIS that for this viewshed, the Project would create a moderate level of visual change, and that taking the moderate level of visual sensitivity in account, the overall level of visual impact would be Moderate. See Final EIS Section 3.7.4.1 for more information.

The Viewpoint 4 simulation shows that the most important visual effects of the Project in this view will be to eliminate the heavy tree cover along the street and to introduce the proposed LRT tracks, fencing, and catenaries into the area adjacent to the street's north side. Because of the proposed LRT's distance from Lake Idlewild, and because the Project will not remove trees or add infrastructure near the lake, its impacts on views toward the lake will be limited.

Safety and Security
Design changes after publication of the Supplemental Draft EIS address the safety concerns raised in your letter. Specifically, the proposed signalized Eden Road/Eden Road extension intersection, which will serve the restaurant's relocated west entrance, will have gates on both sides of the track to prevent conflicts among trains, vehicles, and pedestrians. See Final EIS Appendix E for the design of the proposed light rail alignment and associated roadway improvements in the area of the restaurant. Further, the Eden Road/Glen Road intersection has been redesigned to be a T intersection and will no longer serve the restaurant's parking lot thus eliminating a potential conflict point with the proposed LRT alignment. There will be a sidewalk on both sides of Eden Road adjacent to the restaurant's parking lot. The sidewalks will provide access to the signalized Eden Road/Eden extension intersection providing safe access to the restaurant parking lot.

Summary
The FTA and the Council determined that design adjustments made to the LPA following publication of the Draft EIS had the potential to result in new adverse impacts as described below and needed to be evaluated in a Supplemental Draft EIS.

These design adjustments to LRT 3A and LRT 3A-1 were screened by FTA and the Council to determine whether they individually or collectively warranted evaluation in terms of social, environmental, economic, and transportation impacts under NEPA. The Project team, in coordination with FTA staff, reviewed each of the design adjustments to identify any substantive changes to LRT 3A and LRT 3A-1 not addressed in the Draft EIS. The review was based on NEPA and MEPA environmental review procedures to determine whether Project adjustments were substantial enough to warrant detailed study in the Supplemental Draft EIS (40 CFR 1502.9I and Minn. R. 4410.3000, subparts 3 and 5, respectively). During this process, the design adjustments were reviewed and screened based on the following questions:

- Do the design adjustments under evaluation introduce new alternatives not identified in the Draft EIS that meet the Project's purpose and need?
- Would the design adjustments likely cause new significant adverse impacts not disclosed in the Draft EIS?

Based on this assessment of adjustments made to LRT 3A and LRT 3A-1 since publication of the Draft EIS, FTA and the Council determined that there were no new reasonable alternatives identified through the design adjustment process that would meet the Project's Purpose and Need (see Chapter 1 of the Supplemental Draft EIS). However, because of the potential for new significant adverse impacts in the Eden Prairie Segment, the Hopkins OMF, and the St. Louis Park/Minneapolis Segment that were not addressed in the Draft EIS, FTA and the Council also determined that the proposed adjustments in these areas should be evaluated in a Supplemental Draft EIS. See Section 2.2 of the Final EIS for a description of these design changes

Wetland South of Costco
In the area south of the Costco Property, the Project will include a structure that will avoid impacts to the existing drainage pond within area.

Comment #	#135
Commenter	Kevin Kuemmel
Commenter Organization	None

Response
Thank you for your comment on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your opposition to the Project.

See *Master Response 12: Concern over potential impacts related to replacement of the Skunk Hollow Switching Wye with the Southerly Connector between the Bass Lake Spur and the MN&S Spur*

Comment #	#136
Commenter	Angie Erdrich
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization in addition to the comments you have previously submitted. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right* and the response to comment 116 for a response to your previously submitted comment.

Comment #	#137
Commenter	Richard Weiblen
Commenter Organization	Liberty Property Trust

Response
Duplicate comment – please see the response to comment 109.

Comment #	#138
Commenter	Joan Vanhala
Commenter Organization	Alliance for Metropolitan Stability (AMS)

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your letter presents several comments concerning the alignment of the Project through Eden Prairie and equitable development.

As noted in your letter, residents and employees in the Eden Prairie Town Center Station area will benefit from increased access to transit service; improved access to employment, educational, recreational, shopping, and cultural opportunities; and increased employment opportunities due to a greater number of commercial and residential businesses that are planned within the study area, which will result in positive economic gains in the form of increased wages and spending. Your letter also notes that the area surrounding the Eden Prairie Town Center Station has a concentration of environmental justice populations. These populations are shown in the Environmental Justice analysis of the Final EIS (see Chapter 5).

In regard to your concern regarding the planned deferral of the Eden Prairie Town Center Station, as described in Section 2.1.1, the Eden Prairie Town Center Station and associated roadway improvements are deferred and are not expected to be in place when the Project opens in 2020, however the station and associated roadway improvements are planned to be in place by 2040.

The overall process used to identify stations to be deferred or eliminated from the Project that occurred after publication of the Supplemental Draft EIS and that process is described in Section 2.2.5, Design Adjustments after Publication of the Supplemental Draft EIS, of the Final EIS. In particular, changes to the design were identified to better avoid impacts, integrate mitigation measures, and allow for cost reductions associated with the Project. On April 27, 2015, the Council released a revised Project cost estimate of approximately $1.994 billion – an approximately $341 million increase over the year-of-expenditure budget prior to that time. To address the revised Project cost estimate, the Council's CMC and Project staff developed and evaluated a variety of options to, in consultation with the Project's local participating jurisdictions. The evaluation of options focused on three key criteria: cost savings incurred; Project ridership; local jurisdiction consensus. CMC meetings held on May 20, June 3, June 24, and July 1, 2015, included review, discussion, and evaluation of the various options developed, which resulted in a recommendation by the CMC to the Council on July 1, 2015. Related recommendations to the Council were also adopted by the BAC and CAC on June 17 and June 30, 2015, respectively. On July 8, 2015, the Metropolitan Council adopted design adjustments to address the increased cost estimates. In doing so, the Council considered recommendations from the CMC, BAC, and CAC. In summary, the Council identified $250 million in reductions to the Project's scope and budget. The reductions in the Project's scope included: the elimination of the Mitchell Station (which was identified as an option in the Supplemental Draft EIS) and deferral of the Eden Prairie Town Center Station (until after 2020 and before 2040); the reduction of five new light rail vehicles; the reduction of park-and-ride capacity from 3,834 spaces to 2,487 spaces; the reduction in the size of the proposed Hopkins OMF (with future expansion capacity on-site); elimination of station artwork; and reductions in landscaping and off-platform station furnishings. The identified cost savings measures were identified, developed, and analyzed in consultation with the Project's local participating agencies. In addition to the reductions in scope and budget, the Council committed to seek approximately $90 million in additional funds to cover the remaining short-fall.

That process and the outcome represent a thorough and measured approach to determining changes to the Project's scope, including the evaluation and identification of changes to the Project's proposed light rail stations. The question of eliminated or deferred stations was deliberated by the CMC at each of its four meetings during this process. During that process, the following stations, from southwest to northeast, were identified for potential deferral or deletion: Mitchell; Eden Prairie Town Center Station; Royalston; Penn; [2]1st Street. The process also evaluated a variety of changes at a variety of proposed light rail stations, some station-specific and some corridor-wide. For example, the following adjustments to

stations were considered within the process of scope modifications to reduce costs: delete joint development at the proposed Blake Station; project-wide reduction of station furnishing; project-wide reduction or elimination of station art-work; removal or reduction in the capacity of associated park-and-ride lots; alternate locations for the Eden Prairie Town Center Station, including for scenarios that would terminate the line at that station.

The scope of the elements to be developed and evaluated was initiated and overseen by the Project Stakeholders (i.e., the City and County representatives). Within the context of the overall process to consider a wide range of design changes, including changes to proposed stations, the evaluation process used three criteria previously mentioned: cost savings incurred; Project ridership; local jurisdiction consensus. Additional metrics used specifically to evaluate station deletions and deferrals included the following: change to the Project's New Starts cost-effectiveness rating (which could affect the ability of the Project to compete for Federal funds under the FTA's Capital Investment Grant program); and for the half-mile station area, transit dependent riders, developable acreage, access to jobs and population served as a percent retained. The potential design adjustments to the Project and the metrics, process, and schedule to be used to identify those to be incorporated into the Project were first described at the May 20, 2015, CMC meeting. Initial draft metrics on some of those design adjustments was also presented to the CMC at that meeting. At the June 3, 2015, CMC meeting, in addition to updated metrics on the various design adjustments under consideration, the City of Eden Prairie also provided additional information about the demographic and other characteristics of the SouthWest and Eden Prairie Town Center station areas that were considered in the evaluation. Metrics comparing all of the Project's proposed stations were provided at the June 24, 2015, meeting of the CMC (including metrics relevant to environmental justice populations). Those metrics included the following: total population; minority population; people in poverty; jobs; and developable acres. The Eden Prairie Town Center Station was identified as having the seventh highest minority population and the second to last lowest number of people in poverty. The assessment of impacts of deferring the station also considered overlapping station areas, including the overlap between the SouthWest and Eden Prairie Town Center Stations.

While the environmental justice populations within close proximity will not receive the benefits of the Eden Prairie Town Center station when the Project opens in 2020, the station is planned to be in place by 2040. Further, many of the residents that would use the Eden Prairie Town Center Station will also have access to the proposed SouthWest Station, which is approximately one half mile to the west of the Eden Prairie Town Center Station. For example, the walk distance (using public trails and sidewalks) between the northern area of Broadmore Apartments at the intersection of Columbine Road and Prairie Center Drive to the SouthWest Station would be approximately 200 feet (or less than one block) longer than it would be to the Eden Prairie Town Center Station. This broad array of options and criteria/metrics, as well as recommendations from the BAC and CAC, was used by the CMC and Council in identifying the design adjustments that would meet the Project's cost reduction needs, balancing both reductions in scope and identifying new revenue sources.

Regarding your comments on development guidelines for Eden Prairie Town Center area, development and development guidelines are regulated by the affected local jurisdictions and are driven by regional and local economic conditions and are therefore outside of the jurisdiction of the Council and FTA. However, to fully leverage development potential and to support local land use goals, Hennepin County, in partnership with the Council, and the Cities of Eden Prairie, Minnetonka, Hopkins, St. Louis Park, Edina and Minneapolis, undertook a station area planning effort, which includes development guidelines for each station.

Comment #	#139
Commenter	Mark Wegner
Commenter Organization	Twin Cities & Western Railroad Company

Response
Duplicate comment – please see the response to comment 110.

Comment #	#140
Commenter	Cherie Hamilton
Commenter Organization	Calhoun Isles Condominium Association

Response
Duplicate comment – please see the response to comment 121.

Comment #	#141
Commenter	Dale Bachman
Commenter Organization	Bachman's Inc

Response
Duplicate comment - please see the response to comment 113.

Comment #	#142
Commenter	Rick Getschow
Commenter Organization	City of Eden Prairie

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (Supplemental Draft EIS). The sections that follow include response(s) to these comments.

- Support for the Supplemental Draft EIS LRT alignment which includes a Mitchell Station and an Eden Prairie Town Center Station
- Coordination of services with SouthWest Transit
- Bridge design and visual impacts and aesthetics
- Minimization or elimination of impacts to Purgatory Creek Park
- Grade separated crossing of Valley View Road at Flying Cloud Drive
- Modification of Project elements after publication of the Supplemental Draft EIS
- Location and Placement of TPSS and other equipment
- Minimize Impacts to Businesses, Residences, and Properties
- Land Use
- Evaluation of remaining sites of archeological potential
- Updated Wellhead Protection Plan (WPP)
- Water resources
- Noise
- Roadway and traffic impacts
- Parking impacts
- Bicycle and pedestrian facilities
- Interruption of water and sanitary sewer services

Support for the Supplemental Draft EIS LRT alignment which includes a Mitchell Station and an Eden Prairie Town Center Station
During the Draft EIS public comment period, the City of Eden Prairie asked the Council to investigate the feasibility of a more centrally located and walkable Eden Prairie Town Center Station and associated light rail alignment that would provide better opportunities for transit-oriented development and redevelopment. The City noted that a light rail station within walking distance of the Eden Prairie Town Center (a regional shopping mall) would help meet the City's long-term economic development goals and provide higher ridership due to its proximity to concentrations of existing and future employment and commercial activity centers. For similar reasons, the City also asked the Council to evaluate a location for the Mitchell Station south along Technology Drive, somewhere between Mitchell and Wallace Roads, additionally noting that this location for a park-and-ride lot may be better positioned to intercept automobile traffic coming from the west.

The design adjustment process also resulted in a change to the proposed light rail alignment in Eden Prairie along Flying Cloud Drive, northeast of I-494. Within the Draft EIS, the light rail alignment would have crossed over Flying Cloud Drive on a new bridge, immediately north of I-494. Section 2.2 and Appendix F of the Final EIS describe the options evaluated through the design adjustment process and how those options were evaluated and screened.

Based on design adjustments resulting from that process, which were identified by the Council in April 2014, the proposed light rail alignment in Eden Prairie will run on a new bridge over Technology Drive and Prairie Center Drive, then pass south of Lake Idlewild, and follow the north side of Flying Cloud Drive over I-494. Running on the south side of Highway 212, the light rail tracks will go over Flying Cloud Drive and Valley View Road on new bridge. The light rail alignment west of SouthWest Station was adjusted south to Technology Drive, to a proposed Mitchell Station on the south side of Technology Drive, west of Mitchell Road. The Project's Supplemental Draft EIS, published in May 2015, was based on the design

adjustments identified by the Council in 2014 (including a potential southwest terminus at SouthWest Station, rather than Mitchell Road).

On April 27, 2015, the Council released a revised and increased Project cost estimate. To address the increased Project cost estimate, the Council's Southwest LRT Corridor Management Committee (CMC) and Project staff developed and evaluated a variety of options aimed at lowering Project costs, in consultation with the Project's local participating jurisdictions. The evaluation of options focused on three key criteria: cost savings incurred; Project ridership; and local jurisdiction consensus. CMC meetings held on May 20, June 3, June 24, and July 1, 2015 included review, discussion, and evaluation of the various options developed, which resulted in a recommendation by the CMC to the Council on July 1, 2015. On July 8, 2015, the Metropolitan Council adopted design adjustments to address the increased cost estimates. In doing so, the Council considered recommendations from the CMC, the Southwest LRT Business Advisory Committee (BAC), and the Southwest LRT Community Advisory Committee (CAC). In summary, the Council identified $250 million in reductions to the Project's scope and budget. The reductions in the Project's scope included: the elimination of Mitchell Station and deferral of the Eden Prairie Town Center Station and related roadway improvements (until after 2020 but before 2040); the elimination of five new light rail vehicles from the Southwest LRT fleet; a reduction in the Project-wide park-and-ride lot capacity (including elimination of the proposed park-and-ride lot at the proposed Eden Prairie Town Center Station); the reduction in the size of the proposed Hopkins OMF (with future expansion capacity on-site); elimination of station artwork; and reductions in landscaping and off-platform station furnishings. The cost savings measures were identified, developed, and analyzed in consultation with the Project's local participating agencies, including the City of Eden Prairie.

The Final EIS is based on the definition of the Project included in Section 2.1 and illustrated in Appendix E of the Final EIS, which reflects the design adjustments within the City of Eden Prairie identified by the Council in April 2014 and July 2015. Appendix E of the Final EIS illustrates the Project with and without the Eden Prairie Town Center Station and associated roadway improvements. See Section 2.1.1 of the Final EIS.

Coordination of services with SouthWest Transit

Regarding your comment that design of the Project must complement and be coordinated with the services offered by SouthWest Transit, the Council has and will continue to coordinate with SouthWest Transit regarding future SouthWest Transit service, relative to the Project. The conceptual bus service plan for SouthWest Transit with the implementation of the Project includes the provision of new local bus routes to provide enhanced access to the proposed SouthWest and Golden Triangle Stations. Existing SouthWest Transit routes will generally remain unchanged with the Project. The final service plan for SouthWest Transit is subject to change as the design of the Project advances (refer to Section 4.1.3 for more information on corridor bus routes with the Project).

In addition, the design for the SouthWest Station and to minimize short-term construction impacts. A Construction Communication Plan will be developed to prepare Metro Transit and SouthWest Transit riders, and Project-area residents, businesses, and commuters for construction; listen to their concerns; and develop plans to minimize disruptive effects.

The Council further notes your comment to include the City of Eden Prairie as a partner to communicate with businesses, residents, and property owners along the Project corridor during construction to minimize and mitigate design and construction impacts. As noted above, the Construction Communication Plan, in addition to a construction staging plan, will be implemented by the Council prior to and during construction. Refer to Section 3.3 of the Final EIS for more detail.

Bridge Design and visual impacts and aesthetics

There were a number of comments relating to visual and aesthetic impacts. The Final EIS includes an updated assessment of potential impacts to visual quality and aesthetics related to the Project. Refer to Section 3.7 of the Final EIS for more information. The following responses to specific comments related to visual and aesthetic impacts:

- **Light rail bridge adjacent to Purgatory Creek Park.** The Council notes your comment that the light rail bridge will be a primary visual component of the park once constructed and therefore must be included in the Project costs and designed with appropriate context to complement the park setting

and experience. As noted in Section 3.7, the change to the level of visual quality will be high in this area. Given the high degree of change to the visual quality of this view and the moderate sensitivity of the roadway users in this area, the overall level of impact is moderate. The Council has prepared design guidelines for key structures throughout the proposed light rail alignment, focusing on bridges and retaining walls. Those guidelines are included within the Visual Quality Guidelines for Key Structures (Council, 2015 – see Appendix C for instructions on how to access the report). These guidelines were developed by the Council, reflecting various site contexts and conditions along the corridor. These Guidelines were reviewed and commented on by affected local jurisdictions, including the City of Eden Prairie. The guidelines have been used by the Council in preparing design plans to date. The process leading to the guidelines included vetting of a range of concepts with effected local jurisdictions. The guidelines have and will help to ensure a consistent aesthetic element for key structures throughout the proposed light rail alignment, while allowing for some flexibility in wall treatments. In addition, the Project includes a locally requested capital investment (LRCI), as requested by the City of Eden Prairie, to upgrade the level of aesthetic treatment of this bridge beyond the bridge elements typically included in the base project.

The Council further notes your comment that the aesthetic treatment of the bridge should be included in the base Project costs and existing impacted amenities, such as the park's entry area and signage board, must be restored to a similar or better condition. Bridge will be designed in accordance with the Visual Quality Guidelines for Key Structures, and are included in the cost estimate for the Project. Additional aesthetic treatment for the bridge would be considered a Locally Requested Capital Investment (LRCI). As shown in Section 7.1.3, the capital cost estimates include year of expenditure costs for both the Locally Preferred Alternative (LPA) and LRCIs. As described in Section 7.1.4 funding for LRCIs are the responsibility of the LRCI sponsors and not included in the base costs for the LPA.

- Coordination **of aesthetics and design.** As described above, the process leading to the development of the Visual Quality Guidelines for Key Structures (Council, 2015 – see Appendix C for instructions on how to access the report) included coordination with local jurisdictions. In addition, in April 2015 the Council held a series of open houses in communities along the Southwest LRT route (including in Eden Prairie) to share station architecture concepts and get public input on station design issues. The Council will continue to coordinate with Eden Prairie on final design options for stations within the City's jurisdiction.
- **Disagree with level of visual and aesthetic impact.** The visual resources analysis was prepared using the standardized approach for visual impact assessment documented in the FHWA's Visual Impact Assessment of Highway Projects (FHWA, 1988). The FHWA developed this method in response to NEPA requirements that consideration be given to the impacts that proposed federal actions or Projects are likely to have on the environment's visual quality and it was designed to assess visual quality impacts using a systematic and objective approach. The FHWA analysis method was selected to evaluate this Project's visual effects because the FTA does not have a visual impact assessment methodology of its own. The FHWA methodology is well established and widely accepted for the assessment of visual impacts and is well suited to assess the visual impacts of linear transportation facilities located in urban areas.

  In addition, since the publication of the Supplemental Draft EIS, the Council has coordinated with the City of Eden Prairie to revise the overall level of impact from low to moderate for three viewpoints within Eden Prairie, to better represent key visual analysis units for the visual quality and aesthetics evaluation included in the Final EIS. This includes revisions to viewpoints 2, 3, and 4 as described in Section 3.7.3 of the Final EIS (viewpoints 5, 7, and 9, respectively from the Supplemental Draft EIS).

As described in Section 3.7.4 of the Final EIS, a total of five viewpoints within the City of Eden Prairie were assessed. Of these, two will have a low level of impact, two will have a moderate impact, and one will have a substantial impact. Section 3.7.5 describes mitigation measures that will be implemented with the Project. As described above, to mitigate visual quality impacts, the Council has prepared design guidelines for key structures throughout the proposed light rail alignment.

Minimization or elimination of impacts to Purgatory Creek Park
Purgatory Creek Park is a designated 4(f) property. As described in Section 3.6, the Project will result in no long-term direct impacts to Purgatory Creek Park. Long-term indirect impacts include changes to visual setting due to installation of elevated LRT line adjacent to park with no related long-term adverse effects to the park. Short-term construction impacts will include acquisition of temporary construction easement; temporary changes to access, noise, and visual setting conditions during construction.

As documented in the Final Section 4(f) Evaluation, FTA and the Council have determined that a temporary occupancy of Purgatory Creek Park will occur during construction; the City of Eden Prairie has concurred with this finding. FTA, the City of Eden Prairie, and the Council have initiated efforts to help avoid, minimize, and mitigate impacts to Purgatory Creek Park, including participation in coordination meetings. A Construction Communication Plan will be developed that will include coordination with the park owners, advance notice of construction activities, and highlighting road, sidewalk, and trail closures and detour routes. Areas and features of parks and recreation areas that are altered or disturbed as the result of construction activities will be restored to conditions that are in accordance with direction received from the jurisdictional owner.

Grade-separated crossing of Valley View Road at Flying Cloud Drive
While the curve in this location cannot be completely eliminated, the Project has been designed to minimize impacts by reducing curves to the greatest extent possible (see Sheet 3 in Appendix E of the Final EIS for drawing of the grade separated alignment at Valley View Road). The Project has been designed for conformity with engineering standards and industry practices, including the Metro Light Rail Transit Design Criteria (Council, 2015). Excess right-of-way has been preserved to the extent possible. Right-of-way acquired for the Project that is needed after construction of the Project is complete would be considered as remnant parcel(s). Remnant parcels could be sold in compliance with FTA Circular 5010.1D (FTA, 2008a) and applicable state regulations and could be available for future development, at the discretion of the property owner, and within the limits allowed by local land use controls.

Modification of Project elements after publication of the Supplemental Draft EIS
Section 2.2.5 of the Final EIS addresses design adjustments made to the Project after publication of the Supplemental Draft EIS. These include Project changes made as the Council advanced the level of design detail for the Project, which provided a better understanding of design, impacts, and avoidance, minimization, and mitigation measures. Changes to the design were made to better avoid impacts, integrate mitigation measures, and allow for cost reductions to the Project. During the spring and summer of 2015, the Council's Corridor Management Committee and Project staff developed and evaluated a variety of options to, in consultation with the Project's local participation jurisdiction, to address three key criteria: cost savings incurred; Project ridership; local jurisdiction consensus. On July 8, 2015, the Council adopted design adjustments to address Project costs. Within the City of Eden Prairie, these adjustments included: the elimination of the Mitchell Station (which was identified as an option in the Supplemental Draft EIS) and deferral of the Eden Prairie Town Center Station (until after 2020 and before 2040).

Also included in this action were: the reduction of five new light rail vehicles; the reduction of park-and-ride capacity from 3,834 spaces to 2,487 spaces; the reduction in the size of the proposed Hopkins OMF (with future expansion capacity on-site); elimination of station artwork; and reductions in landscaping and off-platform station furnishings. The identified cost savings measures were identified, developed, and analyzed in consultation with the Project's local participating agencies.

Major changes to the Project that resulted from ongoing design advancement are subject to additional analyses. The changes identified above are included in the environmental analyses conducted for the Final EIS. Specifically, the sections below address the analyses for traffic patterns and parking demand in light of the revised Project since completion of the Supplemental Draft EIS:

- Section 4.2 addresses roadway and traffic issues;
- Section 4.3 addresses parking;
- Section 4.5 addresses pedestrian and bicycle issues, including trails.

Location and Placement of Traction Power Sub-Stations (TPSS), Signal Bungalows, and Other LRT Accessories and Equipment Sites
The Project has met with the city to discuss the Project alignment and the placement of LRT facilities, including TPSS sites. TPSS and other LRT accessory locations, which are subject to change during Engineering, were selected for operational reasons and to minimize impacts to sensitive receptors. Efforts were made to select sites that are on underutilized land, such as surface parking lots.

Minimize Impacts to Businesses, Residences, and Properties
The Project has been designed to minimize impacts to private property to the greatest extent possible. While there are no displacements of residential properties related to the Project, the Project will result in some acquisition of private property within the City of Eden Prairie, including some acquisition of off-street parking spaces for businesses. The Council has, and will continue to, coordinate with the City on these impacts.

Property owners will be compensated for any property acquired for the Project, including the loss of off-street parking, in accordance with the Uniform Relocation and Real Property Acquisitions Policies Act. The objective of the Uniform Relocation Act and MN Stat. 117 which sets forth requirements for acquisition of land, compensation, and uniform relocation benefits. See Final EIS Section 3.4 for more information.

Mitigation measures for short-term impacts related to construction activities will be identified in the Construction Mitigation Plan and Construction Communication Plan which will be implemented by the Council prior to and during construction. The purpose of the Construction Communication Plan is to prepare project-area residents, businesses, and commuters for construction; listen to their concerns; and develop plans to minimize harmful or disruptive effects. Mitigation measures may include:

- Issue and distribute regular construction updates;
- Provide advance notice of roadway closures, driveway closures, and utility shutoffs;
- Conduct public construction meetings;
- Establish a 24-hour construction hotline;
- Prepare communication materials with applicable construction information
- Address property access issues; and
- Assign staff to serve as liaisons between the public and contractors during construction (Source: Council, 2015a. *Communications and Public Involvement Plan (CPIP)*. See Final EIS Appendix C for instructions on how to access this document).

Land Use
The comments on the land use section in the Supplemental Draft EIS have been addressed in the Final EIS, as appropriate. As shown in Section 3.1.2.1, the description of planned land uses in the Final EIS includes a general, corridor-wide description and doesn't include specific text for each city (such as the planned land uses for the eastern portion of Eden Prairie and a description of local zoning ordinances). As described in previous section of this response, the design of the Project has been advanced since the publication of the Supplemental Draft EIS, and Mitchell Station is no longer included. As such, a detailed description of the land uses surrounding Mitchell Station (including the revisions from your comment) is not included in the Final EIS.

Evaluation of remaining sites of archeological potential
A Phase I field investigation of Areas A and B was completed and the survey report submitted to the Minnesota Historic Preservation Office (MnHPO) in May 2015, which precluded its inclusion in the May 2015 Supplemental Draft EIS. The report is included in the *Cultural Resources Evaluation Supporting Documentation Technical Memorandum* (see Appendix C in the Final EIS for instructions on how to access the technical memorandum). The Phase I investigation identified no archaeological resources within the areas in Eden Prairie.

Based on design adjustments made to the Project after publication of the Supplemental Draft EIS, including the elimination of the Mitchell Station, the archaeological APE for the Project was revised. The

Archaeological Areas of Potential Effect used for the City of Eden Prairie is shown on Exhibit 3.5-4 in the Final EIS. No NRHP-eligible archaeological sites were identified within the Project's archaeological APE within the City of Eden Prairie.

Updated Wellhead Protection Plan (WPP)
The evaluation of groundwater resources documented in Section 3.8 of the Final EIS was developed based on the most recent WPP for the City of Eden Prairie as suggested in your comment letter.

Water resources
There were a number of comments related to water resources. The Final EIS includes an updated assessment of potential impacts to water resources related to the Project. Refer to Section 3.9 for more information. The following are responses to specific comments related to water resources:

- **Incorporation of watershed district modeling findings.** Section 3.9 of the Final EIS documents that locally approved methods, including from Nine Mile Creek and Riley Purgatory Bluff Creek Watershed Districts, were used for the Final EISs to quantify and map locally regulated floodplains that are located within the floodplains study area. The Southwest LRT Project Office is coordinating the Riley Purgatory Bluff Creek Watershed District and Nine Mile Creek Watershed District to utilize their most current hydraulic/hydrologic models to estimate the floodplain elevation and floodplain fill volume

  Section 3.9.5.3 in the Final EIS notes that, "the Project has been designed in compliance with EOs 11988 and 13690; therefore, floodplain impacts have been minimized to the greatest practicable extent and tracks and structures associated with the Project will be built above the applicable FFRMS elevations. Details regarding impact minimization measures and the specific Project design elevations and associated FFRMS elevations are included in the *Executive Order 13690 Summary and Recommendations* and *Executive Order 11988 Summary and Recommendations* (located in the *Surface Water Resources Evaluation Supporting Documentation Technical Memorandum* [see Appendix C in Final EIS for instructions on how to access supporting documentation])."

- **Clarification regarding definition of public watercourses.** The Supplemental Draft EIS did not include the term "watercourses" as stated in the comment. The Supplemental Draft EIS and Final EIS do include an evaluation of water resources. As described in Section 3.9, the evaluation of surface water resources includes separate analyses for wetlands, and public waters and surface waters. These terms are defined in Sections 3.9.2.1 and 3.9.2.2, respectively. Table 3.9-1 in the Final EIS includes a summary of regulatory agencies with jurisdiction of surface water resources, including MnDNR.

- **Clarification regarding partial and full wetland fill.** Table 3.9-4 in Section 3.9 of the Final EIS provides information regarding the size of each impacted wetland, as well as how many square feet of each wetland will be directly impacted or filled. In addition, the Council notes your comments on the need for the distinction between the two wetlands (northern and southern) related to Purgatory Creek. The description of wetlands has been updated and is accurately described in Table 3.9-4.

- **Map error regarding DIG-EP-EP-04.** This error has been corrected for the Final EIS (see Exhibit 3.9-2).

- **Floodplain Impact Calculations.** The Supplemental Draft EIS calculated floodplain impacts based on FEMA floodplain maps. The Final EIS used locally approved methods to quantify and map locally regulated floodplains that are located within the floodplains study area. Section 3.9.1.3 of the Final EIS documents that locally approved methods, including from Nine Mile Creek and Riley Purgatory Bluff Creek Watershed Districts, were used for the Final EIS to quantify and map locally regulated floodplains that are located within the floodplains study area. The Southwest LRT Project Office is coordinating with the Riley Purgatory Bluff Creek Watershed District and Nine Mile Creek Watershed District to utilize their most current hydraulic/hydrologic models to estimate the floodplain elevation and floodplain fill volume.

- **Descriptive error regarding Purgatory Creek and EP-EP 15 and EP-EP-17.** This has been updated in the Final EIS (see Table 3.9-2).

- **Clarification regarding separate regulations and programs for the city and Riley Purgatory Bluff Creek Watershed District.** This has been corrected in the Final EIS (see Table 3.9-1)
- **MnDNR-certified erosion and sediment control specialist.** The Council notes your comment that such a control specialist should be a University of Minnesota-certified and/or MPCA-approved erosion and sediment specialist. The technical analyst responsible for this task will have all required certifications.
- **Compensatory mitigation plan submittal to local governments units.** The Council will follow the appropriate review and permitting requirements. See Section 3.9.6 in the Final EIS for additional information regarding mitigation measures.

Noise

Since the publication of the Supplemental Draft EIS, the design of the Project has advanced and the proposed LRT operating assumptions updated. The revised operating assumptions, as well as an updated noise impact assessment and applicable mitigation measures, are included in Section 3.12 of the Final EIS.

Roadway and traffic impacts

There were a number of comments related to roadway and traffic impacts. The Final EIS includes an updated assessment of potential impacts to roadways and traffic related to the Project. Refer to Section 4.2 for more information. The following are responses to specific comments related to roadway and traffic impacts:

- **Mitigation measures regarding intersection level-of-service.** The City's letter indicates that several intersections are expected to operate at unacceptable LOS (E or F) in the build condition without mitigation. Since the publication of the Supplemental Draft EIS, the design of the Project has advanced to include a more detailed traffic operations analysis.

  As described in Section 4.2, the Project includes roadway and intersection improvements to avoid new or worsened congested intersections (defined as LOS E and F), compared to the No Build Alternative in 2040, and the proposed improvements are reflected in the traffic operations analysis. Table 4.2-2 in the Final EIS summarizes intersection LOS for average weekday a.m. and p.m. peak hours, under existing conditions and year 2040 conditions for the No Build Alternative and the Project.

  In summary, of the 25 intersections analyzed within the City of Eden Prairie, no intersections that would operate at LOS A to D under the No Build Alternative will operate at LOS E or F under the Project. Five intersections within the Project area would operate at LOS E or F under the No Build Alternative will continue to operate at LOS E or F under the Project.

  No mitigation measures are warranted for long-term impacts to roadways and traffic because there will be no adverse impacts, due to the effectiveness of identified avoidance measures.

  For a detailed description of the traffic operations analysis for the Project, including a description of the location of traffic movements with queuing issues, refer to the *PEC-West Traffic Memorandum* (2015) and *PEC-East Traffic Memorandum* (2015).
- **Technology Drive conversion.** As previously described, the Council has implemented a design adjustment process which changed the westernmost terminus of the Project from Mitchell Station to SouthWest Station. As a result of this design adjustment, the modifications to Technology Drive noted in your letter are no longer included in the Project. Section 4.2 and Appendix E includes an updated list of roadway modifications reflecting this change.
- **Acknowledgment of potential future crossings**. The Project will not preclude a north-south roadway to the west of the proposed north-south main street or an east-west roadway south of West 70th Street. The proposed track alignment and profile for the Project do preclude an east-west roadway north of West 70th Street. These crossings are included in the description of future roadway improvements, where applicable. Note that as a result of the Project design adjustments, the Project alignment will no longer extend beyond the proposed SouthWest Station and therefore the modification to the access for the UHG complex are no longer needed.

- **Potential roadway closures during construction.** Section 4.2.3.3, Short-term Impacts on Roadways and Traffic, in the Final EIS documents that construction of the Project will result in temporary partial, and full closures of existing streets, as well as temporary, partial, and full closures of driveways while construction is occurring at specific locations. Table 4.2-3 documents the Short-term Roadway and Traffic Impacts that are anticipated to occur during Project construction.

  Section 4.2.4.2 of the Final EIS provides the mitigation measures that will be implemented in response to closures of existing streets, as well as material and equipment deliveries, worker arrivals and departures, and hauling of excavation and borrow materials. These construction related impacts and traffic will be implemented by the Council prior to and during construction through the Construction Mitigation Plan, which includes a Construction Communication Plan and a construction staging plan.

  MnDOT, Hennepin County, and all municipalities affected by construction activities related to the Project will require compliance with applicable state and local regulations related to the closing of roadways and the effects of construction activities. Contractors will be required to comply with all guidelines established in the Minnesota Manual on Uniform Traffic Control Devices (2015). Construction staging and mitigation documents will be reviewed by appropriate jurisdictions, and required permits will be secured. Traffic control plans will be developed by the contractor based on information identified in the construction documents and the Construction Mitigation Plan. Traffic control plans will be reviewed by appropriate jurisdictions and the Council prior to the initiation of construction activities.

  Mitigation measures for short-term impacts related to construction activities will be identified in the Construction Mitigation Plan and Construction Communication Plan as described earlier in this response.

Parking impacts

In response to your comments on the size of the proposed structured park-and-ride lot at Southwest Station if Mitchell Station is eliminated (as described in footnote 20, pg. 3-82 of the Supplemental Draft EIS), since the publication of the Supplemental Draft EIS, Mitchell Station is no longer included in the Project, based on design adjustments described in an earlier section of this Response. Table 4.3-2 in the Final EIS provides the number of new spaces that will be provided at each planned park-and-ride lot in the Project. The Final EIS notes that a total of 450 new parking spaces will be provided at the SouthWest Station. These parking spaces are new and not intended to replace any of the parking at this location. Section 4.3 of the Final EIS includes an updated analysis regarding on-street, off-street, and park-and-ride lot impacts and mitigation measures, and reflects the elimination of Mitchell Station.

The difference between the number of new spots created at the SouthWest Station as a result of removal of the Mitchell Station park-and-ride – from 600 reported in the Supplemental Draft EIS, to 450 reported in the Final EIS – is the result of design adjustments that occurred after publication of the Supplemental Draft EIS, that are intended to address parking demand at the SouthWest Station.

Based on the travel demand forecasts completed for the Project (see Section 4.1 for more detail), the cumulative supply of park-and-ride lot spaces will meet and exceed the forecasted demand for park-and-ride lot parking spaces in the Project's opening year (2020). However, the travel demand forecasts show a deficit of approximately 650 park-and-ride spaces in the Project's forecast year (2040). This forecast deficit is predominantly concentrated at the proposed SouthWest and Beltline Stations, with most (about two-thirds) of the deficit occurring at the SouthWest Station.

The Council further notes your comment that the Supplemental Draft EIS does not identify the short- and long-term parking impacts to the Eden Prairie City Center building located at 8080 Mitchell Road that require mitigation. There are no impacts at this location as a result of the elimination of the proposed Mitchell Station.

Bicycle and Pedestrian Facilities

Purgatory Creek Loop Trail

Section 4.5 of the Final EIS provides an updated assessment of bicycle and pedestrian facilities impacts and mitigation measures. As described in Section 4.5, there will be no adverse long-term or short-term impacts to the Purgatory Creek trail as a result of the Project.

Future Direct Trail Connection between Prairie Center Drive/Technology Drive Intersection and SouthWest Station Platform

The Project, which includes the LPA and LRCIs has been designed to include a direct connection between the Prairie Center Drive/Technology Drive intersection and the SouthWest Station platform, as suggested in the comment. This trail connection is included in the Project as a LRCI, at the request of the City of Eden Prairie.

Interruption of water and sanitary sewer services

The following actions will be conducted to facilitate coordination and communication during construction activities. Prior to construction, affected area utility companies and utility agencies will be contacted and requested to provide line relocation measures and approval of the proposed alteration of utility lines. In addition, utility location excavations and preconstruction surveys in general accordance with the MnDOT Utility Accommodation Policy (see Appendix D) will help minimize unintended utility service disruptions.

Through construction specifications, the Council will require the appropriate construction contractor(s) to notify affected businesses and residences of planned disruption of service due to construction activities. Utility locations that are uncertain or misidentified can be unintentionally damaged during construction. The large number of utilities present within the utilities study area increases the likelihood of encountering previously unidentified utilities. Should utilities be discovered during construction that were not identified in the contract documents the appropriate utility companies and agencies will be contacted to identify the line(s). The discovered line(s) will not be disturbed until businesses and residences are notified and the utility owner approves the proposed alteration.

Coordination with local and state agencies may be required to relocate specific utilities outside the Project corridor. Utilities that are located within rights-of-way owned by cities and county may be subject to an individual franchise agreement as authorized by Minnesota Statue 216B, Public Utilities, which provides the terms for which the utility companies may operate in the public right-of-way. Public and private utilities must conform to MnDOT Utility Accommodation Policy (see Appendix D), which require owners to obtain a permit in order to place utility facilities on trunk highway right-of-way. Utility installations on, over, or under railroad property will require review and approval by the railroad, shall conform to requirements contained within the BNSF Utility Accommodation Policy (see Appendix D) and comparable policies for Canadian Pacific Railway, and may require a Utility License Agreement issued by the railroad. See Section 3.15 of the Final EIS provides an updated description of impacts to utilities.

Locally Requested Capital Improvements (LRCI) Exhibit

The Council notes your comment that LRCIs 5 and 7 should be shown along Eden Road in the corresponding exhibit. Exhibit 2.1-6 in Section 2.1 of the Final EIS does not show LRCIs 5 and 7 because both are streetscape/landscape/aesthetic improvements, which are not illustrated on an exhibit. LRCIs 5 and 7 are described in Section 2.1.1.4.

Comment #	#143
Commenter	Liz Wielinski
Commenter Organization	Minneapolis Park and Recreation Board

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Continuation of freight rail operations in the Kenilworth Corridor
- Cultural resources
- Impacts on parks, recreation areas, and open space
- Visual quality and aesthetics
- Environmental Effects
- Draft Section 4(f) Impacts

Continuation of freight rail operations in the Kenilworth Corridor
Under NEPA, the basis for the evaluation of impacts related to the Project is the current conditions of the affected environment. For the Kenilworth Corridor, the current condition includes freight rail. For more information, see *Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data*.

Cultural resources
There were a number of comments relating to cultural resources. Regarding comments on the ongoing process to minimize impacts to the Grand Rounds Historic District (GRHD), additional consultation and design has been conducted since publication of the Supplemental Draft EIS. The Final EIS includes FTA's final findings of effects on historic properties, to which the Minnesota Historic Preservation Office (MnHPO) has concurred. This process involved assessing Project effects on historic properties in consultation with the MnHPO, Minneapolis Park and Recreation Board (MPRB) and other consulting parties, and making findings of effects, including a final determination of effect, and developing a Section 106 Memorandum of Agreement (MOA) that outlines measures to avoid, minimize, and mitigate adverse effects to historic resources. Stipulations in the executed Section 106 MOA will guide the Project's implementation. The following are the responses related to cultural resources:

- **Concern over potential effects to the Grand Rounds Historic District, particularly visual quality.** As described in Section 3.5.4, FTA and the Council, in consultation with the MnHPO, the Minneapolis Park and Recreation Board (MPRB), and other consulting parties, reviewed Project elements under Section 106 and applied the criteria of adverse effect per 36 CFR 800.5(a)(1) to determine if the Project would result in adverse effects to NRHP listed and eligible historic properties within the Project's APEs. This consultation considered anticipated long-term and short-term direct and indirect effects on historic properties from construction and operation of the Project. As shown in Table 3.5-2, the Kenilworth Lagoon and the Grand Rounds Historic District will be adversely affected by the Project and the MnHPO has concurred. Measures to avoid, minimize, and mitigate the adverse effect on the Lagoon and the historic district were concurred with by consulting parties (including MPRB) and are included in the Section 106 MOA (Appendix H) and summarized below.
  - Install a parapet wall and rail damper on the LRT bridge over the waterway to mitigate the moderate noise impact at the Kenilworth Lagoon.
  - Rehabilitate/Reconstruct WPA Rustic Style Retaining walls to minimize and mitigate adverse effects.
  - Design Project elements within and adjacent to the Grand Rounds Historic District in accordance with the 'OI's Standards (36 CRF 68), to be reviewed by the MnHPO and consulting parties, to further minimize adverse effects.
  - Develop a Construction Protection Plan detailing the measures to be implemented during Project construction to avoid adverse effects.

  - Prepare guidance for future preservation activities within the portion of the GRHD: Canal System, including adjacent parkland, extending from the north end of Lake Calhoun to the east end of Cedar Lake, and including the entirety of the Lake of the Isles Park and Kenilworth Lagoon elements (Attachment D). The plans shall be prepared in accordance with the SOI's Standards (36 CFR 68); the SOI's Standards for Preservation Planning; the NPS's Guidelines for the Treatment of Cultural Landscapes, Preservation Briefs and Tech Notes.

- **Request for evaluation of visual quality impacts on viewsheds of the Grand Rounds.** The Final EIS includes an evaluation of potential impacts parks, recreation areas, and open space which includes the Grand Rounds. Refer to Section 3.6 of the Final EIS for more information about the Section 106 assessment of the Grand Rounds Historic District and Section 3.7 of the Final EIS for the visual assessment, which includes areas including the Grand Rounds.

- **Concern over potential effects to the Kenilworth Lagoon.** The Council notes your concern over minimization of impacts to the Kenilworth Lagoon and your comment regarding the memorandum of understanding (MOU) between MPRB and the Council to cooperate on the design of the bridge crossings of the Kenilworth Channel. As is summarized in Table 3.5-2, and described in more detail in the technical report *Section 106 Assessment of Effects for Historic Properties: Southwest LRT Project Technical Report* (November 2015), construction of the Project will result in an adverse effect on the Kenilworth Lagoon that cannot be avoided. Therefore, as is documented in Section 3.5.2 of the Final EIS, FTA and the Council consulted extensively with the MnHPO, MPRB, and other consulting parties to explore a number of alternatives for this crossing. The goal of this consultation was to identify an alternative that best minimizes the overall adverse effect on the Kenilworth Lagoon and the Grand Rounds Historic District, of which the Kenilworth Lagoon is a contributing element, and which also met the meet the requirements of the referenced MOU. As a result of this consultation process, an alternative was identified that best meets all of these goals. The selected alternative, for which the MnHPO and MPRB have indicated support, consists of a three-bridge configuration (trail, LRT and freight rail), with concrete arch clear span bridges for LRT and the trail, and a five-span, concrete slab bridge with piers in the water for freight rail. The bridges will be designed in accordance with the SOI's Standards to minimize the adverse effect on the Lagoon and historic district. In addition, the crossing will incorporate noise mitigation into the LRT bridge in the form of approximately two-foot tall noise walls and rail dampers.

- **Inadequate evaluation of effects to Cedar Lake Parkway, particularly visual quality.** The Project will reconstruct an approximately 320-foot long segment of Cedar Lake Parkway in its existing alignment with a slight increase in elevation (less than 8 inches) to accommodate construction of the light rail tunnel underneath, and reconstructing the at-grade trail and freight-rail crossings. The introduction of LRT infrastructure to the Kenilworth Corridor, including a TPSS, signal bungalow, and equipment house, as well as an LRT tunnel portal north of the parkway and some corresponding vegetation removal in the Corridor, will change a small portion of the setting of the parkway, which is an approximately 1.65-mile-long linear resource.

  During a Section 106 consultation meeting held on April 12, 2012, MPRB stated its approach to the Cedar Lake Parkway intersection was "to support a continuous driving and biking experience through the Grand Rounds" and trying to "limit the number of stop signs as well as crossings such as this," noting that it felt the "crossing has great potential for impeding driving experience." In written comments provided under Section 106 on May 16, 2014, the MRPB elaborated that it was concerned about the long-term noise and visual intrusion at this intersection and its impacts on adjacent park land, including the potential loss of the current Quiet Zone status for the crossing. In response, to MPRB comments, FTA and the Council dropped from further consideration an alternative for an LRT bridge over Cedar Lake Parkway to avoid potential adverse visual effects along the parkway and the Project now includes a shallow LRT tunnel under the parkway to avoid potential disruptions to the driving experience along the parkway from LRT. To address concerns about noise, the Project conducted a noise and vibration assessment for in accordance with FTA's Transit Noise and Vibration Impact Assessment Manual, which determined that per FTA criteria, Cedar Lake Parkway is not noise sensitive. A consultation meeting was held on June 17, 2015, during which effects of noise and vibration on historic properties were considered. The MRPB participated in this consultation, but did not provide any comments regarding the results of the analysis for Cedar Lake Parkway. In addition,

FTA and the Project consulted with the FRA and confirmed that shifting the existing freight rail alignment within its existing corridor will not result in a loss of Quiet Zone status for freight rail. To further minimize potential visual effects, and avoid any adverse visual effects, Project elements within and in the vicinity of Cedar Lake Parkway, including the LRT tunnel portal several hundred feet to the north, a TPSS, signal bungalow, equipment house, and the reconstructed segment of the parkway will be designed in accordance with the *SOI's Standards*. This measure is documented in the Project's Section 106 MOA. During a Section 106 consultation meeting held on February 24, 2015, the MPRB confirmed that this would address their concerns about potential visual effects on Cedar Lake Parkway. As is summarized in Table 3.5-3 of the Final EIS, and described more fully in the *Section 106 Assessment of Effects for Historic Properties: Southwest LRT Project Technical Report* (see Appendix H of the Final EIS), with the implementation of the measure described above for minimizing effects, and avoiding adverse effects, to the parkway, which the MnHPO, MRPB, and other consulting parties agreed to during consultation, FTA found the Project will have No Adverse Effect on Cedar Lake Parkway and the SHPO has concurred.

Impacts on Parks, Recreation Areas, and Open Spaces

Your letter included several comments relating to parks, recreation areas, and open spaces. The Final EIS includes an updated assessment of potential impacts to parks, recreation areas, and open spaces (see Section 3.6). The following are the responses related to these comments.

- **Concerns over safety of trail and park users in the Kenilworth Corridor, related to the co-location of LRT and Freight Rail.** See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*. Please also see *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*.

- **Concern over safety of at-grade pedestrian and bicycle crossings at LRT and Freight Rail Crossings.** Pedestrian and bicycle crossings of these track locations have been designed based on current industry standards. Industry standards include but are not limited to flashing light signal assemblies with an audible warning to notify pedestrians and bicyclists of a train's arrival at crossing locations. These crossing treatments may also include detectable warnings and signs.

  For instances where the roadway crossings will include crossings for sidewalks and trails, such as [2]1st Street in the Kenilworth Corridor, crossings and controls will be designed to promote pedestrian and bicycle safety and will include space between the freight tracks and the light rail tracks to allow sidewalk and trail users to have refuge space in the event of a freight and light rail train passing simultaneously. In addition, these crossings will be equipped with detectable warnings and fences lining the crossing paths to bring attention to the freight or light rail crossing locations. The design details of pedestrian and bicycle safety features will be made during Engineering and finalized prior to construction.

  The Metropolitan Council will maintain all existing public bicycle and pedestrian connections including the Cedar Lake LRT Regional Trail, the Kenilworth Trail, and the Cedar Lake Trail although some trails or sidewalks may be reconfigured. All trails adjacent to a LRT station will have a connection to the station. At the Shady Oak, Downtown Hopkins, Blake, Louisiana, Wooddale, Beltline, West Lake, [2]1st Street, Penn, and Van White stations, transit users will cross through traffic (e.g., pedestrians and bicyclists) on the trail to access parking lots, sidewalks, or bus facilities or will connect to trails directly from station platforms. Exhibit 4.5-3 in Section 4.5.3.1 of the Final EIS illustrates the potential conflict. Wayfinding, regulatory and warning signage, and markings of trail intersections will be included in the Project to address these conflicting movements. A clearly defined through route will be identified for bicyclists in areas where the trail travels through a plaza or large paved area, either with pavement markings or distinctive pavement. Section 4.5.3 of the Final EIS outlines the impacts to bicycle and pedestrian facilities including trails and sidewalks.

  In addition, The Council, City of Minneapolis, MPRB, and Hennepin County undertook the West Lake Multimodal Transportation Study, completed in February 2016. The goal of the study was to identify opportunities to address non-motorized and motorized travel within the West Lake LRT Station area with projects that can be implemented as a part of the construction of the Southwest LRT or as part of other capital initiatives. The study report includes Green Line Design Recommendations that will be

constructed as part of the Project, including enhanced crosswalk markings at specific intersections, and wayfinding signage.

During construction, some trails and sidewalks may be detoured either on a signed route on other trails/roadways or on a temporary facility built to re-route pedestrian and bicycle traffic around an obstruction. In Minnetonka, Hopkins, and Saint Louis Park, the Minnesota River Bluffs LRT Regional Trail and the Cedar Lake LRT Regional Trail will be maintained on temporary detour facilities within the exiting right-of-way for portions of the construction period. Construction of the Project will be phased in such a way that a paved surface will be maintained for use by pedestrians and bicyclists proximate to the existing trail. At the trail crossings of Minnehaha Creek and Louisiana Avenue, trail and freight bridge construction will be phased such that a bridge will be available for pedestrian and bicycle usage during construction. In addition, a Construction Communication Plan will be developed that will include coordination with the park owners, advance notice of construction activities, highlighting road, sidewalk, and trail closures and detour routes. Mitigation measures for short-term (construction) impacts to roadways and traffic will be implemented by the Council prior to and during construction through the Construction Mitigation Plan, which includes strategies to maintain safety. In addition, Contractors will be required to comply with all guidelines established in the Minnesota Manual on Uniform Traffic Control Devices (2015), which conforms to industry standards for the design and operations of pedestrian and bicycle facilities.

The Council notes your comment that the conceptual design drawings located in Appendix G were too general to understand the specific measures to be implemented to maintain a safe crossing for pedestrians and bicyclists of light rail and freight trains. Updated Preliminary Engineering Plans (representing approximately 30 percent of design) for the Project are located in Appendix E of the Final EIS. Refer to Section 4.5 for additional details on pedestrian and bicycle crossings, and Section 4.6 for additional information on at-grade railroad crossing safety measures.

See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Visual quality and aesthetics

There were a number of comments in your transmittal letter relating to the evaluation of visual and aesthetic impacts. The Final EIS includes an updated assessment of potential impacts to visual quality and aesthetics related to the Project. Refer to Section 3.7 and Appendix J for more information. The following are responses to specific comments related to visual and aesthetic:

- **Concerns over visual quality analysis methodology and the consideration of visual quality impacts during a limited time of the year.** The visual resource analysis in the Final EIS considers season variations and year-round use. As part of the analysis, an effort was made to photograph the existing conditions in as many of the analysis views as feasible under leaf-off conditions. As a consequence, the visual resources analysis includes visual assessments that are based on a mix of leaf-on and leaf-off conditions, and are representative of year-round conditions.
- **Concern over visual impact assessment methodology (static views).** The visual impact assessment was completed based on a widely used methodology that assesses the Project's effects on a series of static views. The views were selected based on an exhaustive effort to ensure inclusion of representative views. In the Kenilworth Corridor, most of the views selected were those that are experienced by trail users. A special analysis focusing on the "dynamic nature of how trail users experience the views" was not undertaken. Such analyses are not standard practice in visual impact assessment, and in this case, there is no evidence that such an approach would substantially change the outcome of the analysis.

  The visual resources analysis was prepared using the standardized approach for visual impact assessment documented in the FHWA's Visual Impact Assessment of Highway Projects (FHWA, 1988). The FHWA developed this method in response to NEPA requirements that consideration be given to the impacts that proposed federal actions or Projects are likely to have on the environment's visual quality and it was designed to assess visual quality impacts along linear transportation corridors (such as the Kenilworth Trail) using a systematic and objective approach. The FHWA analysis method was selected to evaluate this Project's visual effects because the FTA does not have

a visual impact assessment methodology of its own. The FHWA methodology is well established and widely accepted for the assessment of visual impacts and is well suited to assess the visual impacts of linear transportation facilities located in urban areas.

- **TPSS facilities should be considered a significant factor for change in visual quality.** Potential impacts to visual quality were considered in the siting of TPSS facilities. There are no plans to include TPSS facilities on lands under the jurisdiction of the MPRB within the Kenilworth Corridor. There is one TPSS location within the Kenilworth Corridor, approximately 1,400 feet north of West 21st Street on the east side of the LRT alignment which will be located on land owned by HCRRA. The TPSS locations were selected to minimize impacts to sensitive receptors and efforts were made to select sites that are on underutilized land, such as surface parking lots. Where TPSS placement would have the potential to affect sensitive receptors, landscape plans will be developed to provide suitable screening or other measures to minimize visual impacts, as the design of the Project advances.
- **Viewpoints in the Kenilworth Corridor be considered substantially impacted regardless of methodology.** As part of the visual impact assessment the level of visual change was compared to the sensitivity of the view to the viewer. In assessing the sensitivity of the view, factors taken into account included the number and types of people who see the view, the length of time the view is observed, and the level of viewer concern about the view. Refer to Section 3.7 and Appendix J of the Final EIS for additional impacts on visual quality impacts and mitigation measures. Of the 19 views evaluated, six are in the Kenilworth Corridor. Of these substantial visual impacts were identified at two locations, moderate visual impacts at one location, and low visual impacts at three locations. Refer to Section 3.7.4 for a description of mitigation measures for visual quality impacts.
- **Visual impacts at the Kenilworth Corridor light rail tunnel portal.** As noted in Section 3.7.4, the Project will have substantial visual impacts related to the tunnel portals in the Kenilworth Corridor. Refer to Section 3.7.5 for a description of potential mitigation measures. In addition to implementation of the Visual Quality Guidelines for Key Structures, the Project will include incorporation of the following visual mitigation measures, as appropriate, where moderate and substantial visual impacts have been identified:
  - Retain as much of existing vegetation as appropriate to provide shielding for sensitive viewpoints, including techniques such as chaining and mowing without removal of the root systems, and/or tying back large shrubs and trees to provide adequate areas for construction activities
  - Restore and replant cleared areas in a timely manner, considering such factors as species type, seasonal growing conditions, and other construction-related activities
  - Place new and replacement trees based on such factors as helping to provide the maximum screening of views to and from sensitive viewpoints (e.g., adjacent residential areas), or providing street ornamentation
  - In areas where the light rail alignment will be located adjacent to sidewalks or trails provide planter strips between the sidewalk or trail and utilize plant selections such as low, hedge-like shrubs to create a visual buffer between the pedestrian ways and the light rail alignment to screen views of the light rail alignment.
  - As appropriate, develop landscape plans for areas adjacent to elevated structures, retaining walls, noise walls, and TPSS sites as appropriate to achieve such effects as providing partial screening from sensitive viewpoints.
  - Incorporate visual mitigation measures for Section 106 protected resources and Section 4(f) protected properties as specified in the Section 106 Memorandum of Agreement and the Final Section 4(f) Evaluation, respectively (see Appendix H and I, respectively).

  The Council will also continue to work with the Kenilworth Landscape Design Committee, established in May 2015. The purpose of this committee is, in part, to help ensure that landscape design will restore the natural setting while incorporating the regional trail system, light rail, and freight rail. This group focuses on landscape design in the Kenilworth Corridor from West Lake Station to Penn Avenue Station. Furthermore, the Council retained a landscape design consultant to prepare a

landscape design study for the Kenilworth Corridor, which will be implemented into the Project. See Section 9.2 of the Final EIS for additional detail on this committee.

- **Kenilworth Lagoon bridge.** The Council acknowledges your comment that design to enhance the openness of the view, removal of bridge encroachments into the lagoon, and minimizing the visual focus of the new bridges could improve the visual experience of the lagoon. The Council will continue to coordinate with MPRB to advance the design of the bridge for the Kenilworth Lagoon crossing.
- **West 21st Street.** Regarding your comment over the loss of trees in the Kenilworth Corridor and the introduction of a station at the 21st Street Station (Viewpoint 18), the evaluation found that the removal of trees will slightly decrease the vividness of the view. However, the addition of the street trees, the widened sidewalk, and the plantings will make a positive contribution. Therefore, the overall level of vividness will generally remain the same. Refer to Section 3.7.4 of the Final EIS for additional details. Additionally, a separate Project is being conducted to design landscaping enhancements for the Kenilworth corridor that would be implemented after the Southwest LRT construction was completed. See *Master Response 16: Concerns related to 21st Street Station and related impacts*.
- **Request to define design measures to mitigate loss of trees.** Native landscaping, including tree plantings, will be incorporated into the Project's design, where applicable and appropriate.
- **Visual impacts related to the grade-separated crossing of North Cedar Lake Trail not fully addressed in visual analysis.** Since the publication of Supplemental Draft EIS, the Project has been refined and will no longer include a grade-separated crossing of the Cedar Lake Trail at Cedar Lake Junction. Instead, the Cedar Lake Trail will cross the existing freight rail alignment and the proposed LRT alignment at-grade, just west of the proposed Penn Station (the trail currently crosses the freight rail alignment at-grade at that location). The visual assessment of this area reflects the revised design (see Section 3.7 of the Final EIS for more information on the visual assessment).
- **Van White Memorial bridge landing impacts on Bryn Mawr Meadows Park not included in visual analysis.** Van White Memorial bridge and Bryn Mawr Meadows Park are included in the visual quality analysis and Section 4(f) analysis for the Final EIS (refer to Sections 3.7 and 6.0). As described in Section 6.7.1.12 of the Final EIS, the proposed changes will affect the Luce Line Trail in Bryn Mawr Meadows Park, as well as two internal park trails. In particular, the Luce Line Trail will be realigned within Bryn Mawr Meadows Park to allow the trail to cross over a new bridge that will cross BNSF freight tracks to the east, connecting to the proposed Van White Station and Cedar Lake Trail (which provides connections to the Kenilworth Trail). A new bicycle/pedestrian bridge will replace the existing bridge that crosses BNSF freight rail tracks toward the south. The existing bridge is owned and maintained by MnDOT and the northern bridgehead is partially located within Bryn Mawr Meadows Park. A portion of the new bridge will be located within Bryn Mawr Meadows Park; this new bridge will be north of, and parallel to, the southern border of the park (just north of the BNSF freight rail right-of-way). The remaining portion of the new bridge will provide a connection between the portion located within the park and the proposed Van White Station and Cedar Lake Trail, across the BNSF freight rail and proposed light rail tracks. The current design of the new bridge has been prepared based on the Council's *Visual Quality Guidelines for Key Structures* (Council, 2015), which was developed in coordination with staff from local jurisdictions affected by the Project's proposed key structures. These guidelines allow for a consistent design approach for the key structures, allowing for design adjustments reflecting their local context, including Bryn Mawr Meadows Park. Prior to construction of the proposed new bridge for Luce Line Trail, the Council will conclude its consultation with the MPRB on the design of the proposed new bridge.
- **Park Siding Park visual changes noted but impacts are not included.** Park Siding Park is part of the visual assessment area encompassed by the Kenilworth Corridor and is evaluated in the Final EIS. Changes in development density in areas surrounding proposed transit station could result in an increase in Park Siding Park usage, which could have potential for both positive and negative consequences. The Project will result in changes in the park's setting and a visitor's visual experience through the construction of the light rail tunnel and reconstruction of the existing freight rail tracks and bicycle and pedestrian path in HCRRA right-of-way just south of the park. The primary visual change will be the removal and replacement of existing vegetation in the HCRRA right-of-way. A landscaping

plan for the area is currently under development, which includes the participation of the MPRB staff. The visual changes and impacts resulting from the Project will not alter or impair the overall use or function of the park. Refer to Section 3.7 for an updated visual quality and aesthetics impact assessment for the Project, including a listing of potential mitigation measures (see Section 3.7.5).

In summary, the proximity impacts of the Project on Park Siding Park will not substantially impair the qualifying activities, features, or attributes of the park and, therefore, FTA has determined that there will be no Section 4(f) constructive use of Park Siding Park under the Project, consistent with 23 CFR 774.15(a).

Environmental Effects

- **Groundwater flow and contamination due to Kenilworth Corridor light rail tunnel construction and freight rail operations.** Refer to *Master Response 17: Concern over impacts to groundwater and surface water in the Kenilworth Corridor*. As described in Section 3.14 of the Final EIS, Phase II ESAs have been conducted to determine the extent and magnitude of contamination within the Projects' limits of disturbance. The Phase II ESAs completed within the Kenilworth Corridor indicate that there is no groundwater contamination within the area of the Shallow Tunnel.

  In response to your comment regarding the need to include freight rail in the ground water mitigation plan as "other infrastructure," where the Project will directly affect freight rail infrastructure (e.g., freight rail alignment shifts, freight rail bridges, southern connector), that infrastructure will be included in the groundwater mitigation plan. Other freight rail infrastructure not affected by the Project is outside of the scope of this project and will not be subject to the groundwater mitigation plan (see *Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data*).

- **Concern over impacts to water resources related to stormwater runoff.** The Project will incorporate stormwater treatment BMPs to treat runoff and provide flow rate and volume control. All constructed stormwater BMPs will be located outside of natural wetlands and streams. Cities and watershed districts have each expressed a preference for infiltration BMPs. The Project will implement these wherever feasible. The most suitable infiltration BMP is the trackside ditch, which will be built to parallel the LRT track wherever feasible, with soil amendments if needed to enhance the percolation rates. The Project will evaluate infiltration BMPs for use at other light rail facilities as well, including the stations, park-and-ride facilities, and parking lots. In reconstructed road areas that once drained directly into streams, new infiltration BMPs will be built downstream of these storm drains wherever feasible to provide detention and treatment of runoff prior to discharge. However, the suitability of these BMPs is constrained by available space within the corridor right-of-way, conditions, and physical limitations. For example, infiltration BMPs are precluded in areas with contaminated soils (Known locations of existing contaminated soils include near Nine Mile and Minnehaha Creeks, near the Hopkins OMF, and near the Shady Oak Park-and-Ride [see Section 3.14 of the Final EIS for additional information on Hazardous and Contaminated Materials]). Where infiltration is not feasible within the corridor, the Project will evaluate and implement other BMPs based on the sequence of compliance alternatives prescribed by each Watershed Management Organization's stormwater management ordinance discussed in *Local and State Governing Agency Stormwater Requirements Summary*.

- As described in Section 3.9, long-term stormwater runoff will be directed into stormwater management facilities created as part of the Project as approved by local jurisdictions and through final permitting. These facilities will be designed to provide stormwater treatment in compliance with NPDES requirements. Section 3.9 of this Final EIS includes an updated analysis of long-term and short-term (construction-related) impacts to water resources, including public waters and surface water quality. This section also includes applicable mitigation measures. Regarding your concerns over the potential for a "spill or leak of conveyed freight," Please refer to *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*

Noise impacts in the Kenilworth Corridor
There were a number of comments relating to noise. Refer to Section 3.12 of the Final EIS for an updated noise analysis, including an assessment of potential noise impacts and mitigation measures. The following are the responses related to noise:

- **Evaluate noise impacts using a comparison to freight rail relocation.** See Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data.
- **Identify remaining noise impacts not eliminated by implementation of light rail tunnel in Kenilworth Corridor.** The proposed tunnel in the Kenilworth Corridor will eliminate most noise impacts compared to an at-grade light rail alignment within the same segment of the corridor. There will be remaining noise impacts within this area near the northeast tunnel portal, at the Kenilworth Chanel, prior to mitigation. Measures to avoid, minimize, and mitigate the adverse effect on the Lagoon and the historic district were concurred to by Section 106 consulting parties (including MPRB) and are included in the Section 106 MOA (Appendix H) include two-foot-high parapet wall and rail dampers along the Kenilworth Channel Bridge. The remaining noise impacts in the Kenilworth Corridor are outlined in Table 3.12-7 in Section 3.12 of the Final EIS.
- **Kenilworth Lagoon/Channel noise impact mitigation**. Table 3.12-8 in Section 3.12 of the Final EIS summarizes the noise impacts for institutional land uses (including the Kenilworth Channel and Lagoon Bank). One moderate impact is expected for the Kenilworth Channel. The Project will include a two-foot parapet wall and rail damper on the LRT bridge over the waterway to mitigate the moderate noise impact at the Kenilworth Lagoon.
- **Vibration impacts at the Kenilworth Channel.** The Project includes a separate trail bridge crossing the Kenilworth Channel. Specifically, there will be three new bridges with new supporting piers in the channel.
- **Hazardous and Contaminate Materials**. For a response to your concerns regarding the potential for construction activities to change conditions and allow contaminated materials to move toward lakes or other water bodies, refer to the previous section of this response titled *Groundwater flow and contamination due to Kenilworth Corridor light rail tunnel construction and freight rail operations.*

Bicycle and Pedestrian
There were a several comments relating to pedestrian and bicyclist facilities. Refer to Section 4.5 of the Final EIS for an updated evaluation of potential impacts to pedestrian and bicycle facilities and Section 4.6 for an updated evaluation of safety and security. The following are responses related to pedestrian and bicyclist facilities:

- **Request for information on the safety of pedestrian and bicycle crossings of LRT and freight rail.** For a response to your concerns regarding pedestrian and bicycle crossing safety, refer to the previous section of this response titled *Concern over safety of at-grade pedestrian and bicycle crossings at LRT and freight rail crossings.*
- **Elimination of the North Cedar Lake trail bridge and concerns over the potential to be "trapped between rail crossings.** The Council notes your comment regarding trail congestion due to the at-grade crossings of the Cedar Lake Trail west of Penn Station. Two-way, two-hour trail volumes along the Cedar Lake Trail were measured to be 540 bicycles in this area, so a review of the new crossing here merits additional attention. Freight crossings occur approximately two to three times a day and block the trail. The freight and LRT at-grade crossings will be separated, with the freight crossing located west of the LRT crossing. Based on trail volumes at this crossing, a queue of 30 to 40 bicyclists is expected during a freight rail crossing. In the Preliminary Engineering Plans (see Appendix E), the available space for queuing between the two crossings is sufficient. As a result, trail users waiting for a freight train to pass will not interact with the light rail tracks or the intersection of Cedar Lake Trail and Kenilworth Trail to the south. See Section 4.5.3.1 of the Final EIS for more information. Appendix E shows the proposed light rail alignment with the grade-separated crossing removed.

- **Impacts of freight rail on trail user safety have not been fully addressed in Supplemental Draft EIS.** All analyses used freight rail within the Kenilworth Corridor within the No Build Alternative (representing baseline conditions) to understand the potential impacts of the Project, which will co-locate freight rail and light rail within the Kenilworth Corridor. See Section 2.1 of the Final EIS for a description of the Project and the No Build Alternative. The Project does include industry standard crossing treatments for the LRT and freight tracks, including, but are not limited to, flashing light signal assemblies with an audible warning to notify pedestrians and bicyclists of a train's arrival at crossing locations. These crossing treatments may also include detectable warnings and signs. This will be an improvement over existing signing and warning at some locations.
- **Need to maintain access to parks for emergency vehicles during construction and operation of the Project.** See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.
- **Wildlife impacts in the Kenilworth Corridor and Cedar Lake Park not addressed in the Supplemental Draft EIS**

  As described in Section 3.10, potential impacts associated with wildlife migration and habitat loss and/or degradation have been avoided or minimized through design solutions, such as the following:

  — Roads have been designed using the minimum standard for widths and lanes when practicable (which reduces road kills by slowing traffic and reducing the distance turtles need to cross).

  — Wetland crossings have been elevated where practicable.

  — Utility access and maintenance roads have been kept to a minimum where practicable (this reduces road-kill potential).

  — Terrain disturbed by the Project will be left with as much natural contour as practicable.

  In addition, to avoid habitat fragmentation, appropriately sized and spaced openings will be provided in the permanent safety/security barriers (fences) in the area located approximately between [2]1st Street Station and Penn Station to maintain connectivity of terrestrial habitat and allow movement of terrestrial species, primarily small mammals. Within the Kenilworth Corridor specifically, the Council developed a landscape design that preserves and builds upon the natural character of the corridor, where applicable and appropriate. Section 3.10 of this Final EIS provides an updated assessment of impacts to threatened and endangered species, wildlife habitat, and migratory birds and applicable mitigation measures.

Draft Section 4(f) Impacts

There were a number of comments relating to the Draft Section 4(f) Evaluation Update. Refer to Chapter 6 and Appendix I of the Final EIS for more information on the Section 4(f) evaluation. The following are the responses related to the Section 4(f) evaluation:

- **Supplemental Draft EIS included typographical error**. The Council notes your comment that the Supplemental Draft EIS included a reference to Section 3.5.1.4 for a description of "de minimize use," which does not existing. This reference was a typographical error and the text in question was intended to reference Section 3.5.6 of the Supplemental Draft EIS.
- **Final EIS should identify impacts to Park Siding Park if sewer is to be replaced.** No property from Park Siding Park is anticipated to be temporarily occupied to facilitate construction of the Southwest LRT Project. As described in Supplemental Draft EIS Section 3.5.4.1(I), the Southwest LRT Project's Draft Section 4(f) Evaluation included a preliminary finding that LRT 3A-1 would require construction activities that would have resulted in the temporary occupancy of approximately 0.016 acre of the park by the Project to construct and remove a temporary detour trail associated with construction of the proposed light rail alignment. However, through additional design refinement, the Council has determined that the Southwest LRT Project will be constructed without requiring a temporary trail detour into Park Siding Park, thus avoiding the approximately 0.016-acre temporary occupancy anticipated in the Draft Section 4(f) Evaluation.

The design and configuration of the sewer connection has been coordinated and reviewed by Metropolitan Council Environmental Services, who was the designer of the force main construction in 2013. During construction of the LRT tunnels, the force main will be temporarily connected around the construction area, allowing the force main to remain operational during tunnel construction. The permanent reconnection of the force main will occur over the tunnel. The construction will not impact Park Siding Park and will be maintained within the Project's limit of disturbance. See Appendix E for the Project's limit of disturbance in this area.

- **Reconstructed bridges should span the channel to maximize recreation use.** The proposed trail and LRT bridges have been designed to span the channel with no piers extending into the water (see Section 6.7). The reconstructed freight bridge will include piers in the water, but it has been designed to allow for the continuation of park uses and recreational activities. Recreational watercraft will be able to utilize the channel connection between Cedar Lake and Lake of the Isles in the same manner they do currently. In regards to your comment that the new bridges over the Kenilworth Channel may collect snow that could affect winter recreational activities, such as cross country skiing, on the lagoon, winter uses of the lagoon crossing are outlined in Section 6.7.2.10 of the Final EIS and are understood to include cross country skiing, snowshoeing, fat-tire biking, and walking. Weather and ice/snow conditions permitting, a groomed cross country ski trail is maintained in the Chain of Lakes Park during mid-winter months. The Project does not anticipate any disruption to winter activities related to a potential reduction in snow underneath the three channel spans (i.e., new bridges east to west: freight, LRT, and bicycle/pedestrian), because gaps between each of the three new bridges will allow direct and blowing snow onto the channel below and the ability of the channel to freeze during winter conditions will not be altered by the presence of the new bridges.
- **Concerns over visual quality and noise assessments for the new Kenilworth Channel Crossings as related to Section 4(f).**, FTA and Council staff met with MPRB staff on February 13 and March 6, 2015, to coordinate on determinations and avoidance, minimization, and mitigation measures for MPRB Section 4(f) properties that are addressed within this Draft Section 4(f) Evaluation Update – those meetings also included staff from Hennepin County and Minneapolis. Agendas, notes, and handouts from those meetings are provided in Appendix I of the Final EIS. As a result of this consultation process, the bridge design has changed since the Supplemental Draft EIS was published. The Project will result in changes to the facilities currently located within the Kenilworth Channel/Lagoon, including the following (see Exhibit 6.7-12A/B in Section 6.7.1.10 of the Final EIS):
  - Removal of the two existing wood bridges, supported by wood piers in the channel, that carry the existing freight rail tracks and multipurpose trail across the waterway;
  - Construction of three new bridges with new supporting piers in the channel, with a combined bridge width that will be approximately double that of the existing wood bridges (to carry freight rail and light rail tracks and the multipurpose trail); and
  - Modifications to the topographical features, vegetation, and WPA-era retaining walls of the channel that will be needed to accommodate the new bridges.

  Based on the analysis and design, FTA has concluded that there will be a Section 4(f) *de minimis* use of the Kenilworth Channel/Lagoon where the HCRRA and BNSF rights-of-way cross the property, consistent with 23 CFR 774.5(b). While the Project will result in the placement of new bridge piers and bridge abutments within the park property boundary, the Project will not affect the protected activities, features, and attributes of the property with appropriate minimization and mitigation measures as document in the Project's Section 106 Agreement. In 2015, the MPRB concurred in writing with the FTA's Section 4(f) preliminary *de minimis* use determinations for the Kenilworth Channel/Lagoon (as an element of the Minneapolis Chain of Lakes Regional Park). Measures to avoid, minimize, and mitigate the adverse effect on the Lagoon and the historic district were concurred to by consulting parties (including MPRB) and are included in the Section 106 MOA (Appendix H).

  Concerns over lack of visual quality assessments related to Bryn Mawr Meadows Park related to Section 4(f). Van White Memorial bridge and Bryn Mawr Meadows Park are included in the visual

quality analysis and Section 4(f) analysis for the Final EIS (refer to Sections 3.7 and 6.0). For additional information on the concerns regarding the lack of visual quality assessments related to Bryn Mawr Meadows Park, refer to the previous section of this response titled *Van White Memorial bridge landing impacts on Bryn Mawr Meadows Park not included in visual analysis*. Based on the Section 4(f) coordination described above, FTA has determined that there will be a *de minimis* impact to Bryn Mawr Meadows Park (refer to Chapter 6 for more information).

Comment #	#144
Commenter	Stuart Nolan
Commenter Organization	Stuart Co.

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council has reviewed your comment letter as well as the attached letters from ESI Engineering and Westwood Professional Services, and the sections that follow include responses to comments included in the letter and attachments.

- Operations and Maintenance Facility Location
- Existing Noise and Vibration Assessments
- Event Building
- Rail Crossover
- Elevated Light Rail Alignment
- Construction Vibration and Noise
- OMF Site Selection Evaluation: Failure to Identify Reasons for Selection of Site 9A
- Environmental Resources Which the Supplemental Draft EIS Did Not Consider in the 9A Selection
- Risk of Environmental Releases at Site 9A

Comments in Attachment from ESI Engineering
Operations and Maintenance Facility
You note that noise and vibration impacts were dismissed from review at Site 9A, Hopkins K-Tel East. Appendix F, Development and Evaluation of Design Adjustments Addressed in the Supplemental Draft EIS and Final EIS summarize the process that was used to identify the Hopkins OMF Facility. Additionally, Appendix F of the Supplemental Draft EIS references the *Operations and Maintenance Facility (OMF) Site Selection* technical report. That report provides a more detailed description of the evaluation process, criteria used, and the outcomes for each of the four steps in the selection process. The second and third-step evaluations considered noise impacts. The second- and third-step evaluations for Site 9A also noted that the site is consistent with adopted municipal land use guiding a zoning. In summary, by locating the OMF site in an appropriately zoned area the Project will reduce the potential for land use-related impacts, including noise, to sensitive land uses such as residential.

Site 9A was considered as part of the noise assessment for the Project; however, there were no sensitive noise receptors in the study area. Your letter states that Stuart Co. residential units fall within 750 feet of the south end of the proposed OMF site and that the screening distance is 1,000 feet. Although it is true that the screening distance is 1,000 feet, the screening distance should be applied at the center of the facility, not at the edge (See Table 4-1, Screening Distances for Noise Assessments, on page 4-3 of FTA's *Transit Noise and Vibration Impact Assessment* guidance manual). If applied at the center of the facility, there would be no sensitive receptors from the Stuart Co. developments within the screening distance.

Existing Noise and Vibration Assessments
Section 3.12, Noise, and Section 3.13, Vibration, of the Final EIS include an updated corridor-wide assessment of noise and vibration impacts, based on FTA's *Transit Noise and Vibration Impact Assessment* guidance manual. The noise evaluation includes a review of Minnesota Pollution Control Agency noise impact criteria and their applicability to the Final EIS noise assessment. As shown in Section 3.12, Noise, and Section 3.13, Vibration, of the Final EIS, the Project will not result in noise, vibration, or ground-borne noise impacts at the Stuart Co properties (Deer Ridge, Greenfield and Raspberry Woods). Assumptions used for the noise and vibration assessments in the Final EIS are listed in Appendix K, Noise and Vibration Supporting Documentation, of the Final EIS.

The most significant adjustment in the Project design in this area since publication of the Draft EIS is that the at-grade crossing of Smetana Road included in the design of the Project at the time of publication of the Draft EIS, is now a grade-separated crossing, which reduces the noise levels from light rail operations

considerably. There would be no sounding of LRT bells or horns and no grade crossing bells. The results in the Draft EIS included the grade crossing, and the removal of this grade crossing significantly reduced the projected noise levels to below the thresholds for impact.

These and the other adjustments made since publication of the Draft EIS to the proposed light rail track alignments were used in the updated noise and vibration assessments. These design adjustments are reflected in Appendix E, Preliminary Engineering Plans, of the Final EIS.

Additionally, the Final EIS assessment used updated ambient noise levels for residences further from Smetana Road, to reflect the quieter noise levels at these locations (which results in lower thresholds for impact). The impact assessment looked at the distances from the track to the apartment buildings, and included the speeds, which are much lower near the building closest to Smetana Road, due to the design constraints of the curve in the tracks.

Event Building
In regard to your comment about the outdoor social even building located on the north side of the Greenfield property, the outdoor social event building is not considered a noise sensitive use under FTA categories and was not assessed (see FTA's *Transit Noise and Vibration Impact Assessment* [FTA, 2006]).

Rail Crossover
There are no rail crossovers located in the immediate vicinity of the Stuart Co. properties, however rail crossovers are included in the noise and vibration assessments for the Project.

Elevated Light Rail Alignment
In regard to concerns regarding structure-borne noise, the Final EIS noise and vibration assessments account for the presence of elevated light rail track in this area, specifically at the northernmost buildings in the Deer Ridge Apartments, where the tracks are on an elevated structure to go over the freight tracks.

Construction Vibration and Noise
The Final EIS contains a detailed assessment of both noise and vibration during construction. The assessment considered mitigation measures that will be incorporated into the construction plans at locations throughout the corridor, including a Noise Control Plan (Section 3.12.4.2), which will help minimize noise from construction activities. Alternative construction methods have been recommended at locations where construction would be very close to buildings and where there is the potential for damage. Pre-construction surveys and vibration monitoring will be conducted at locations identified during the preparation of construction documents (see Final EIS Section 3.13.4.3).

The Council will develop a Noise Control Plan for the project. The Noise Control Plan will contain information regarding when advanced notice of construction activities will be provided to affected communities. The Council Noise Control Plan will also contain other stipulations to help avoid or minimize construction noise impacts. For example, the Noise Control Plan will require that construction equipment used by contractors be properly muffled and in proper working order. Additionally, screening distances have been applied showing locations where monitoring of vibration intensive construction activities, such as pile driving, would need to be conducted.

Comments in Attachment from Westwood Professional Services
OMF Site Selection Evaluation: Failure to Identify Reasons for Selection of Site 9A
In regard to your comment that the Supplemental Draft EIS do not provide enough information, additional information about the selection process used can be found in the *Operations and Maintenance Facility (OMF) Site Selection* technical report, which is referenced in Appendix C of the Final EIS. That report goes into detail about the selection process, criteria used, and the outcomes for each of the four steps in the selection process. A similar appendix is located in the Final EIS (Appendix F). The analysis conducted for the Supplemental Draft EIS is greater than any analysis conducted for the four potential locations included in the Draft EIS because we had more design, engineering and environmental information to use for the analysis.

In regard to your comment that Site 11A was a top candidate throughout the process, although Site 11A did receive the ratings noted in your letter during the second-step evaluation, it was dismissed during the

third-step of the four-step evaluation process because Nine Mile Creek crosses the site, known site contamination, and potential impacts to development in the Shady Oak Station area.

As documented in the *Operations and Maintenance Facility (OMF) Site Selection* technical report, the OMF site selection criteria were applied equally to Site 9A and 11A. The technical report applies the same level of detail in its evaluation of strengths and weaknesses for sites 9A and 11A. The report states that "Consent with land use guiding and zoning" and "Operator relief access due to station proximity" are credited to both site 9A and 11A. The report also notes, as does Appendix F, that Site 11A has a "Potential development impact to Shady Oak Station Area" and that Site 9A has "Redevelopment potential of remnant areas".

Regarding comments related to cost, the Supplemental Draft EIS did identify cost ranges for the two sites as a part of the third-step evaluation in Appendix F (see Table F.4-3). Based on conceptual site designs, Site 9A was found to cost approximately $5 million less than site 11A. Additionally, the Supplemental Draft EIS listed capital cost estimates in Table 5.4-1 and one of the categories listed in that table is "Support Facilities: Yards, Shops, Administrative Buildings". The Final EIS has an updated capital cost estimate, which is included in Chapter 7, Financial Analysis. This evaluation process also consisted of several open houses and receipt of public input from neighboring communities. Through the evaluation process Site 9A and Site 3/4 moved ahead to the advisory committees and Corridor Management Committee for the Project, and the Council made a final determination based on feedback from committees and stakeholders.

Environmental Resources Which the Supplemental Draft EIS Did Not Consider in the 9A Selection
In regards to your comment that the environmental resource categories not evaluated in the Supplemental Draft EIS should be evaluated, impact evaluations were considered for the proposed Hopkins OMF site (Site 9A) for all applicable environmental resource categories during the Supplemental Draft EIS. It was determined that an evaluation was not needed for some resource categories because there were no substantial issues identified within the Hopkins OMF site study area. The rationale for not including evaluations specific resource categories in the Supplemental Draft EIS at the Hopkins OMF site are described in the Supplemental Draft EIS in Section 3.1 (see Table 3.1-1). The following are responses to the concerns on specific environmental categories within your letter:

- **Neighborhoods and community.** The proposed Hopkins OMF site is located within an existing office, warehouse, and light manufacturing development and will occupy an approximately 15-acre site between the Bass Lake Spur to the south, 5th Street South (K-Tel Drive) to the north, 15th Avenue South on the east, and the proposed LRT mainline alignment associated with the Project to the west. The OMF will replace an existing industrial land use and will be located within an area with land uses that are similar to the OMF. The nearest residential land use to the OMF is approximately a quarter mile south and the OMF will not encroach on the nearby landfill site. Therefore, OMF operations will not result in impacts to neighborhood and community beyond that of the general LRT alignment studied in the Draft EIS.
- **Air quality.** Air quality is evaluated on a regional basis as opposed to site specific evaluation, and therefore air quality impacts from OMF operations would generally be the same, regardless of the site. Therefore, air quality impacts related to the OMF were not evaluated in the Supplemental Draft EIS.
- **Pedestrian interference.** As described above, the OMF will replace an existing industrial land use with a similar use. The OMF will not create any new barriers to pedestrian or bicycle travel and therefore impacts to these resources were note evaluated in the Supplemental Draft EIS
- **Cultural Resources, Visual Quality, Habitat and Open Space.** Cultural resources, visual quality, habitat and open space were all evaluated in the Draft EIS. The Project is generally within the half-mile study area for these resources and there have been no major changes since the publication of the Draft EIS.
- **Noise.** Refer to the previous section within this response titled *Operations and Maintenance Facility.*

The Final EIS evaluates all environmental resource categories in Chapters 3 and 4, including at the proposed Hopkins OMF Facility.

Risk of Environmental Releases at Site 9A

The Phase II ESA conducted at Site 9A further evaluated site-specific risks and response action plans (RAP) were developed to identify actions to minimize or avoid the risks. The Phase II ESA investigations included collecting soil, soil vapor, and groundwater samples for laboratory analysis. Data from the Phase II ESA indicated that the landfill has not impacted the proposed Hopkins OMF site, and risk of impact is considered low.

A RAP for the OMF was submitted to the MPCA in January 2016 for approval. This RAP included a soil vapor intrusion mitigation system to address chlorinated solvent contamination resulting from soil and groundwater contamination. This mitigation system would help mitigate methane soil vapor, in the event that methane migration to the OMF site occurs. For addition detail regarding Hazardous and Contaminated Materials see Section 3.14 in the Final EIS.

Comment #	#145
Commenter	Steven Goldsmith
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#146
Commenter	Monica Smith
Commenter Organization	Cedar Isles Dean Neighborhood Association (CIDNA)

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#147
Commenter	Cathy Konat
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#148
Commenter	Not Provided
Commenter Organization	Kenwood Isles Area Association (KIAA)

Response

Duplicate comment - Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#149
Commenter	Susu Jeffrey
Commenter Organization	Friends of Coldwater

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement (EIS)*. The Council notes your opposition to the Project. The sections that follow include responses to these specific comments.

- New municipal consent process
- Safety impacts related to co-location of freight rail and light rail (blast zone)
- Project need/equity train
- Greenhouse gas reduction
- Concern over impacts to natural springs from other projects
- Kenilworth Corridor shallow light rail tunnel's impacts to groundwater and lakes
- Minnehaha Creek Watershed District (MCWD) owned parcel near Blake Station, and MCWD and Minnesota Department of Natural Resources (MNDNR) permitting powers

New municipal consent process
See *Master Response 2: Project sought municipal consent prior to the publication of the Supplemental Draft EIS*.

Safety impacts related to co-location of freight rail and light rail (blast zone) General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor. Please also refer to *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*.

Project need/equity train
As described in Chapter 1, one of the Project's purposes is to improve access and mobility to the jobs and activity centers in the Minneapolis central business district, as well as along the entire length of the corridor for reverse-commute trips to the expanding suburban employment centers. The 2010 (existing) population of the Project Corridor is 547,510 (229,974 households). In 2040, the population of the Corridor is expected to increase to 722,420, an increase of 32 percent from 2010. Employment in the Project Corridor is forecast to increase from 314,904 jobs in 2010 to 427,950 jobs in 2040, a 36 percent increase.

In addition, minority and low income populations will benefit from improved connectivity and access to transit as a result of the Project. The overall population within census blocks generally within walking distance to the Project (i.e., one-half mile) is approximately 59,180 people, and the total aggregated minority population in this area is 16,639 or 28 percent of the total. The overall population within census blocks groups (i.e., smallest geography reported for income data) generally within walking distance to the Project is approximately 89,700 people, and the total population for whom poverty is determined is approximately 12,500 or 14 percent of the total. Refer to Chapter 5 of the Final EIS for more information on minority and low income populations.

Greenhouse gas reduction
As described in Section 3.11.3, the Project operation will result in a net GHG emissions reduction in the region and beneficial to GHG and climate change impacts. When compared to 2013 existing conditions, the GHG emissions in 2040 will decrease by more than 955,000 and 957,000 metric tons per year, respectively, for the Project and No Build Alternative. These emission reductions are related to factors such as the overall improvements of the region's travel network, the use of newer and more fuel efficient vehicles, and the improvements of emission control technologies.

Concern over impacts to natural springs from other projects
The Council notes your concern over impacts to natural springs resulting from other transportation projects not related to the Southwest LRT Project.

Kenilworth Corridor shallow light rail tunnel impacts to groundwater and lakes
Refer to *Master Response 17: Concern over impacts to groundwater and surface water in the Kenilworth Corridor.* Section 3.8 of the Final EIS includes an updated analysis of geology and groundwater resources, and includes applicable mitigation measures. Section 3.9 of this Final EIS includes an updated analysis of long-term impacts to water resources, including public waters and surface water quality. This section also includes applicable mitigation measures. Section 3.14 of the Final EIS describes an updated analysis of hazardous and contaminated materials. Section 3.17 of this Final EIS describes an updated analysis of short-term (construction-related) impacts on environmental resources, including geology and groundwater. Section 3.17 also includes applicable mitigation measures for short-term impacts.

Minnehaha Creek Watershed District (MCWD) owned parcel near Blake Station, and MCWD and Minnesota Department of Natural Resources (MNDNR) permitting powers
The Council notes your comments on the MCWD owned parcel near the proposed Blake Station and the permitting powers of both the MCWD and MNDNR. Development of the MCWD owned parcel near Blake Station will be determined by the owners of the parcel MCWD and is outside of the jurisdiction of the Council and FTA. As described in Table 9.5-1, the Project will require multiple permits from MCWD and MNDNR for approvals related to project elements within each agency's jurisdiction.

Comment #	#150
Commenter	Allen and Shirley Blumenthal
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your opposition to the Southwest LRT Project.

Comment #	#151
Commenter	Brooke Haworth
Commenter Organization	Minnesota Department of Natural Resources

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your letter presents a range of issues concerning the Project's impacts to biota and habitat, water resources, and groundwater. The sections that follow include response(s) to these comments.

- Impacts to biota and habitat
- Minimization of impacts to water crossings and public water permitting
- Groundwater management and dewatering permitting

Biota and habitat
There were a number of comments relating to biota and habitat.

- **Wildlife crossings.** The Council notes your request that consideration be given to the identification of high profile areas for wildlife crossings, including wetlands, public waters, and open park spaces, and that wildlife fencing and turn-back structures be incorporated to minimize wildlife mortality.
- Three urban Regional Ecological Corridors will be bisected by the Project (see Section 3.10 and Figure 3.10-2 of the Final EIS). Because the proposed light rail alignment will be elevated over the corridors near the Eden Prairie Town Center and the Wooddale Stations, only the corridor located at Penn Station could result in habitat fragmentation. To avoid habitat fragmentation at this location, appropriately sized and spaced openings will be provided in the safety/security barriers (fences) in the area located approximately between 21st Street Station and Penn Station to maintain connectivity of terrestrial habitat and allow movement of terrestrial species, primarily small mammals. For more information, please refer to Section 3.10.
- **Wildlife-friendly erosion materials.** The Council notes your request to use wildlife-friendly erosion materials throughout the Project, especially around wetland and open water areas, to minimize impacts to small mammals and herpetofauna. As described in Section 3.10 of the Final EIS, the Project will include the implementation of appropriate wildlife-friendly (e.g., natural materials, no welded webbing) construction BMPs, which will help to avoid or minimize erosion and sedimentation impacts and protect water quality when needed.
- **DNR Natural Heritage Inventory (NHIS).** The Council notes your request for an updated Natural Heritage Inventory (NHIS) data review to determine if any new records of rare species have been identified within the Project footprint. As requested by the Council on June 12, 2015, MnDNR performed a query on the NHIS database (MnDNR, 2015) to identify potential element occurrences of state-listed species within approximately one-mile of the Project and associated facilities (stations, the OMF, and park-and-ride lots). In addition, the Council executed a license agreement with the MnDNR to obtain a copy of the NHIS database for internal Project review. The study area has also been evaluated for preferred habitats of identified rare species in coordination with state and local agencies, and in accordance with Minnesota's endangered species law (Minnesota Statues 84.0895). Refer to Section 3.10 for more information.

Minimization of impacts to water crossings and public water permitting
The Council notes your suggestion that design of public water crossing avoid impacts below the ordinary high water level, if possible. The Council acknowledges that if design of public water crossings cannot avoid impacts below the ordinary high water level, steps to minimize impacts will be required during consideration of MnDNR public water permits.

Section 3.9 of the Final EIS describes an updated analysis of water resources, including wetlands, floodplains, public waters, and surface water quality. The section also includes mitigation measures for long-term impacts. The Project will comply with applicable Federal, State, and local wetland regulations and it has submitted [wetland] permit applications to the USACE, the State of Minnesota, and various

local jurisdictions. Approval of the permit applications can occur after publication of this Final EIS/ROD. Refer to Appendix E for the updated preliminary engineering plans for the Project.

Groundwater management and dewatering permitting

The Council notes that a MnDNR dewatering permit is required for withdrawals in excess of 10,000 gallons per day and that groundwater models and management plans will be reviewed by MnDNR staff during the application process. Section 3.8 of the Final EIS includes an updated analysis of long-term and temporary short-term (construction-related) impacts associated with groundwater pumping and applicable mitigation measures. As described in Section 3.8, the Council will comply with all regulatory and permitting requirements.

Comment #	#152
Commenter	Steve Quinlivan
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#153
Commenter	Jennifer Labovitz
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#154
Commenter	Asad Aliweyd
Commenter Organization	New American Academy

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). For responses to your comments, please see the response to comment 138.

In addition, regarding your concern over the need to include "affordable housing, jobs and economic development for low-income and people of color in the Project," Section 5.2.2 of the Final EIS includes a description of existing affordable housing within the study area (including Eden Prairie) and Section 5.4.1 describes measures that the Council will undertake in order to minimize the displacement of existing affordable housing options. As described in Section 3.2, the Project will create approximately 10,600 construction jobs and support a projected 172 new long-term jobs, which would be accessible to for low-income and minority populations. As described in Section 3.1.3, light rail lines can advance the timing and increase the intensity of development within the limits allowed by local comprehensive plans, especially in areas near proposed stations (including those within the City of Eden Prairie). To fully leverage this development potential and to support local land use goals, Hennepin County, in partnership with the Cities of Eden Prairie, Minnetonka, Hopkins, St. Louis Park, Edina and Minneapolis, undertook a station area planning effort (*Southwest Corridor Investment Framework*. Hennepin County, 2013), which identifies station area development potential.

Comment #	#155
Commenter	Kathleen Fix
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#156
Commenter	David Jaeger
Commenter Organization	Hennepin County Public Works

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Edits and clarifications
- Water resources
- Parking
- Shady Oak Station Area Development Potential and Visual Quality
- Acquisitions and Displacements
- Hazardous and Contaminated Materials

Edits and clarifications
The following are responses to your comments regarding edits and clarifications:

- **Forecast year.** The forecast year for modeling has been updated to 2040 in the Final EIS.
- **Southwest Station to Mitchell Station segment.** Adjustments to the proposed design of the Project made subsequent to publication of the Supplemental Draft EIS are addressed in the Final EIS (see Appendix E for the Project's Preliminary Engineering Plans). These design adjustments include shifting the western project terminus of the light rail alignment in Eden Prairie from the vicinity of Mitchell Road immediately south of Highway 212, to the SouthWest Station. Revisions to changes in segments and stations will be covered in the Final EIS.
- **Agency titles**. "Hennepin County Conservation District" has been changed to "Hennepin County."
- **Community Advisory Committee composition**. As reported in the Final EIS (Chapter 5), the membership of the CAC includes Met Council, Southwest Community Works, as well as policy makers from cities in the study area and Hennepin County.
- **Excelsior Boulevard:** Excelsior Avenue has been changed to Excelsior Boulevard in the Final EIS
- **Mitigation of impacts**: The Final EIS identifies mitigation measures for visual quality impacts (see Section 3.7).
- **Noise impacts exhibit**: The Final EIS includes a new exhibit (Exhibit 3.12-6) showing moderate and severe noise impacts. This information is also presented in tabular form in Table 3.12-5).
- **Parking Section Edit**. Where "LPA" is used, we have ensured it is spelled correctly.

Water Resources
Wetlands
The comment letter notes a preference for wetland replacement to occur within Hennepin County. The Southwest LRT Project Office has coordinated with the United States Army Corps of Engineers, the State of Minnesota, Hennepin County, and the applicable local units of government in preparing the Project's updated wetland analyses included in the Final EIS. The primary way that this coordination occurred was through the Project's Technical Evaluation Panel (TEP) of wetland regulators, which generally met monthly following completion of the Draft EIS.

Regarding your comment on wetland replacement within Hennepin County, currently no established wetland bank credits are available in Hennepin County within Major Watershed 33 and Wetland Bank Service Area 9 [all proposed permanent wetland impacts requiring mitigation occur within Major Watershed 33 (Minnesota River – Shakopee) and within Wetland Bank Service Area 9]. Wetland mitigation will be provided through the purchase of established, approved wetland bank credits within Major Watershed 33 and Wetland Bank Service Area 9 located in Scott County. This approach is

consistent with the Council's wetland permit applications (refer to Appendix D of the Final EIS for instructions on how to access these documents).

Floodplains, Elevations at Purgatory Creek Park and Technology Drive

Relative to floodplains, the letter provided the following: (1) floodplain elevations at Purgatory Creek and at Technology Drive need to be established; (2) floodplain impacts should be measured by volume, and (3) floodplain mitigation should be hydraulically connected to the impact area. Responses to these topics are provided below.

1) The Southwest LRT Project Office is coordinating the Riley Purgatory Bluff Creek Watershed District, Nine Mile Creek Watershed District, Minnehaha Creek Watershed District and Bassett Creek Watershed Management Commission to utilize their most current hydraulic/hydrologic models to estimate the floodplain elevation and floodplain fill volume.
2) For the Final EIS, floodplain impacts were measured in volume; construction of the Project will result in 7,037cubic yards of long-term floodplain impacts, as summarized in Table 3.9-10 and illustrated on Exhibits 3.9-4 and 3.9-5 of the Final EIS.
3) As noted in Section 3.9.6.2 of the Final EIS, impacts to locally regulated floodplains will be mitigated by appropriate compensatory storage within the affected waterbody. Final design will include the appropriate compensatory storage required by applicable local agencies.

As background, Section 3.9.5.3 of the Final EIS notes that, "The Project has been designed in compliance with EOs 11988 and 13690; therefore, floodplain impacts have been minimized to the greatest practicable extent and tracks and structures associated with the Project will be built above the applicable FFRMS elevations. Details regarding impact minimization measures and the specific Project design elevations and associated FFRMS elevations are included in the *Executive Order 13690 Summary and Recommendations Memorandum*, *Surface Water Resources Evaluation Supporting Documentation Technical Memorandum* (Council, 2015), located in Appendix C of the Final EIS. As background, also see Executive *Order 11988 Summary and Recommendations Memorandum* and which is also included in the surface water resources evaluation supporting documentation in Appendix C.

State Stormwater Treatment Guidelines

Relative to your comment regarding the new state stormwater treatment guidelines that require up to 1.1 inch of runoff originating from all new impervious surfaces must be abstracted, this requirement will be applicable to the Project as documented in *the Local and State Governing Agency Stormwater Requirements Summary*, which is included in the *Surface Water Resources Evaluation Supporting Documentation Technical Memorandum* (Council, 2015), in Appendix C of the Final EIS.

Lake Levels

The Final EIS is consistent with the independently prepared Burns and McDonnell *Southwest LRT: Kenilworth Shallow LRT Tunnels Water Resources Evaluation* (2014) regarding the issue of impact of the Project on lake levels, by drawing the conclusion that "the water amount that would be re-directed would be relatively small for a lake water budget perspective…" (p. 11). Given that the more technical Burns and McDonnell report does not provide quantitative context, it is not necessary to provide quantitative context within the Final EIS (e.g., 190,000 gallons/year compared to the volume of the affected lakes) as suggested in your letter.

As background, the groundwater and lake level evaluation found that in the area surrounding Cedar Lake, Lake of the Isles, and Lake Calhoun groundwater and lake levels are similar, with little change in elevation across the system. The three lakes are connected by free-flowing surface water channels, effectively causing the lakes to act as one water body. As a result, there is little or no groundwater gradient among the lakes; there is no evidence of significant groundwater flow from one water body to another. Precipitation and evaporation processes are the dominant factors in lake level fluctuation for this area. Groundwater modeling studies to evaluate the impacts of the proposed Kenilworth Tunnel on water levels in the vicinity of the tunnel show that, because of the sandy soil conditions and lack of groundwater flow in the vicinity of the tunnel, groundwater will rise and fall equally around the tunnel avoiding impacts to lake levels. Because the Project is not expected to affect groundwater flow or levels, the interaction between surface water and groundwater will be unaffected and water levels in Project surface waters will be driven by precipitation and evaporation as they would be without the Project. See Final EIS Section 3.8.3.2 for more information.

Parking

Parking at Shady Oak Station

A comment in the letter questions what potential environmental impacts could result from the addition of 300+ temporary parking stalls associated with the Shady Oak Station park-and-ride lot, east of the Proposed Hopkins OMF. The Project does not include the addition of 300+ temporary parking stalls on the property east of the Hopkins OMF. The park-and-ride lot associated with the proposed Shady Oak Station is north of the Hopkins OMF and not to the east. The park-and-ride lot at the proposed Shady Oak Station was not evaluated within the Supplemental Draft EIS as is outside of the scope of that evaluation. As described in Section 4.3 of the Final EIS, the Project includes a 700 space park-and-ride lot. All environmental impacts associated with the Shady Oak park-and-ride lot are documented within the Chapters 3 and 4 of the Final EIS. While the proposed surface park-and-ride lot could be redeveloped at a later date, the Final EIS environmental analyses are based on the surface park-and-ride lot as being present in 2040. The proposed capacity of the Shady Oak park-and-ride lot has been sized to meet forecast demand in 2040.

Please see Appendix E of the Final EIS, which provides the layout of the proposed park-and-ride lot analyzed in the Final EIS. Additionally, impacts associated with the proposed park-and-ride lot at the Shady Oak Station are documented within the Final EIS. Table 4.3-2 in the Final EIS show the proposed park-and-ride lot capacity.

Correlate Parking Impacts

Regarding your suggestion to correlate parking impacts to better understand actual parking impact, the structure of the parking impacts section has changed in the Final EIS compared to what was included in the Supplemental Draft EIS. In particular, 1) the parking impacts are aggregated by station area, 2) existing parking within the study area is provided by jurisdiction, and 3) the number of planned park-and-ride spaces is provided at each proposed light rail station. This structure of the analysis in the Final EIS provides additional context to better understand the Project's impacts.

Shady Oak Station Area Development Potential and Visual Quality

The comment letter expressed concerns over the placement of the OMF and its operations potentially having impact on the development potential of the nearby station and future 17th Ave redevelopment. As noted in Section 3.1.2 of the Final EIS, "The Shady Oak Station, in the City of Hopkins, will be located in the middle of a large industrial area, about a quarter mile south of Excelsior Boulevard and about a quarter mile east of Shady Oak Road. The surrounding existing land uses are predominantly industrial and commercial near the station, with a mix of residential and retail uses farther north from the station along Mainstreet." The proposed Hopkins OMF site is within an existing office, warehouse, and light manufacturing development and occupy an approximately 15-acre site between the Bass Lake Spur to the south, 5th Street South (K-Tel Drive) to the north, 15th Avenue South on the east, and the proposed LRT mainline alignment associated with the Project to the west. Therefore, the OMF will be located within an area with land uses that are similar to the proposed Hopkins OMF.

The Final EIS includes an assessment of station area development potential in Section 3.1.3.2, which references Hennepin County's Southwest Corridor Investment Framework (Hennepin County, 2014). As noted in Figure 12-1: Shady Oak Station Area – Locator Map of the Southwest Corridor Investment Framework for the Shady Oak Station, the existing 10-minute walkshed does not encompass the OMF site. The Investment Framework concludes that the Shady Oak Station has development potential that is challenged from a visibility and access perspective.

The Project has and will continue to coordinate with the City on design and architectural elements of the OMF. The Final EIS evaluated visual impacts within the area of the proposed Shady Oak Station (viewpoint 7 included in the Hopkins Visual Assessment Unit). As shown in Section 3.7, there will be substantial visual impacts due to the removal of existing vegetation between the proposed station and surrounding commercial area, and introduction of new built features. In order to mitigate this impact, the Council will:

- Design and implement landscaping into the Project design at appropriate locations to address identified visual impacts, within available landscape budget and balancing other priorities for landscaping (e.g., surface water quality, habitat preservation, species of concern), which could include the following:

- Retain as much of existing vegetation as appropriate to provide shielding for sensitive viewpoints, including techniques such as chaining and mowing without removal of the root systems, and/or tying back large shrubs and trees to provide adequate areas for construction activities.
- Restore and replant cleared areas in a timely manner, where appropriate, considering such factors as species type, seasonal growing conditions, and other construction-related activities.
- Place new and replacement trees based on such factors as helping to provide the maximum screening of views to and from sensitive viewpoints (e.g., adjacent residential areas) or providing street ornamentation, where appropriate.
- Develop landscape plans for areas adjacent to elevated structures, retaining walls, noise walls, and TPSS sites to achieve such effects as providing partial screening from sensitive viewpoints.

Acquisitions and Displacements
Acquisition and displacement impacts have been adjusted since publication of the Supplemental Draft EIS, to reflect Project design adjustments that have been made since publication of the Supplemental Draft EIS. Please see Section 3.4.3 of the Final EIS for updated impacts. The design adjustments and the changes to the anticipated acquisitions and displacements are reflected in the Chapter 5, Environmental Justice of the Final EIS. As noted in the Final EIS Section 5.4.1.1, acquisitions-related impacts under the Project will be experienced by all populations in the corridor, regardless of race, ethnicity, or socioeconomic status, and, therefore, the Project will not have a disproportionately high and adverse impact on EJ populations related to acquisitions and displacements. Further, Chapter 5 reflects that the Project as a whole would not result in disproportionately high and adverse impacts to environmental justice populations.

Hazardous and Contaminated Materials
Regarding your comment on adding petroleum waste to the list of hazardous material categories (pursuant to federal statutes), the description of the analysis in the Final EIS (see Section 3.14) has been updated to refer directly to relevant laws and regulations, rather than grouping the laws and regulations into a list of categories as was done in the Supplemental Draft EIS. Because the analysis is not based on the text referenced in your letter, equivalent text has not been included in the Final EIS.

Regarding your comment on methane-related impacts, Section 3.14.3.2 of the Final EIS identifies long-term indirect impacts from hazardous and contaminated materials. This section documents that long-term management of methane-related indirect impacts on the proposed Hopkins OMF site from the Hopkins Sanitary Landfill may be necessary to limit potential worker exposure to methane. This issue will require further evaluation as part of the Engineering process, prior to construction. OSHA guidelines will be followed in the operation of the OMF.

In response to your comments on soil vapor samples, Phase II ESAs were conducted in areas within or adjacent to high- and medium-risk sites where new right-of-way will be purchased and/or where construction activities are anticipated to occur as a result of the Project. The Phase II ESAs further evaluate site-specific risks and identify actions to minimize or avoid the risks. Phase II ESA investigations generally include collecting soil and/or groundwater samples for laboratory analysis.

Data from the Phase II ESA, including on-site methane soil vapor samples, indicated that the landfill has not impacted the proposed Hopkins OMF site, and risk of impact is considered low. And therefore methane migration mitigation – including barriers or venting systems - is warranted at this site.

A Response Action Plan (RAP) for the OMF was submitted to the MPCA in January 2016. This RAP included a soil vapor intrusion mitigation system to address chlorinated solvent contamination to soil and groundwater. This mitigation system would help mitigate methane soil vapor, in the event that methane migration to the OMF site might occur.

Comment #	#157
Commenter	Stephen Bullard
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*. In addition, please refer to Chapter 7 of the Final EIS for the Project's financial analysis and to Chapter 8 of the Final EIS for a summary of the benefits of the Project to the No Build Alternative, based upon metrics related to the Project's purpose statement.

Comment #	#158
Commenter	Brian Gaiser
Commenter Organization	None

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Regarding your opposition to the co-location of the Project with freight rail in the Kenilworth Corridor because of the potential for environmental impacts, see *Master Response 10: Rationale for incorporating freight rail co-location into the Project*.

In response to your comment about the Project's adverse impacts to the Minneapolis parks system, the Final EIS includes the Project's Final Section 4(f) Evaluation. Within the Evaluation, FTA has reached the following determination relative to the Minneapolis Parks System: there will be a non-*de minimis* use of the Kenilworth Channel/Lagoon, which is an element of the Minneapolis Chain of Lakes Regional Park. Further, FTA has determined that there is no prudent or feasible alternative to the use of that property and that all possible planning to minimize harm to that property has occurred. In addition, FTA has determined that there will be a *de minimis* impact to Bryn Mawr Meadows Park and there will be construction activities within Cedar Lake Park that meet the criteria for a Section 4(f) temporary occupancy exemption. Other proximity impacts due to the Project will occur at Park Siding Park and FTA has determined that those proximity impacts would not substantially impair the activities, features, or attributes of the park that qualify it for Section 4(f) protection. See Chapter 6 of the Final EIS for additional information on the Section 4(f) Evaluation and Section 3.6 for additional information on parks, recreation areas and open spaces

Comment #	#159
Commenter	Susu Jeffrey
Commenter Organization	Friends of Coldwater

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#160
Commenter	John Harvey
Commenter Organization	None

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

In addition, regarding availability of comments received at listening sessions regarding the Project, please refer to the Council's Southwest LRT website: swlrt.org and Hennepin County's Southwest Community Works website swlrtcommunityworks.org. Comments are posted with their corresponding meetings. The Council does not record verbal comments at every listening session.

- The Council had listening sessions on several draft reports, and all recorded comments on those are on this page: http://metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/Engineering/Studies2013.aspx?source=child.
- See the Project website at the following URL for a copy of the comments received on the Southwest LRT Draft EIS during the public comment period: http://metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/Environmental/DEIS/DEIS-Comments.aspx. Comments regarding the Draft EIS were posted shortly after the close of the public comment period in January 2013.
- See the following URL for a copy of comments received on the Southwest LRT Supplemental Draft EIS during the public comment period: http://metrocouncil.org/Transportation/Projects/Current-Projects/Southwest-LRT/Environmental/SDEIS/Comments.aspx

Comment #	#161
Commenter	Jody Strakosch
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#162
Commenter	Heather Haakenson
Commenter Organization	None

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#163
Commenter	Lisa Nankivil
Commenter Organization	None

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#164
Commenter	David Lilly
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#165
Commenter	Barb Rasmus
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#166
Commenter	Marion Collins
Commenter Organization	None

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

In addition, regarding your comment on crossings within the Kenilworth Corridor where no mitigation for bells/horns has been made, noise impacts caused by the Project were assessed according to the guidance used by FTA on all transit projects throughout the country. This included measuring the existing noise, including all sources of noise in the area, projecting Project noise at all sensitive locations, determining impacts using FTA impact criteria, and applying mitigation or minimization measures at locations where impacts were identified. Noise from LRT vehicle braking, as well as from bells and horns were included in the Supplemental Draft EIS and the Final EIS at all locations where these devices would need to be sounded. Crossing bells will be sounded for 20 seconds for each light rail vehicle at a grade crossing and for five seconds at each non-FRA grade crossings.

Section 3.12.4 in the Final EIS describes the measures the Council will implement to mitigate the Project's noise impacts. In addition, the Project is being designed to maintain the existing train horn quiet zone in the City of Minneapolis. See Section 3.12 and Appendix K of the Final EIS for additional information.

Comment #	#167
Commenter	Charles Gribble and Edith Black
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#168
Commenter	Shelley Fitzmaurice
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#169
Commenter	Terry Saario and Lee Lynch
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#170
Commenter	Paul Allwood
Commenter Organization	Minnesota Department of Health (MDH)

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your letter presents a range of issues concerning the Project's potential to improve health for people living near proposed transit stations. The FTA and the Council understand the importance of this Project in promoting health and well-being for all users, including low-income and minority populations. The Project has been carefully planned to include bicycle and pedestrian improvements that would provide connections between light rail stations and their surrounding neighborhoods. These connections are intended to provide residents with enhanced non-motorized access to transit which could lead to increased physical activity for transit riders who walk or bike to stations. In addition, the Project has been designed to encourage higher-density, mixed use development surrounding proposed station locations, which is one factor that could lead to increased access to healthy food choices for minority and low-income populations as stated in your letter. The following are responses to additional comments within your letter.

Housing: Potential for increased housing costs around transit stations
As the region makes significant investments in transit, it has taken steps to minimize and mitigate the impacts of neighborhood change along transitways that can displace existing low-income residents through increases in rent and housing costs, and which could lead to a decrease in racial diversity if unaddressed. This effort includes the development of plans and policies intended to preserve a mix of housing affordability protects housing options for existing low-income residents alongside the newer higher-income residents and rising housing costs that transit investments attract. In particular, in 2014, the Council adopted the *2040 Housing Policy Plan* which contains a policy to "Create or preserve a mix of housing affordability around emerging transit investments."

Southwest Corridor Community Works and their funding partners have been working together since 2012 to inventory existing housing options in the corridor, understand what the future housing demand may be and the likely demographics of people interested in living along the corridor. In addition, the work includes deep understanding of the current and potential local, county, state and federal technical and financial resources to support a full range of housing choices. The Council is working in partnership with Hennepin County and the cities to implement the Southwest LRT Community Works Investment Framework which will serve as a guide for short- and long-term transit related policy and investments. Implementation of this framework could include policies to ensure new developments surrounding station areas include affordable housing options. The Council is also involved in the Southwest LRT Community Works housing inventory that assesses existing housing and housing gaps in the corridor as a whole and around stations (http://www.swlrtcommunityworks.org/beyond-rails/planning-information/housing-inventory).

Some of the Southwest-specific studies and resources that inform this work include:

- **Southwest Corridor- wide Housing Inventory (2013)**, which chronicles existing housing and demographics along the corridor
- **Southwest LRT New Starts Affordable Housing Rating Evaluation Summary, MZ Strategies (2013)**, which outlines existing Southwest Corridor Cities plans and programs that support affordable and workforce housing that can be applied to the LRT Corridor
- **Southwest Corridor Investment Framework (2013),** which provides Transitional Station Area Action Plans (TSAAPs) for each of the 17 station areas, including recommendations on likely sites for housing development
- **Southwest Corridor Housing Gaps Analysis (2014),** which projects future housing demand, provides market analysis and outlines recommendations and tools to achieve a full range of housing choices

- **Southwest LRT New Starts Submittal (2014),** which provides updated information on costs, ridership and land use/economic development both presently and looking into the future, as part of the Federal LRT Funding process
- **Corridor-wide Housing Strategy (2015),** which documents a plan to support and encourage a full range of housing choices along the Southwest corridor station areas.

Additionally, cities have undertaken housing studies, outlined tools and strategies in comprehensive plans and set individual housing goals. Further, in 2015, the U.S. Department of Housing and Urban Development (HUD) released a Final Rule titled Affirmatively Furthering Fair Housing (AFFH), which is intended to help communities that receive HUD funding to meet long-standing fair housing obligations in their use of HUD funds. The rule responds to recommendations of the Government Accountability Office and stakeholders for HUD to enhance its fair housing planning obligations by providing greater clarity and support to jurisdictions receiving HUD funding, and facilitating local decision-making on fair housing priorities and goals. As recipients of HUD funding, the Council and the affected cities will be required to comply with this final rule which will help to ensure affordable housing goals are met. These efforts, along with other resources and technical assistance, have been compiled and taken into consideration to inform the Southwest Community Works Corridor-wide Housing Strategy along the Green Line Extension.

Chapter 5 of the Final EIS includes an updated and detailed Environmental Justice analysis, which is intended to identify any disproportionately high and adverse impacts to minority and low-income populations. Section 5.2 describes the locations of minority and low-income populations along the proposed light rail alignment, Section 5.3 describes how the Project has engaged minority and low-income populations throughout the Project development process. As noted in Section 5.4, acquisitions-related impacts under the Project will be experienced by all populations in the corridor, regardless of race, ethnicity, or socioeconomic status, and, therefore, the Project will not have a disproportionately high and adverse impact on EJ populations related to acquisitions and displacements. Further, Chapter 5 reflects that the Project as a whole would not result in disproportionately high and adverse impacts to environmental justice populations.

General Comments: Consider the two health impact assessments (HIA) that have been done for Bottineau Transitway and Central Corridor

These HIAs found that regional transitways (such as the Southwest LRT Project) can improve community health and health equity and the extent of these benefits is dependent on multiple factors, including the following:

- The impact of the transitway on health will depend on the land uses surrounding the new stations
- The impact of the transitway on low-income and minority communities will depend on efforts to ensure their access to light rail

The Project has been designed to leverage these health benefits. As described in Section 3.1.3.2, Hennepin County, in partnership with the Cities of Eden Prairie, Minnetonka, Hopkins, St. Louis Park, and Minneapolis, undertook a station area planning effort including a focus on transit oriented development. The resulting Southwest Corridor Investment Framework (Hennepin County, 2013) identifies short- and long- term infrastructure needs and land use plans for the light rail station areas included in the Project. These station area plans are intended, in part, to ensure land uses surrounding new stations are supportive of transit.

Comment #	#171
Commenter	Steven Kotke and Craig Taylor
Commenter Organization	City of Minneapolis

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Ridership
- Construction impacts
- Shallow Tunnel: Environmental Issues
- Freight rail safety
- LRT operation
- Regional Transit Connections
- Executive Summary
- Purpose and Need
- Affected Environment, Impacts, Mitigation

Ridership
The Southwest LRT ridership forecasts were developed using the Council's regional travel demand model for the Twin Cities metropolitan area. The forecast year for the model was 2030. The model was used to develop ridership projections and was also used for transportation analyses. For the Final EIS, the Project modeling was updated to reflect 2040 ridership. This update was made because more up to date model inputs were available when the Final EIS was under development.

Table 4.1-5, Average Weekday Station Usage (Ons and Offs) by mode of Access, in the Final EIS provides a summary of ridership at each station and a breakdown of whether those riders accessed the station via walking, transfer, or park-and-ride. Section 4.1 of the Final EIS and the draft *Travel Demand Methodology and Forecast, Revision 3, Southwest LRT Technical Report* provides detailed transit analysis and results for existing transit service, No Build Alternative (2040) and Project conditions (2040).

The following table includes projections for opening day ridership (2020), 2040 ridership, reverse commute ridership, new transit trips, and transit dependent ridership at each station. Please note that station boardings are defined as the average number of Ons and Offs at a station in order to estimate trips going through the station. For reverse commute trips, the end of the line station, SouthWest Station, has a high number of Offs, but zero Ons, which is why the station shows station boardings.

Station Name	Opening Day (YR 2020) Ridership Projections	YR 2040 Projected Ridership	Reverse Commute Ridership (YR 2040)	New Transit Trips (YR 2040)	Transit Dependent Ridership (0 Car Households) (YR 2040)
SouthWest Station	1,629	2,342	600	925	603
Eden Prairie Town Center Station (deferred)	0	1,209	330	594	394
Golden Triangle Station	934	1,554	584	591	526
City West Station	415	678	240	226	199
Opus Station	840	1,375	615	718	507
Shady Oak Station	1,132	1,286	282	455	206
Downtown Hopkins Station	1,325	2,059	547	830	590

Station Name	Opening Day (YR 2020) Ridership Projections	YR 2040 Projected Ridership	Reverse Commute Ridership (YR 2040)	New Transit Trips (YR 2040)	Transit Dependent Ridership (0 Car Households) (YR 2040)
Blake Station Louisiana Station	664	946	251	307	262
Louisiana Station	1,176	1,694	446	568	420
Wooddale Station	766	1,182	243	461	313
Beltline Station	1,272	1,993	529	677	518
West Lake Station	1,941	2,741	915	859	944
21st Street Station	670	1,001	137	514	218
Penn Station	404	644	229	190	308
Van White Station	683	289	69	105	108
Royalston Station	992	1,625	435	455	574
Downtown ridership & transfers from Green & Blue Lines	8,101	11,814	1931	3661	2190

Construction impacts

Table 2.1-2 in Section 2.1.1.2 of the Final EIS summarizes the construction activities for the Project based on Preliminary Engineering Plans (see Appendix E of the Final EIS). Additionally, each section within Chapters 3.0 and 4.0 of the Final EIS provide short-term, construction-related impacts for each specific environmental resource or transportation-related issue addressed in these two chapters. As appropriate, mitigations for short-term, construction-related impacts are also addressed within Chapters 3.0 and 4.0 for environmental and transportation topics.

The City's letter indicates that efforts must be made to:

- Dampen or minimize the noise and vibration that will be caused by sheet pile driving;
- Define means and methods for removing trees along the Kenilworth Channel;
- Limit hours of construction operation to ensure residents are not disturbed at night; and
- Enforce the City's Noise Ordinance.

The Final EIS contains a detailed assessment of both noise and vibration during construction. The assessment considered mitigation measures that will be incorporated into the construction plans at locations throughout the corridor, including a Noise Control Plan (Section 3.12.4.2), which will help minimize noise from construction activities. Alternative construction methods have been recommended at locations where construction would be very close to buildings and where there is the potential for damage. Pre-construction surveys and vibration monitoring will be conducted at locations identified during the preparation of construction documents (see Final EIS Section 3.13.4.3).

Construction noise levels are subject to local noise ordinances and noise rules administered by the MPCA (Minnesota Rules Chapter 7030). Local governments (including the City of Minneapolis) and MPCA administer these noise rules to establish maximum allowable noise levels. In general, Project construction will occur within daytime hours. However, night construction may sometimes be required. If nighttime construction necessary, a nighttime construction mitigation plan will be developed during the Project's final design and construction stages. The Council will discuss the nighttime mitigation plan with the City and have had discussions about off-hours work permits and strategies to address light pollution, which may include shielding of construction sites. The Council will require that construction equipment used by contractors be properly muffled and in proper working order. Advanced notice will be provided to affected communities of any planned abnormally loud construction activities.

A detailed Noise Control Plan will be prepared for the Project's construction duration. The plan will provide specific information on equipment and methods as a part of this plan for construction on the Project, as well as account for all activities, including those related to tree removal. A noise control engineer or acoustician will work with the contractor(s) to prepare the plan in conjunction with the contractor's specific equipment and methods of construction. See Section 3.12.4.2 and Appendix K for more information regarding the approach to construction noise mitigation.

For additional information and vibration impacts related to construction, refer to *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*.

As noted in Section 2.1.1.2 of the Final EIS, detailed work-specific construction plans will be developed and implemented prior to and during construction. In addition, the Council will develop and implement a Construction Mitigation Plan which will address hours of operation, construction vehicle access routes, and strategies for addressing dust and debris.

The Project will perform pre-construction surveys to document the existing conditions in the vicinity of construction activities. Photo documentation of construction staging sites, haul routes, and existing buildings and streetscape existing conditions will be conducted prior to beginning the work. Photo documentation shall include the following existing features of the site: paving, curb and gutter, water valves, hydrants, storm drainage and sanitary sewer inlets and manhole rings, plumbing, ceilings, roofs, walls, windows, masonry, foundations, signage, traffic signal equipment, lighting, overhead utilities and skyways, fences and walls, driveways, sidewalk, building fronts, and above-ground utilities.

Construction vehicle routes will be determined prior to construction and the contractor will be required to maintain corridor access points and haul routes and clean them at least once per day. Cleaning shall consist of removal and disposal of dust, dirt, mud, snow, and other material associated with construction activities. Accumulated snow and ice will be removed within 24 hours of the snowfall from access areas and any areas under the control of the contractor which are subject to use by pedestrian and vehicular traffic by the public.

The Council's outreach program will utilize periodic communication efforts to keep the local public aware of progress and construction expectations. Mitigation measures for short-term impacts related to construction activities will be identified in the Construction Mitigation Plan and Construction Communication Plan which will be implemented by the Council prior to and during construction. The purpose of the Construction Communication Plan is to prepare project-area residents, businesses, and commuters for construction; listen to their concerns; and develop plans to minimize harmful or disruptive effects. The Council will discuss the plans with City staff. Mitigation measures may include:

- Issue and distribute regular construction updates;
- Provide advance notice of roadway closures, driveway closures, and utility shutoffs;
- Conduct public construction meetings;
- Establish a 24-hour construction hotline;
- Prepare communication materials with applicable construction information
- Address property access issues; and
- Assign staff to serve as liaisons between the public and contractors during construction (Source: Council, 2015a. Communications and Public Involvement Plan (CPIP). See Final EIS, Appendix C for instructions on how to access this document)

Shallow Tunnel; Environmental Issues

As described in Sections 3.8 and 3.9 of the Final EIS, the Project will include appropriate avoidance, minimization, and mitigation measures for surface waters, storm drains/tunnels, and sanitary sewers. Short-term (construction) stormwater runoff will be directed into temporary stormwater management facilities created as part of the Project. These facilities will be designed to provide stormwater treatment in compliance with NPDES requirements.

Section 3.15.3.2 in the Final EIS documents that underground utilities (including water, sewer, stormwater, and nature gas pipes and pipelines), and electrical distribution and communication wires and cables within or crossing the utilities study area were evaluated to determine their condition and potential reaction to the added weight loading from light rail and freight rail. The Final EIS documents that utility

conflicts will be resolved through a variety of appropriate techniques, such as lowering the existing utility, encasing the utility line for additional protection, or relocating the line away from the LRT alignment.

Freight rail safety
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Section 4.6 of the Final EIS addresses safety and security of the Project. Please refer to the Final EIS for current information. As part of the Project, construction activities will occur close to active freight rail corridors. All contractors will prepare a Project safety and health program along with a site-specific safety plan to ensure that, while on the work site and construction activities, contractor and subcontractor personnel comply with the specified safety practices, codes, and regulations as described in the Project's Safety and Security Management Plan SSMP.

LRT operation
Regarding concerns over delays to emergency response vehicles and coordination with local emergency responders, see *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Regarding the comment that use of LRT bells, whistles, and horns be evaluated and minimized, the anticipated use of horns and bells at each at-grade crossing, station, and tunnel portal has been determined in consultation with Metro Transit Operations. Documentation of considerations and horn and bell usage is documented in Section 3.1 of the Noise and Vibration Technical Report (December 2015) that is included in Appendix K of the Final EIS.

Regional transit connections
The 2*040 Transportation Policy Plan* (2040 TPP) indicates that the recommended locally preferred alternative that resulted from the Midtown Greenway Corridor Alternatives Analysis (AA) will be considered through a future amendment to the TPP. Since the AA's LPA was not included in the TPP at the time of the modeling effort for Southwest LRT, this alignment was not included in the analysis.

The *2040 Transportation Policy Plan* (2040 TPP) references 11 corridors being recommended for arterial BRT in the Arterial Transitway Corridor Study completed in 2012. The TPP notes that initial work has begun on the Snelling Avenue (A Line), the Penn (C Line), and the Chicago Emerson-Freemont (B Line) lines; these will be the first three corridors implemented in the region. The TPP noted that the remaining system planning is on hold. Based on the content included in the TPP, the C-Line along Penn Avenue was included in the 2040 travel demand model, however, the Lake Street arterial BRT was not. See Section 4.1 of the Final EIS, and the *Draft Travel Demand Methodology and Forecast, Revision 3*, Southwest LRT Technical Report in Appendix C for a more detailed description of the travel demand forecasting methodology.

Executive Summary
Section 3.12, Noise of the Final EIS provides results of the noise analysis, as well as mitigation measures identified to address adverse noise impacts that will result from the Southwest LRT Project.

Section 3.14, Hazardous and Contaminated Materials, of the Final EIS documents the effects of hazardous and contaminated materials resulting from the Southwest LRT Project, including those sites requiring remediation. Response Action Plans (RAPs) are being developed by the Council and approved by MPCA to address the risks identified in the Phase I and Phase II environmental site assessments.

Purpose and need
Refer to the previous section titled "Ridership" for the requested reverse commute ridership information.

Affected Environment, Impacts and Mitigation

Visual quality and aesthetics
Section 3.7.4 in the Final EIS describes the mitigation measures the Council will implement to mitigate the Project's visual quality and aesthetic impacts. The Council will also incorporate mitigation measures for Section 106-protected resources and Section 4(f)-protected properties as specified in the Section 106 Memorandum of Agreement (to which City of Minneapolis is concurring party) and the Final Section 4(f) Evaluation, respectively. Additionally, within the Kenilworth Corridor, the Council developed a landscape

design that preserves and builds upon the natural character of the corridor, where applicable and appropriate. The Council will continue to coordinate with the city through the design process.

The visual impact analysis for the Project was updated for the entire corridor since the publication of the Supplemental Draft EIS. The update caused a renumbering of the viewpoints from the Supplemental Draft EIS to the Final EIS. The updated visual quality assessment can be found in Section 3.7 of the Final EIS. For additional information on the visual quality analysis for the Kenilworth Corridor, including an explanation of the changes from the Supplemental EIS to the Final EIS and the Final EIS level of impacts, refer to *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Righ*t.

Tunnel portal near the Kenilworth Channel

The Final EIS analyzed the Project design, including the tunnel portals. Project elements, including retaining walls with decreasing height as the LRT comes up to grade from the tunnel portal, and fencing that separates the tunnel portal and pedestrian/bike trails are included in the Final EIS (see Appendix J – Exhibit J-19). The Council prepared design guidelines for key structures throughout the proposed light rail alignment, focusing on bridges and retaining walls. Those guidelines, which would apply to both tunnel portals, are included within the *Visual Quality Guidelines for Key Structures* (Council, 2015 – refer to Appendix C to access the Guidelines).

Tunnel portal near Lake Street

As noted in Section 3.7.3, the visual quality impacts related to the south tunnel portal near West Lake Street were evaluated in the Final EIS (see viewpoint 14). The Project will have substantial visual impacts in this area. Refer to Section 3.7.5 for a description of potential mitigation measures. In addition to implementation of the Visual Quality Guidelines for Key Structures, the Project will include incorporation of the following visual mitigation measures, as appropriate, where moderate and substantial visual impacts have been identified:

- Retain as much of existing vegetation as appropriate to provide shielding for sensitive viewpoints, including techniques such as chaining and mowing without removal of the root systems, and/or tying back large shrubs and trees to provide adequate areas for construction activities
- Restore and replant cleared areas in a timely manner, considering such factors as species type, seasonal growing conditions, and other construction-related activities
- Place new and replacement trees based on such factors as helping to provide the maximum screening of views to and from sensitive viewpoints (e.g., adjacent residential areas), or providing street ornamentation
- In areas where the light rail alignment will be located adjacent to sidewalks or trails provide planter strips between the sidewalk or trail and utilize plant selections such as low, hedge-like shrubs to create a visual buffer between the pedestrian ways and the light rail alignment to screen views of the light rail alignment.
- As appropriate, develop landscape plans for areas adjacent to elevated structures, retaining walls, noise walls, and TPSS sites as appropriate to achieve such effects as providing partial screening from sensitive viewpoints.
- Incorporate visual mitigation measures for Section 106 protected resources and Section 4(f) protected properties as specified in the Section 106 Memorandum of Agreement and the Final Section 4(f) Evaluation, respectively (see Appendix H and I, respectively).

Additionally, within the Kenilworth Corridor, the Council developed a landscape design that preserves and builds upon the natural character of the corridor, where applicable and appropriate.

For information on the visual quality evaluation in the area of the 21st Street, refer to *Master Response 16: Concerns related to 21st Street Station and related impacts.*

Noise impacts in the Kenilworth Corridor

Section 3.12, Noise, of the Final EIS provides the noise analysis for the Project. The section documents severe and moderate noise impacts caused by the Project and identifies mitigation measures for the

impacts, including noise impacts in the Kenilworth Corridor. The primary avoidance measure for noise impacts within the Kenilworth Corridor is the proposed shallow LRT tunnel. Implementation of the tunnel will avoid most noise impacts compared to an at-grade LRT alignment within the same segment of the corridor. Without the tunnel, the number of noise impacts would be greater.

From Lake Citihomes to South Upton Avenue there will be 18 buildings with moderate noise impacts and one building with a severe noise impact without mitigation; with mitigation, there will be residual noise impacts (moderate) at five buildings (seven units at Lake Citihomes and four residences at Burnham Road North). The residences with residual moderate noise impacts do not meet the threshold for mitigation (e.g., impact does not meet 3-dB increase threshold) as defined by Council's Regional Transitway Guidelines (see Appendix D).

Some of the noise impacts near 21st Street Station will be mitigated by the use of wayside bells instead of the routine sounding of train horns. For the residences not mitigated by the use of a wayside bell (one severe and four moderate impacts identified along Thomas Avenue South and Burnham Road North), interior noise testing will be conducted to determine if the residences meet the interior noise level criteria (defined in Appendix K). Based on the results, the Council will identify the noise mitigation to be implemented for the residences. If the interior noise level exceeds the criteria set in the Council's Regional Transitway Guidelines (Appendix D), the Council will work with property owners on applicable mitigation. This could include implementation of sound insulation, which would require approval by the property owner(s).

Table 3.12-8 in Section 3.12 of the Final EIS summarizes the noise impacts for institutional land uses (including the Kenilworth Channel and Lagoon Bank). One moderate impact is expected for the Kenilworth Channel, and no noise impacts are anticipated for the Kenilworth Lagoon. The Project will include a two-foot parapet wall and rail damper on the LRT bridge over the waterway to mitigate the moderate noise impact at the Kenilworth Lagoon.

Ground-borne noise impacts in the Kenilworth Corridor

Section 3.13.3 in the Final EIS identifies the ground-borne noise impacts from the Project. Table 3.13-7 documents that without mitigation, the Project will result in ground-borne noise impacts at 54 units (in five buildings) for residential land uses in the tunnel section south of the Kenilworth Channel (see Exhibit 3.13-2). The tunnel slab, a Project feature within the Kenilworth Corridor, significantly reduces the number and magnitude of ground-borne noise impacts relative to a tunnel without a slab within the same segment of the corridor.

Section 3.13.4 of the Final EIS provides the measures the Council will implement to mitigate the Project ground-borne noise impacts. Within the Kenilworth Corridor, the Council will also implement highly resilient rail fasteners in the tunnel section (approximately 2,200 feet) to eliminate ground-borne noise impacts.

Short-term noise and vibration impacts

Sections 3.12 and 3.13 document short-term impacts for noise and vibration, respectively. These impacts are based on a level of design that is advanced from the Supplemental Draft EIS. For additional information and vibration impacts related to construction, refer to *Master Response 7: Concerns related to vibration impacts from LRT tunnel construction*. For more information on construction activities, refer to the "Short-term (construction) impacts" section above.

Operating assumptions –10 vs. 7.5 minute headways

As reported in Section 2.5 of the Supplemental Draft EIS, and in Section 2.1 of the Final EIS, the light rail operating plan for the Project, light rail trains will generally operate every 10 minutes during peak periods, compared to approximately every 7.5 minutes identified under LRT 3A and LRT 3A-1 in the Draft EIS. The Final EIS reflects 10-minute headways will apply to light rail operations during AM and PM peak and mid-day operating hours (from 6:30 a.m. to 9:00 p.m.).

Service plans will be reviewed and revised, as needed, prior to opening of light rail service in 2020, and will be a result of a service planning process that complies with the Council's and SouthWest Transit's service planning policies, with federal requirements (e.g., Title VI), and a variety of external factors (e.g., transit demand, funding availability, public and agency comment). See Section 2.1 of the Final EIS for additional detail on the proposed Green Line light rail operations service plan.

Freight Rail - Daytime vs. nighttime and operating speeds
As described in Section 4.4, the Project is making minor infrastructure modifications to freight rail for very limited areas, mainly to facilitate the movement of light rail transit, but these modifications are not expected to significantly affect freight rail operations within the Kenilworth Corridor. The Kenilworth Corridor complies with Class 2 standards, as specified in the USDOT FRA Code of Federal Regulations (CFR) 49, Track Safety Standards, Part 213. CFR 49, Part 213.9 identifies "The maximum allowable operating speed for freight trains" as 25 mph for Class 2 track. However, based on discussions with TC&W, the Council understands that TC&W will continue to operate at a maximum speed of 10 mph in the Kenilworth Corridor and during similar operating hours as are used today. The Council will continue to coordinate with TC&W as the design of the Project advances

Existing noise measurements, which in some instances included traveling freight trains, were used for the noise and vibration analyses included in the Final EIS. The noise modeling completed for the Final EIS assumed train operating speeds of 10 mph within the Kenilworth Corridor.

Review and comment on future plans and mitigation efforts
Items included in Table 3.1-6 of the Supplemental Draft EIS are identified and expanded upon in applicable sections of the Final EIS. Final commitments and mitigation measures identified in the Final EIS are also documented in Sections 3.0 and 4.0 of the Final EIS. The City's comment regarding interest to review and comment on future plans and mitigation efforts has been noted. The Council has continued to coordinate with the City on mitigation measures included in the Final EIS, including reviews of noise and visual impact mitigation measures, as well as impacts to historic properties through the section 106 consultation process. Development of the plans noted in your comment letter will be completed prior to the start of construction, and the Council will provide these to the City, as appropriate.

Bicycle and pedestrian
The North Cedar Lake trail crossing of the LRT and freight rail corridor west of Penn Station will be at-grade. As documented in Section 4.5.3 of the Final EIS the trail crossings of the tracks have been designed based on current industry standards. Freight crossings occur approximately two to three times a day and block the trail. The freight and LRT at-grade crossings will be separated, with the freight crossing located approximately 200 feet west of the LRT crossing at this location. Based on trail volumes at this crossing, a queue of 30 to 40 bicyclists is expected during a freight rail crossing. Exhibit 4.5-3 shows an excerpt from the Preliminary Engineering Plans (see Appendix E). By shifting the freight rail crossing west, the space available for queuing between the two crossings is sufficient for this many people with bicycles to stand and wait. As a result, trail users waiting for a freight train to pass will not interact with the light rail tracks or the intersection of Cedar Lake Trail and Kenilworth Trail to the south. Therefore, the Project will not result in an adverse long-term direct impact to the existing pedestrian and bicycle network at this location.

Environmental justice
As suggested in the comment, American Community Survey (ACS) 2009-2013 data were used in the Final EIS as a primary source for identifying low-income populations (see Chapter 5 for additional detail).

Public Waters and Stormwater Management
Regarding the comment to include that "stormwater runoff would be treated to meet local requirements," the appropriate language has been included in the Final EIS. As described in Sections 3.8 of the Final EIS, the Project will include appropriate avoidance, minimization, and mitigation measures for surface waters, storm drains/tunnels, and sanitary sewers. Stormwater runoff water collected will be treated, if required, and pumped to the adjacent sanitary sewer systems owned by either the City of Minneapolis or Metropolitan Council Environmental Services. The Council will follow appropriate local procedures regarding groundwater discharge.

Land use - planning documents consulted
As described in Section 3.1.2 of the Final EIS, the *Minneapolis Plan for Sustainable Growth* (2009 update of *Minneapolis Comprehensive Plan*), the *Midtown Greenway Land Use and Development Plan* (Minneapolis, 2007) and the Bryn Mawr Neighborhood Land Use Plan (adopted by the City in 2005) were reviewed and used to inform the land use analysis for the Project.

No park-and-ride lots within city limits
Since publication of the Draft EIS, the proposed park-and-ride lots at LRT stations within the City of Minneapolis were removed from the Project. See Section 4.3 of the Final EIS for more information regarding parking. Additionally, as noted in Chapter 2 in the Final EIS, all light rail stations will include accessible connections to local street networks and sidewalks, as well as connections to bicycle and pedestrian facilities.

Long term indirect land use impacts
The Final EIS acknowledges station area development as a potential indirect impact to land use; however, because future developments would require the actions of others and is influenced by external market forces, specific station area development effects are generally outside of the scope of the Final EIS. Based on the *Southwest Corridor Investment Framework* (Hennepin County, 2013), additional development or redevelopment is anticipated in all Project light rail station areas (including West Lake and Penn Stations), except the 21st Street Station, which is currently fully developed with existing residential uses. All other proposed light rail stations are expected to experience additional mixed-use development that would be supportive of and compatible with light rail. The Southwest Corridor Investment Framework anticipates future changes in land use policies and zoning that would support opportunities for redevelopment and transit-oriented development, emphasizing a pedestrian-friendly, mixed-use environment with a multimodal transit network. See Section 3.1.3.2 of the Final EIS for more information.

Effects of construction activities on groundwater flow
The Council appreciates the City's request to rephrase the statement "construction activities and potential light rail-related improvements both have the potential to affect groundwater by potentially changing the flow of or contaminating groundwater within the Project vicinity" to add a statement that the Project also "has the potential of changing the flow of previously contaminated groundwater, if present."

The groundwater analysis included in the Final EIS has advanced since the completion of the Supplemental Draft EIS and can be found in Section 3.8 of the Final EIS. Two zones of groundwater contamination, one at either end of the Kenilworth Corridor (corresponding to the locations of the soil contamination described above), were identified and addressed in the RAP; groundwater throughout the remainder of the corridor was characterized as not contaminated. The contaminated zones are called "Groundwater Impact Areas," and are defined as areas surrounding a groundwater sample with an analytical result that exceeded method reporting limits (except metals). The Groundwater Impact Area at the west end of the Kenilworth Corridor is designated as GW-E06, and includes groundwater contaminated with DRO (non-detect to 352 µg/L) trichloroethene (non-detect to 2 µg/L) and vinyl chloride (non-detect to 0.4 µg/L). The Groundwater Impact Area at the east end of the Kenilworth Corridor is designated as GW-E07, and includes groundwater contaminated with DRO (non-detect to 34,700 µg/L), and GRO (non-detect to 1,790 µg/L). Based on data from the Phase II ESAs, all contaminant levels detected in the Groundwater Impact Areas indicate that groundwater would be acceptable for sanitary sewer disposal without treatment. The RAP states that small volumes of potentially contaminated groundwater will be collected, tested, transported and disposed at an approved facility under conditions of the facility discharge permit; and that larger volumes of potentially contaminated groundwater discharge will preferentially be disposed into the sanitary sewer as permitted with the Publicly Owned Treatment Works (POTW) or the Metropolitan Council Environmental Services (depending on location) under conditions of the facility discharge permit.

Based on the findings presented in Section 3.8 of the Final EIS, as described below, editing text from the Supplemental Draft EIS in the previous sentence is not required, therefore the statement from Section 3.2.2.1 of the Supplemental Draft EIS noted above, is not included in the Final EIS. See Section 3.8.3.2, Groundwater Resources, of the Final EIS for the updated groundwater impacts discussion, which includes an evaluation of the risk of groundwater contamination during construction.

Groundwater removal in the Kenilworth Corridor tunnel after construction
Refer to *Master Response 17: Concern over impacts to groundwater and surface water in the Kenilworth Corridor.*

Groundwater elevation in the area of the Kenilworth Corridor
As documented in the Southwest LRT Project Geology and Groundwater Evaluation Supporting Documentation (see Appendix C for instructions on how to access supporting documentation) and in the *Southwest Light Rail Transit: Kenilworth Shallow LRT Tunnels Water Resources Evaluation* (Burns and McDonnell, 2014) (Appendix D), a detailed evaluation of groundwater elevations within the Kenilworth Corridor was conducted. Within the Kenilworth Corridor, groundwater was generally observed 15 to 25 feet from the surface, with some areas near West Lake Station where groundwater was observed approximately 10 feet from the surface.

Waterproofing to limit groundwater infiltration
The tunnel design will minimize the inflow of groundwater through use of a waterproofing system and the permanent use of the steel sheetpile retaining wall system which is relatively impermeable (see Section 3.8.3.2 of the Final EIS). The groundwater management plan will include monitoring to assess excessive groundwater infiltration and to prioritize any potential repairs to the waterproofing systems. The Council will maintain the tunnel waterproofing system for the life of the tunnel.

Meeting 100-year storm event discharge from tunnel portals
Infiltration chambers that will be part of the LRT tunnel portal water management system will be sized to accommodate stormwater volumes associated with a 100-year storm event. Drains in the tunnel portals will be sized for volumes in excess of that level. Volumes of water in excess of the 100-year storm event will pass through the infiltration chambers and overflow into the existing storm sewer system and surface water bodies in the vicinity of the tunnel. The *Kenilworth Shallow LRT Tunnel Basis of Design Technical Report* provides additional details on the tunnel design (refer to Appendix C of the Final EIS for instructions on how to access this document). The Council notes the City's need to review and approve the proposed locations and rates and will follow applicable rules and regulations, as appropriate.

Filtration tanks, infiltration basins, other means
Section 3.9.5.2, Public Waters and Surface Water Quality of the Final EIS, addresses design features that will be included in to the Project to meet stormwater management requirements. This section notes that the Project will implement various design features to meet stormwater regulatory requirements, including coordination with applicable jurisdictions.

Section 3.8.2.3 of the Final EIS addresses groundwater quality impacts, including at the Kenilworth Corridor tunnel. This section documents that water collected at the tunnel portals will be routed through pumps, through a pretreatment system that captures debris and sediments and through an underground infiltration chamber, which will allow the water to enter into the groundwater system. Water collected in the tunnel will be treated, if required, and pumped to the adjacent sanitary sewer systems owned by either the City of Minneapolis or Metropolitan Council Environmental Services.

In the unlikely event of a spill of hazardous or contaminated materials in the tunnel, the proposed tunnel designs include measures to prevent infiltration through the tunnel bottom and would allow contaminated materials to be collected and routed to a sanitary sewer, preventing hazardous materials or contaminated stormwater in the tunnel from released into the groundwater. The Council coordinate with the City and will follow applicable rules and regulations, as appropriate.

Groundwater management plan
As described in Section 3.8.3.2 of the Final EIS describes that a groundwater management plan will be prepared by the Council, and approved by Minnesota Department of Natural Resources and applicable local jurisdictions (including the City of Minneapolis) before construction. That plan will address collection, storage, and disposal of surface water runoff and pumped groundwater following construction of the Project. Particularly within the Kenilworth Corridor, the groundwater management plan will include monitoring, which will be used to assess excessive groundwater infiltration and to prioritize any potential repairs to the waterproofing systems.

Straw bales as BMP
Your comment indicating that straw bales are not allowed for use as a BMP in Minneapolis has been noted. The Project will not use straw bales as a BMP within the City of Minneapolis.

Stormwater runoff

Section 3.9 of the Final EIS documents that the City of Minneapolis has jurisdiction over surface water resources per relevant codes and ordinances related to wetlands, public waters and surface water quality, and floodplains. The Project will ensure that long-term stormwater runoff will comply with the NPDES General Construction Permit Section III.D. Permanent Stormwater Management System.

Section 9.5 of the Final EIS shows the required permits and approvals, by agency. This table documents that the City of Minneapolis has permit authority for utilities (including water, sewer, electrical, and storm). This requirement captures the City's request that long-term stormwater runoff be reviewed and approved by the City of Minneapolis under Minneapolis Code of Ordinances Chapter 54, Stormwater Management.

LRT priority signalization at Minneapolis intersections

Since the publication of the Supplemental Draft EIS, the Council has coordinated with the agencies responsible for each signalized crossing location included in the Project, including MnDOT and the City of Minneapolis. The City of Minneapolis agreed to the proposed traffic signal design included in the Project.

Under the Project, signalized at-grade LRT crossings of roadways will operate with "traffic signal preemption" with active warning such as lights and gates, and not "traffic signal priority." Traffic signal priority means that traffic signals are coordinated to synchronize with light rail train movements to improve transit travel times; however, the trains may have to stop at the crossing for a short period when their traffic signal is red. Trains generally move at the same time as adjacent with traffic in a priority system.

Traffic signal preemption means that intersection traffic movements are controlled to allow the train to pass through without stopping. Signal preemption with automatic gates provides a higher level of control and safety at the at-grade crossings (i.e., gates block vehicles from entering the crossing). However, signal preemption can have a greater effect on roadway traffic operations.

Traffic signal preemption was chosen for the Project based on requirements of the Manual of Uniform Traffic Control Devices (Section 8C.5), which states Highway-LRT grade crossings in semi-exclusive alignments should be equipped with automatic gates and flashing-light signals where LRT speeds exceed 35 mph. The Project will generally result in LRT speeds exceeding this threshold, and therefore the Project will include flashing-light signals, automatic gates, and traffic signal preemption at signalized at-grade LRT crossings of roadways. For consistency in crossing treatments and for safety, gated crossings are also included in this Project for crossings where LRT speeds are anticipated to be less than 35 mph.

The traffic analysis performed for the Final EIS included preemption at crossings to understand the necessary roadway and traffic signal modifications to provide acceptable traffic levels of service in the build condition.

Comment #	#172
Commenter	George Puzak
Commenter Organization	Light Rail Transit Done Right

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#173
Commenter	Amy Sheldon
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). In response to your endorsement of the LRT Done Right comments, please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*. In addition, the following are responses to your specific comments:

Ridership will be lower than projected
Regarding your comment noting that ridership will be lower than projected due to the existing SouthWest Transit buses, the ridership modeling completed for the Project did factor in competitive bus service and is based on ridership at proposed light rail stations in 2040. As described in Section 4.1, Transit, of the Final EIS, a 14 percent increase (13,000 new trips) is forecast in weekday transit trips within the study area with the Project, compared to the No Build Alternative. The Council's regional travel demand model results, which have been reviewed and approved by the FTA, served as the primary data source for this analysis. Refer to the *Draft Travel Demand Methodology and Forecast, Revision 3, Southwest LRT Technical Report* listed in Appendix C for a more detailed description of the travel demand forecasting methodology and related forecasts. In summary, the Council's travel demand forecasting model has been calibrated based on existing transit ridership data and various other survey data. Further, the model is based on regionally and locally adopted land use plans and population and employment forecasts for 2040. The model forecasts are also based on the existing and proposed transportation networks in 2040, based on the Council's adopted 2040 Transportation Policy Plan. Finally, the model forecasts are based on the current definition of the Project, summarized in Chapter 2 of the Final EIS and illustrated in Appendix E of the Final EIS.

In addition, bus service in the Southwest Corridor will be modified as appropriate to meet demand and provide connections to the proposed Southwest LRT stations (see Section 4.1). Exhibit 4.1-5 in the Final EIS illustrates the Project bus operation Plan; Exhibit 4.1-4 shows the bus operations plan under the No Build Alternative.

Jobs have not materialized
Regarding your comment that the "expected jobs have not materialized" and "we do not know what parts of the local population will benefit or if jobs will materialize in proportion to the expense of the LRT," all analyses for the Final EIS used regionally adopted population and employment forecasts. As described in Section 1.3.5, employment in the Project Corridor is forecast to increase from 314,904 jobs in 2010 to 427,950 jobs in 2040, a 36 percent increase. The Council's regional travel demand model served as the primary data source for this analysis. Refer to the Draft Travel Demand Methodology and Forecast, Revision 3, Southwest LRT Technical Report listed in Appendix C for a more detailed description of the travel demand forecasting methodology. In summary, the Council's travel demand forecasting model is based on socioeconomic data from the 2010 Census and the Council's Traffic Analysis Zones (TAZ). The model has been calibrated based on existing transit ridership data and various other survey data. Further, the model is based on regionally and locally adopted land use plans and population and employment forecasts for 2040. The model forecasts are also based on the existing and proposed transportation networks in 2040, based on the Council's adopted 2040 Transportation Policy Plan. Finally, the model forecasts are based on the current definition of the Project, summarized in Chapter 2 of the Final EIS and illustrated in Appendix E of the Final EIS.

Federal money is driving decision making
Regarding your comment that the potential for federal money is driving decision making, the planning for this Project began at the local level over 15 years ago with the Southwest Rail Transit Study (HCRRA, 2003). On May 26, 2010, prior to the completion of the Draft EIS and based on an extensive alternatives analysis and public involvement process, the Metropolitan Council adopted the Project's Locally Preferred

Alternative (LPA) as recommended by the Hennepin County Regional Railroad Authority (HCRRA) and included it as part of the 2030 Transportation Policy Plan. In September 2011, FTA approved the Project's entry into the FTA's New Starts program. The Project has been developed within the framework of FTA's New Starts criteria, in hopes of receiving funding. The New Starts program is discretionary funding source that is competitive. There is no guarantee that Project will receive federal funding under this program. Therefore, as evidenced by the Project's local planning history, the Project has not been prejudiced by funding considerations.

Brunswick Freight Rail Alignment

In response to your comment regarding better alternatives, such as the Brunswick route, please see *Master Response 13, Rationale for dismissal of the "Brunswick Central" freight rail relocation alternative*.

Comment #	#174
Commenter	Bryce and Donna Hamilton
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#175
Commenter	Patricia Benn
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your opposition to the Project. The sections that follow include responses to these specific comments.

- Alternative Alignment along Highway 100 from Beltline Station to downtown Minneapolis
- Alternative Alignment between Lake Street and Lyndale Avenue

Alternative Alignment along Highway 100 from Beltline Station to downtown Minneapolis
Placing the proposed light rail alignment along generally north-south or east-west freeway corridors would not meet the Project Purpose identified in Section 1.1 of the Final EIS. The Project Purpose notes that "The Southwest LRT Project will provide a competitive, cost-effective travel option that will attract choice riders to the transit system. The competitive and reliable travel time for the Southwest LRT Project is attributed to the diagonal nature of the line compared to the north-south/east-west orientation of the roadway network and to the increasing levels of congestion of the roadway network." The additional length an alignment that used generally north-south or east-west orientation of existing freeways such as Highway 100 and I-394 (past Brownie Lake), respectively, would increase LRT travel times for trips between west of Highway 100 and downtown Minneapolis (including connecting trips), compared to the generally diagonal southwest to northeast light rail alignment included in the Project. Additionally, the existing rights-of-way for Highway 100 and I-394 would not be adequate to accommodate the introduction of a light rail alignment due to geographic and existing transportation infrastructure constraints. As a result, the use of those alignments for light rail would likely lead to property acquisitions and the displacement of adjacent land uses, including residences and commercial properties.

The Southwest Rail Transit Study, completed by HCRRA in October 2003 (available at: http://old.swlrtcommunityworks.org/technical-documents/cat_view/57-archive/60-rail-feasibility-study.html), considered a light rail alignment that would have utilized Highway 100 between I-394 and Highway 7. This alternative (E-2 within the Study) was not recommended for further study because:

- No excess right-of-way in the Highway 100 corridor
- Would have significant right-of-way impacts along Highway 100 due to multiple property owners
- Reduced service to population and employment concentrations in St. Louis Park (Source: Figure 5.3: Screen 1 Recommendation)

The Project Purpose also indicates that the Project will improve access and mobility to the jobs and activity centers in the Minneapolis central business district, as well as along the entire length of the corridor for reverse-commute trips to the expanding suburban employment centers. These employment centers, shown on Exhibit 1.4-5 of the Final EIS, demonstrate that the Project alignment will more effectively provide access to these employment centers: Golden Triangle Business Park, Optum Corporate Headquarters and Business Park, Downtown Hopkins, and Park Nicollet Methodist Hospital compared to an alignment along I-394 and Highway 100. Also, an I-394/Highway 100 alignment would not provide direct service to stations projected to experience the highest average weekday station usage, including the Beltline Station or the West Lake Station, which is projected to have the highest level of ridership under the Project (See Section 4.1, Transit, of the Final EIS, including Table 4.1-5, Average Weekday Station Usage by Mode of Access, Year 2040, for additional information.

Alternative Alignment between Lake Street and Lyndale Avenue
In regard to the option of routing the light rail line between Lake Street and Lyndale, the option of routing the Project through other areas of south Minneapolis was previously evaluated during Alternatives Analysis, Scoping, and the Draft EIS as LRT 3C-1 and LRT 3C-2.

As documented in Section 11.2.6 of the Draft EIS, LRT 3C-1 was determined to be the least cost effective of the alternatives considered in the Draft EIS, due to its relative high costs and lowest ridership

estimates. It was also found that LRT 3C-1 was not compatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, it would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

As documented in Section 11.2.7 of the Draft EIS, LRT 3C-2 was found to be incompatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, LRT 3C-2 would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, the most severe construction impacts, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

In general, that alignment alternative was dismissed from further study because it would be less cost effective and efficient, have greater adverse environmental impacts, and support economic development and the study area's quality of life to a lesser degree compared to the Locally Preferred Alternative (LPA). Section 2.2 of the Final EIS provides a more detailed description of how the alternatives were evaluated during the Project's various phases and the rationale for the identification of the LPA. Please refer to *Master Response 10: Rationale for incorporating freight rail co-location into the Project for more information.*

Comment #	#176
Commenter	Sally Rousse
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#177
Commenter	Todd Phelps
Commenter Organization	AGNL Health, LLC (Stinson Leonard Street LLP)

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your letter presents a range of issues concerning potential Project related impacts on the ANGL Health Campus, located at 13625 and 13675 Technology Drive, in Eden Prairie.

Since the completion of the Supplemental Draft EIS in 2015, the Council has advanced the level of design for the Project. As a result of these design advancements, the westernmost terminus of the Project has been adjusted and will now be the proposed SouthWest Station and not the proposed Mitchell Station. The proposed Mitchell Station will not be included in the Project. Therefore, the Project will not continue along Technology Drive within the vicinity of the ANGL Health Campus and will not result in direct impacts to the ANGL Health Campus. Refer to Section 2.2.5 for more information on the design adjustment process. The analyses presented in the Final EIS reflect the current Project design.

Comment #	#178
Commenter	Steve Christensen
Commenter Organization	Granite Falls Energy LLC

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

In regards to your opposition to the "rerouting" of TC&W trains (i.e. LRT 3A, including freight rail relocation), see *Master Response 10: Rationale for incorporating freight rail co-location into the Project*. In summary, the Project does not include the relocation of TC&W freight trains from the Bass Lake Spur or Kenilworth Corridor, and TC&W operations will continue on generally the same alignment as today with the implementation of the Project.

Comment #	#179
Commenter	Mary Pattock
Commenter Organization	LRT Done Right

Response
At the request of the commenter, this comment letter has been superseded by a new comment letter submitted at a later date (comment #225). For a response to that comment, see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#180
Commenter	Steven Kotke and Craig Taylor
Commenter Organization	City of Minneapolis

Response
Duplicate comment - please see the response to comment 171.

Comment #	#181
Commenter	Meg McGonigal
Commenter Organization	City of St. Louis Park

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Noise impacts
- Contaminated sites
- Maps
- Traffic
- Park and ride traffic
- Bicycle traffic, parking and safety
- Freight rail route conclusions

Noise impacts
Table 3.12-5, Summary of Noise Assessment and Impacts for Category 2, Residential Land Use (without mitigation), identifies impacts to specific locations, including for residential land uses in St. Louis Park. Within the City of St. Louis Park, there are 18 buildings with a total of 64 units that would experience moderate noise impacts under the Project; and 45 buildings with a total of 174 that would experience severe noise impacts. Table 3.12-5 includes the Cityscape Apartments (no moderate of severe impacts) and the Park Glen Townhomes (moderate impacts at 16 units), which were mentioned specifically within the comment letter.

Section 3.12.4 of the Final EIS describes the mitigation measures that will be implemented with the Project to mitigate noise impacts, where applicable. See Table 3.12-7, Summary of Mitigation Measures and Residual Impacts for Residential and Institutional Locations, in the Final EIS for specific measures that will be implemented at impacted properties identified for mitigation. All buildings and units identified as having severe noise impacts within the City of St. Louis Park will be mitigated. Mitigation measures will include railroad quiet zones to eliminate LRT horns and bells.

None of the buildings or units identified as experiencing moderate noise impacts from the Project – including the 16 units at Park Glen Townhomes - will be mitigated because the impacts at these locations do not meet the 3 dB increase threshold for noise threshold for mitigation that is defined by the noise guidelines for mitigation in the *Regional Transitway Guidelines*. All of these buildings and units will experience residual noise impacts. See Section 3.12 and Appendix K of the Final EIS for additional detail.

As the design of the Project and the noise analysis for the Final EIS have progressed since publication of the Supplemental Draft EIS, Southwest LRT outreach staff have been in contact with property owners and residents of locations that are identified in the Final EIS as being impacted by Project noise. In addition to a letter sent to impacted individuals in January 2016, outreach staff will continue to be available to discuss Project noise issues and mitigations.

Contaminated sites
The Supplemental Draft EIS reported six high-risk hazardous and contaminated materials sites within the Project's Phase I Environmental Site Assessment study area for the St. Louis Park/Minneapolis Segment of the LPA, which did not include all of the alignment within the City of St. Louis Park. The Modified Phase I Environmental Site Assessment (ESA) for Southwest LRT – Segment 4 reported on hazardous and contaminated material sites within Hennepin County, which included 17 sites along the Project alignment through the City of St. Louis Park. Therefore, the Modified Phase I ESA reported more high-risk sites that the Supplemental Draft EIS (refer to the Hazardous and Contaminated Materials Evaluation Supporting Documentation located in Appendix C of the Final EIS).

Section 3.14, Hazardous and Contaminated Materials, of the Final EIS documents the effects of hazardous and contaminated materials from the Project along with mitigation measures that will be implemented. Table 3.14-1 identifies hazardous and contaminated materials sites by municipality and

level of risk, as identified within the Phase I ESA report. This table documents that there are 18 high risk and 63 medium risk hazardous and contaminated material sites within St. Louis Park. Phase II ESAs were completed to further investigate the potential risk of encountering contaminants at high- and medium-risk sites as identified in the Phase I ESAs. As part of a Phase II ESA, these sites were tested and the extent of the existing contamination was verified (refer to 3.14.2 for more information on Phase II ESAs).

The risk ratings (i.e., high, medium, or low risk) refer to the risk potential of encountering soil and/or groundwater contamination if the ground at the affected site is disturbed, rather than the severity of the contamination. The Project will implement avoidance measures to avoid long-term hazardous and contaminated materials impacts.

In cases where the disturbance of hazardous and contaminated material cannot be avoided, the Council will conduct site remediation in accordance with the Minnesota Pollution Control Agency (MPCA) Brownfield Program regulatory framework and the approved RAPs for the Project. The RAPs, which will be approved by the MPCA, address the risks identified in the Phase I and Phase II ESAs.

Maps

Within the Supplemental Draft EIS, all of the exhibits referenced in the comment (listed in the table below) included parklands, recreation areas, and open spaces. As indicated in your comment letter, these exhibits potentially included publicly owned land or open space within the vicinity of the Wooddale Station that is not parkland.

Final EIS exhibits that correspond to the Supplemental Draft EIS exhibits included in the City's letter are also included in the table below. None of the corresponding Final EIS exhibits include parklands, recreation areas, and open spaces. Rather, for the Final EIS, parklands, recreation areas and open spaces within the study area are included on exhibits in Section 3.6, of the Final EIS. Additionally, the parklands, recreation areas, and open spaces shown around the Wooddale Station have been refined and now includes Jorvig and Lilac Parks.

Supplemental Draft EIS Exhibit	Corresponding Final EIS Exhibit
3.4-1, Property Acquisitions, St. Louis Park/Minneapolis Segment	Exhibit 3.4-1, Property Acquisitions
3.4-5, Water Resources: Wetlands, Floodplains, and Public Waters, St. Louis Park/Minneapolis Segment	• Exhibits 3.9-2 and 3.9-3, Delineated Wetlands and Wetland Impacts • Exhibits 3.9-4 and 3.9-5, Floodplain Impacts
3.4-6, Noise/Vibration Impacts and Monitoring Locations, St. Louis Park/Minneapolis Segment	• Exhibits 3.12-3 and 3.12-4, Existing Noise Measurement Locations • Exhibits 3.12-5 and 3.12-6, Noise Impact Locations without Mitigation
3.4-7, Potential High-Risk Hazardous and Contaminated Materials Sites, St. Louis Park/Minneapolis Segment	Exhibits 3.14-1 and 3.14-1, Hazardous and Contaminated Sites

Environmental Justice

The City commented that Supplemental Draft Exhibit 3.4-9, Low-Income Population within Census Block Groups and Exhibit 3.4-10, Minority Population within Census Blocks, did not show the entire buffer area and expressed concern that Meadowbrook Manor apartments was not shown on these exhibits. Section 5.2 of the Final EIS documents environmental justice population studied for the entire Project area. Exhibit 5.2-1 shows aggregate race/ethnicity, by census block and Exhibit 5.2-9 shows low-income populations within the study area by census block group. Both of these exhibits include the area of Meadowbrook Manor apartments.

Traffic
Access modifications that have been implemented on Wooddale Avenue since publication of the Draft EIS in 2012, as noted in the City's comment letter, are included in the traffic analyses completed for the Project and reported in the Final EIS.

The Project has been designed to include a variety of roadway modifications (i.e., turn lanes, through lanes, or other capacity improvements) that will result in the avoidance of the Project causing congestion at intersections that would not be congested under the No Build Alternative (i.e., no intersections that would operate at a LOS A-D will not deteriorate to a LOS E-F with the Project, refer to Section 4.2 for more information on intersection operations). Table E-2 in Appendix E notes that the following improvements will be implemented to Wooddale Avenue:

- Modification of roadway from a single through lane in each direction to two through lanes with bike lanes in each direction on Wooddale Avenue South and
- New signalized intersections at Highway 7 interchange ramps on Wooddale Avenue South, access at Minnesota 7 service road change to right-in/right-out

These improvements were included in the traffic analysis completed for the Final EIS. Table 4.2-7 of the Final EIS summarizes intersection LOS for average weekday a.m. and p.m. peak hours, under existing conditions and year 2040 conditions for the No Build Alternative and the Project. This table shows that no adverse impacts will occur at Wooddale Avenue intersections as a result of the Project. That is, no intersections that would operate at LOS A to D under the No Build Alternative will operate at LOS E or F under the Project. Therefore, no mitigation measures are warranted for long-term impacts to roadways and traffic because there will be no adverse impacts.

Park and ride traffic
The *PEC-East Traffic Technical Memorandum* (Council 2015b) documents the analysis for the Park and Ride facilities, including incorporation of revised scope and budget for the Project, as approved by the Council on July 8, 2015 (refer to this memo in Appendix C of the Final EIS). The subsections below provide analysis of traffic operations in the vicinity of the Louisiana and Beltline Stations.

Louisiana Station
Project scope changes identified in July 2015 included increasing park-and-ride spaces from 230 to 350 spaces at the Louisiana Station. The analysis completed based on these revised park-and-ride spaces showed that:

- The revised Opening Year Build AM and PM peak hour analysis showed that all intersections would be expected to operate at LOS B or better during the peak hour scenarios.
- The 2040 Build AM and PM peak hour analysis showed that all intersections would be expected to operate at LOS B or better during the peak hour scenarios.
- No queuing issues were identified in the Opening Year or 2040 Build conditions.

The updated analysis for the Louisiana Station shows no change in intersection LOS with the larger park-and-ride facility at Louisiana Station. The adjacent intersections would still be expected to have acceptable operations, no queuing issues have been identified, and no additional improvements are needed to accommodate the additional traffic.

Beltline Station
The revised Project scope for the Beltline Station includes a decrease in park-and-ride size from 545 to 268 spaces. The analysis completed based on these revised park-and-ride spaces showed that:

- The revised opening year traffic analysis for the Project showed that all intersections would be expected to operate at LOS D or better during the peak hour scenarios.
- The 2040 forecast year traffic analysis for the Project showed that all intersections would be expected to operate at LOS D or better during the peak hour scenarios.
- No intersection queuing issues were identified in the opening year or 2040 forecast year scenarios.

For all intersections in the Beltline Station analysis area, the traffic analysis showed no more than 11 additional seconds of overall intersection delay as a result of the Project, and several intersections were shown to have improved operations in the Build conditions due to the improvements included as part of the Project. In addition, all intersections operated at LOS D or better in the Build conditions and most operated at LOS C or better. The traffic analysis also showed that queuing issues in the Beltline Station area were similar or less with the Project compared with the no build conditions, due to the intersection and turn lane improvements included in the Project at Beltline Boulevard and CSAH 25.

Bicycle traffic, parking and safety

Section 4.5, Pedestrian and Bicycle, of the Final EIS describes the Project's pedestrian and bicycle impacts and measures the Council will implement to mitigate these impacts. The Project will result in long-term direct changes to pedestrian and bicycle facilities, including relocation of public trails, such as the Cedar Lake Regional LRT Trail. All public trails relocated by the Project will be replaced with similar facilities that will provide the same level of transportation connectivity as currently exists. The Project will not result in adverse impacts as a result of public trail relocation. At Wooddale Avenue and Beltline Avenue the trail relocations include the addition of grade-separation where the trail crosses a roadway under existing conditions. These grade separations address the safety issues identified in the City's comment. Please see Appendix E, Preliminary Engineering Plans, in the Final EIS for additional information showing these improvements.

Regarding the city's comment that the Supplemental Draft EIS does not address bicycle parking adequately, since publication of that document, it has been determined that short-term, uncovered bike parking (i.e., bike racks) is proposed for installation adjacent to each station platform.

Your comment regarding Project consistency with the Southwest Light Rail Transit Bicycle Facility Assessment Technical Memorandum #2, which is part of the Hennepin County Bike Facility Assessment, has been noted. The Southwest LRT Project will not preclude any of the recommendations included in the Assessment, however, the complete recommendations are outside of the scope of the Project.

Freight rail route conclusions

Footnote 10 included in Appendix F of the Supplemental Draft EIS has been revised in Appendix F of the Final EIS to correctly read "Section 1.5.2.1.D, Identified Design Adjustments – April 2014 and Table F.5-7 summarize the Council's evaluation of the MN&S North design adjustment."

The rationale for incorporating freight rail co-location into the Project is described in Section 2.2 of the Final EIS. For more information on the freight rail route conclusions, see *Master Response 10: Rationale for incorporating freight rail co-location into the Project* and *Master Response 13: Rationale for dismissal of the "Brunswick Central" freight rail relocation alternative*.

Comment #	#182
Commenter	Meg McGonigal
Commenter Organization	City of St. Louis Park

Response
Duplicate comment - please see the response to comment 181.

Comment #	#183
Commenter	Ken Rafowitz
Commenter Organization	Lakes & Parks Alliance of Minneapolis, Inc. C/O The Chazin Group, Inc.

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#184
Commenter	Sally Darqis
Commenter Organization	Lakes & Parks Alliance of Minneapolis, Inc. C/O The Chazin Group, Inc.

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Please see *Master Response 15 Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#185
Commenter	Christine Scott
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#186
Commenter	Amy Rock
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#187
Commenter	Georgianna Ludcke
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#188
Commenter	Jeanette Colby
Commenter Organization	None

Response
Duplicate comment - please see the response to comment 117.

Comment #	#189
Commenter	Kathy Low
Commenter Organization	None

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

There are no AREMA or FTA guidelines that determine distance between LRT and freight rail in a shared corridor. That distance is determined through coordination between FTA, FRA, the transit operator (e.g., Metro Transit), and the freight operator(s). Please also see *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*. Also see *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*.

Comment #	#190
Commenter	John Olson
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- The Supplemental Draft EIS should clarify that the Depot is located in Jorvig Park
- Retain Bass Lake Spur south of the proposed light rail line
- Question regarding why the Minneapolis and St. Louis Park analyses are not separate sections
- Peavey-Haglin Experimental Concrete Grain Elevator

The Supplemental Draft EIS should clarify that the Depot is located in Jorvig Park
The description of Jorvig Park in Section 6.7 of the Final EIS indicates that the park contains a relocated historic train depot and a description of the historic train depot notes that it was relocated to Jorvig Park. Because Jorvig Park is a recreation property and the historic depot is a historic property they are evaluated under both Section 4(f) of the Department of Transportation Act and Section 106 of the National Historic Preservation Act.

Retain Bass Lake Spur south of the proposed light rail line
The Council incorporated the freight rail and light rail "Swap" design modification into the proposed Project in April 2014 because the potential land use and economic development benefits and improved transit access to existing activity centers outweighed its additional cost.

Question regarding why the Minneapolis and St. Louis Park analyses are not separate sections
One of the purposes of the limited-scope Supplemental Draft EIS was to evaluate the impacts associated with the preferred alternative that includes freight rail co-location, rather than freight rail relocation, as identified in the Draft EIS. The segment studied in the Supplemental Draft EIS evaluates the environmental impacts of freight rail co-location within the Bass Lake Spur and Kenilworth Corridor, which are located in both St. Louis Park and Minneapolis. For this reason, the analysis does include St. Louis Park and Minneapolis as separate sections.

Peavey-Haglin Experimental Concrete Grain Elevator
The nomenclature for the Peavey-Haglin Experimental Concrete Grain Elevator is the historic name of the property and is the name used in the National Historic Landmark (NHL) database.

Comment #	#191
Commenter	Geri Kulsrud
Commenter Organization	Claremont Apartments

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your letter presents a range of issues concerning the scope of the Supplemental Draft EIS and the Project's Section 4(f), noise and vibration analyses. The sections that follow include responses to these comments.

- Section 4(f) properties in Minnetonka
- Noise and Vibration
- Proposed Cost Reductions
- Concerns regarding eliminating pedestrian underpasses near Claremont Apartments

Section 4(f) Properties
Supplemental Draft EIS did not include new information on public trails, open space or Opus Hill
The Draft Section 4(f) Evaluation Update included in the Supplemental Draft EIS provided an update to the Draft Section 4(f) Evaluation that was included in the Draft EIS. Specifically, the update reflected design adjustments to the LPA adopted by the Council in April and July 2014; preliminary determination of effect on historic properties with the LPA; and revised preliminary determinations made since the Draft Section 4(f) Evaluation was published.

Since publication of the Project's Draft Section 4(f) Evaluation Update in the Supplemental Draft EIS, FTA prepared and published an Amended Draft Section 4(f) Evaluation for two newly identified Section 4(f) properties in Minnetonka. These properties, which are referenced in your comment letter, are as follows:

Property Name	Property Type	Location	Official with Jurisdiction	Section 4(f) Qualifying Description
Unnamed Open Space B	Park	Located generally south of Smetana Rd, west of Green Circle Dr, North of Bren Rd W, east of Claremont Apartments	City of Minnetonka	49.0-acre open space
Opus Development Area Trail Network	Park	Located generally between Smetana Road to the north, Hwy 169 to the east, Hwy 62 to the South and Shady Oak Road to the west	City of Minnetonka	9.6 acre recreational trails

In the Amended Draft Section 4(f) Evaluation, FTA also reviewed Unnamed Open Space A in Minnetonka for possible protection under Section 4(f). This parcel's official plan designation in the City Minnetonka 2030 Comprehensive Plan (Figure IV-15) is "Mixed Use" (and not "Parks" or "Open Space"). Based on deed/title information on this property there are no park/recreation-related easements or other park/recreational legal agreements attached to this property. Further, there is no deed covenant restricting the future use of this parcel to "parkland" or "open space." Therefore, FTA does not consider Unnamed Open Space A to be a Section 4(f) property

Within the Amended Draft Section 4(f) Evaluation, which was published for review and comment on January 11, 2016, FTA determined that these two properties qualify for Section 4(f) protection as publicly owned recreation properties of local significance. FTA also preliminarily determined that there will be a Section 4(f) *de minimis* impact on these two properties as a result of the Project. Following the close of the public comment period on the Amended Draft Section 4(f) Evaluation on February 25, 2016, and after consideration of comments received, FTA requested and received written concurrence from the City of

Minnetonka (as the Section 4(f) Official with Jurisdiction for the two properties) on the final Section 4(f) *de minimis* impact determinations for the two properties (as per 23 CFR 774.5(b) and 23 CFR 774.17). Chapter 6 of the Final EIS contains the Final Section 4(f) Evaluation, which includes the final Section 4(f) determinations for the above listed properties. Appendix I of the Final EIS provides background documentation for the Final Section 4(f) Evaluation. The Project's Record of Decision will include the Project's Final Section 4(f) Evaluation.

Noise and Vibration

Noise levels

The Council notes your comment regarding the noise analysis methodology used for the Supplemental Draft EIS.

The Claremont Apartments were assessed as part of the detailed Noise and Vibration analyses conducted for the Project in the Final EIS. As shown in Section 3.12.3, Claremont Apartments were identified as a Category 2 noise sensitive receptor which would have moderate noise impacts related to the Project without mitigation. While there were severe noise impacts identified in the Draft EIS, this was due primarily to the at-grade crossing at Smetana Road, which has been eliminated through the advancement of the design for the Project. Instead the crossing at Smetana Road is grade separated, eliminating the noise generated by an at-grade crossing.

A site specific noise measurement was conducted at the Claremont Apartments for the Final EIS to more accurately reflect the noise levels at the apartments, as compared with a location near Smetana Road that was used in the Draft EIS. The Final EIS includes the number of buildings and units with noise impacts and mitigation identified for these impacts (see Tables 3/12-5 and 3.12-7, respectively). These tables, and associated text, include the types of information you noted in your comment letter, specifically, receiver identification and location, land use description, number of noise sensitive sites, closest distance to the project, existing noise exposure, project noise exposure, and level of noise impact.

As described in Section 3.12.4.1, the Project will implement an approximately 8-foot high noise barrier extending approximately 1,800 feet within the vicinity of Claremont Apartments to mitigate noise impacts. With mitigation, there will be no remaining noise impacts at Claremont Apartments.

The Final EIS and the Supplemental Draft EIS noise assessment were completed in accordance with the guidelines specified in the FTA's Transit Noise and Vibration Impact Assessment guidance manual (FTA, 2006). Refer to Appendix K for detailed noise impact assessment data.

Vibration levels

As a part of the Final EIS, the Claremont Apartments were assessed as part of the Project's detailed vibration assessment. A site specific vibration propagation test was conducted at the Claremont Apartments to determine the soil characteristics and to determine how vibration travels through the soil at this location. Based on this information, the vibration from the LRT will not travel efficiently through the soil, and no vibration impacts are projected. Refer to Section 3.13 of the Final EIS for an updated vibration evaluation for the Project. As shown in Section 3.13.3, Claremont Apartments were identified as a vibration sensitive receptor, but based on the FTA impact criterion would not experience vibration impacts. The Final EIS and the Supplemental Draft EIS vibration assessment were completed in accordance with the guidelines specified in the FTA's Transit Noise and Vibration Impact Assessment guidance manual (FTA, 2006). Refer to Appendix K for detailed vibration impact assessment data.

Proposed Cost Reductions

The Project budget and scope reduction recommended by the Corridor Management Committee on July 1, 2015, and approved by the Council eliminated two pedestrian underpasses within the Opus area. The Project will still provide the same trail connectivity to the Opus Station with the three pedestrian underpasses that remain in the Project. One of the underpasses eliminated from the project was located at Bren Road East and was intended to serve the proposed bus stop near Opus Station. The bus stop and trail connection will remain as an at-grade crosswalk similar to the existing condition. The other underpass that was eliminated was the result of consolidating two proposed underpasses north of Bren Road West into a single proposed underpass. The existing pedestrian underpass at Bren Road West (just east of the LRT crossing) will remain and provide direct grade separated connectivity to Opus Station for areas north of Bren Road West, as it does in the existing condition. Refer to Appendix E for additional information.

Comment #	#192
Commenter	Kathy Grose
Commenter Organization	None

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Please refer to Chapter 7 of the Final EIS for the Project's financial analysis and to Chapter 8 of the Final EIS for a summary comparison of the Project to the No Build Alternative based upon metrics related to the Project's Purpose statement. FTA and the Council have found that the No Build Alternative would not meet the Project's Purpose and Need. In addition to the No Build Alternative, other alternatives that would be less expensive than the Project were also evaluated, including the Enhanced Bus Alternative and two bus rapid transit alternatives (BRT 1 and BRT 2) in the Alternatives Analysis and in the Draft EIS. Section 2.2 of the Final EIS summarized the rationale for why they were dismissed from further.

Comment #	#193
Commenter	Kim Bartmann
Commenter Organization	None

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

The alternative of routing the Project along Lake Street throughout Minneapolis was previously evaluated during the Alternatives Analysis, Scoping, and the Draft EIS as LRT 3C-1 and LRT 3C-2.

As documented in Section 11.2.6 of the Draft EIS, LRT 3C-1 was determined to be the least cost effective of the alternatives considered in the Draft EIS, due to its relative high costs and lowest ridership estimates. It was also found that LRT 3C-1 was not compatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, it would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

As documented in Section 11.2.7 of the Draft EIS, LRT 3C-2 was found to be incompatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, LRT 3C-2 would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, the most severe construction impacts, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

In general, that alignment alternative was dismissed from further study because it would be less cost effective and less efficient, have greater adverse environmental impacts, and support economic development and the study area's quality of life to a lesser degree compared to the Locally Preferred Alternative (LPA). Hennepin Avenue is also a busy urban arterial, with a very constrained street right-of-way, many cross streets and driveway entrances and exits along its alignment. Section 2.2 of the Final EIS provides a more detailed description of how the alternatives were evaluated during the Project's various phases and the rationale for the identification of the LPA.

In summary, HCRRA and the Metropolitan Council, as well as the Project's Corridor Management Committee (CMC) found that the light rail alignment that is part of LRT 3A and LRT 3A-1 will best meet the Project's Purpose and Need Statement, as expressed by the goals of improving mobility, providing a cost effective and efficient travel option, preserving the environment, protecting quality of life, and supporting economic development.

Comment #	#194
Commenter	Kim Bartmann
Commenter Organization	None

Response
Duplicate comment - please see the response to comment 193.

Comment #	#195
Commenter	Todd Phelps
Commenter Organization	AGNL Health, LLC

Response
Duplicate comment - please see the response to comment 177.

Comment #	#196
Commenter	Frank Hornstein and Scott Dibble
Commenter Organization	Minnesota House of Representatives and Minnesota Senate

Response

Thank you for your comment on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your letter presents a range of issues concerning the evaluation of freight rail within the Supplemental Draft EIS. The following responds to these comments

Minnesota Statutes section 383B.81 created an environmental response fund for a number of purposes, including, but not limited to, acquisition and remediation of contaminated lands or property. The first priority for use of environmental response funds was to clean up the NL Industries/Tara Corporation/ Golden Auto site and to provide adequate right-of-way for a portion of the rail line to replace the 29th street line in the City of Minneapolis. Minnesota Statute 383B.81 does not require freight rail to be relocated.

For additional information related to the process the Council undertook to retain freight rail in its current location, please see Master Response 10: Rationale for incorporating freight rail co-location into the Project.

Please see Master Response 6: Freight rail operations should not be considered an existing condition and should be excluded from the baseline data, for responses to your comments on this topic.

Please see Master Response 3: General concerns related to safety and security for LRT operating within close vicinity to freight in the Kenilworth Corridor, and Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor, for responses to your comments on these topics.

The following are responses to the six questions bulleted at the end of your comment letter:

- **Has TC&W shared specific information with the Minneapolis Fire Department and emergency management personnel regarding the chemical contents of ethanol and hazardous materials transported through the Kenilworth Corridor?**

  On May 1, 2015, the USDOT announced its Final Rule to Strengthen Safe Transportation of Flammable Liquids by Rail. The final rule, developed by the Pipeline and Hazardous Materials Safety Administration (PHMSA) and Federal Railroad Administration (FRA), in coordination with Canada, focuses on safety improvements that are designed to prevent accidents, mitigate consequences in the event of an accident, and support emergency response. The rule:

  1. Unveiled a new, enhanced tank car standard and an aggressive, risk-based retrofitting schedule for older tank cars carrying crude oil and ethanol;
  2. Requires a new braking standard for certain trains that will offer a superior level of safety by potentially reducing the severity of an accident, and the “pile-up effect”;
  3. Designates new operational protocols for trains transporting large volumes of flammable liquids, such as routing requirements, speed restrictions, and information for local government agencies; and
  4. Provides new sampling and testing requirements to improve classification of energy products placed into transport.

  The rule applies to “high-hazard flammable trains” (HHFTs) that are a continuous block of 20 or more tank cars loaded with a flammable liquid or 35 or more tank cars loaded with a flammable liquid dispersed through a train. This includes the commodities of ethanol and crude oil, along with other regulated commodities.

  The rule requires rail carriers (including the TC&W as the operating railway in this corridor) to perform the following (in part) tasks with respect to its management of trains carrying HHFTs:

- *Rail Routing – More Robust Risk Assessment*—Railroads operating HHFTs must perform a routing analysis that considers, at a minimum, 27 safety and security factors, including "track type, class, and maintenance schedule" and "track grade and curvature," and select a route based on its findings. These planning requirements are prescribed in 49 CFR §172.820.
- *Rail Routing – Improves Information Sharing*—Ensures that railroads provide State and/or regional fusion centers, and State, local and tribal officials with a railroad point of contact for information related to the routing of hazardous materials through their jurisdictions. This replaces the proposed requirement for railroads to notify State Emergency Response Commissions (SERCs) or other appropriate state-designated entities about the operation of these trains through their states.

In the State of Minnesota, TC&W provides this information to the Minnesota Department of Public Safety.

In addition to the USDOT Final Rule, Minnesota Statutes Section 4. [115E.042] Preparedness and Response for Certain Railroads must be complied with by a person who owns or operates railroad car rolling stock transporting a unit train (a train with more than 25 tanker railcars carrying oil or hazardous substance cargo. These requirements include:

- Subd. 2. Training. (a) Each railroad must offer training to each fire department having jurisdiction along the route of unit trains. Initial training under this subdivision must be offered to each fire department by June 30, 2016, and refresher training must be offered to each fire department at least once every three years thereafter. (b) The training must address the general hazards of oil and hazardous substances, techniques to assess hazards to the environment and to the safety of responders and the public, factors an incident commander must consider in determining whether to attempt to suppress a fire or to evacuate the public and emergency responders from an area, and other strategies for initial response by local emergency responders. The training must include suggested protocol or practices for local responders to safely accomplish these tasks.
- Subd. 3. Coordination. Beginning June 30, 2015, each railroad must communicate at least annually with each county or city emergency manager, safety representatives of railroad employees governed by the Railway Labor Act, and a senior fire department officer of each fire department having jurisdiction along the route of a unit train, to ensure coordination of emergency response activities between the railroad and local responders.
- Subd. 4. Response capabilities; time limits. (a) Following confirmation of a discharge, a railroad must deliver and deploy sufficient equipment and trained personnel to contain and recover discharged oil or hazardous substances and to protect the environment and public safety. (b) Within one hour of confirmation of a discharge, a railroad must provide a qualified company employee to advise the incident commander. The employee may be made available by telephone, and must be authorized to deploy all necessary response resources of the railroad. (c) Within three hours of confirmation of a discharge, a railroad must be capable of delivering monitoring equipment and a trained operator to assist in protection of responder and public safety. A plan to ensure delivery of monitoring equipment and an operator to a discharge site must be provided each year to the commissioner of public safety. (d) Within three hours of confirmation of a discharge, a railroad must provide qualified personnel at a discharge site to assess the discharge and to advise the incident commander. (e) A railroad must be capable of deploying containment boom from land across sewer outfalls, creeks, ditches, and other places where oil or hazardous substances may drain, in order to contain leaked material before it reaches those resources. The arrangement to provide containment boom and staff may be made by:

    (1) training and caching equipment with local jurisdictions;

    (2) training and caching equipment with a fire mutual-aid group;

    (3) means of an industry cooperative or mutual-aid group;

    (4) deployment of a contractor;

(5) deployment of a response organization under state contract; or

(6) other dependable means acceptable to the Pollution Control Agency.

(f) Each arrangement under paragraph (e) must be confirmed each year. Each arrangement must be tested by drill at least once every five years. (g) Within eight hours of confirmation of a discharge, a railroad must be capable of delivering and deploying containment boom, boats, oil recovery equipment, trained staff, and all other materials needed to provide:

(1) on-site containment and recovery of a volume of oil equal to ten percent of the calculated worst case discharge at any location along the route; and

(2) protection of listed sensitive areas and potable water intakes within one mile of a discharge site and within eight hours of water travel time downstream in any river or stream that the right-of-way intersects.

(h) Within 60 hours of confirmation of a discharge, a railroad must be capable of delivering and deploying additional containment boom, boats, oil recovery equipment, trained staff, and all other materials needed to provide containment and recovery of a worst case discharge and to protect listed sensitive areas and potable water intakes at any location along the route.

— Subd. 5. Railroad drills. Each railroad must conduct at least one oil containment, recovery, and sensitive area protection drill every three years, at a location and time chosen by the Pollution Control Agency, and attended by safety representatives of railroad employees governed by the Railway Labor Act.

— Subd. 6. Prevention and response plans. (a) By June 30, 2015, a railroad shall submit the prevention and response plan required under section 115E.04, as necessary to comply with the requirements of this section, to the commissioner of the Pollution Control Agency on a form designated by the commissioner. (b) By June 30 of every third year following a plan submission under this subdivision, a railroad must update and resubmit the prevention and response plan to the commissioner.

- **Has TC&W shared specific information with the Minneapolis Fire Department and emergency management personnel regarding the frequency and size of ethanol and hazardous materials shipments through the Kenilworth Corridor?**

  See response above.

- **Has an emergency response plan been developed in consultation with the Minneapolis Fire Department to address potential issues of access to the site during construction in the event of a derailment, explosion or fire?**

  The Council is implementing the Project's Safety and Security Management Plan (SSMP) in coordination with the Minneapolis, St. Louis Park, and Hopkins Fire and Police Departments, as well as, Minneapolis Park and Recreation Board's Police Department, TC&W and Metro Transit's Safety, Police and Rail Operations divisions. The Council, through the Metro Transit Director of Rail and Bus Safety, has established a LRT Fire Life Safety and Security Committee (FLSSC) that has already begun meeting as a group of first responders. These early discussions have helped shape the staging plans for construction and advance the design to provide adequate trail width for emergency vehicles access within the Kenilworth Corridor including the trail bridge over the Kenilworth Channel. Discussions have also included confirming fire hydrant locations. During construction, emergency vehicles will use the same haul road as construction vehicles.

  The LRT FLSSC provides input to and comments on the fire protection, emergency preparedness plans and procedures, safety plans and security plans. As the Project progresses through construction and into integrated testing and revenue operations, the FLSSC agencies will participate in the planning, performance and evaluation of emergency simulation on the system. These exercises will include discussion based (tabletop) drills, familiarization exercises, and operations-based (full-scale) exercises.

After each training exercise, formal reviews and lessons learned will be incorporated into improvements in incident response and resolution procedures for coordination between freight rail and LRT operators. These will be tracked through corrective action plans that will be submitted to the Minnesota State Safety Oversight Agency (SSOA) and updated monthly.

Metro Transit has an Operations Emergency Management Plan (OEMP) that establishes the response process and responsibilities for various Metro Transit departments, employees, and emergency response agencies in the event of a freight or LRT rail emergency. The OEMP employs the National Incident Management System (NIMS) in responding to an emergency. As the Project advances, these policies and procedures will be captured into the OEMP.

- **Are there other examples around the country where light rail and freight rail are co-located (including the transportation of hazardous materials in close proximity of light rail trains, businesses, and residences)? If so, what safety and mitigation measures are in place in those communities?**

  Light rail and freight rail co-location in a shared corridor is not an unusual occurrence in the United States. These are known as “Common Corridor Operations”. The Southwest LRT Project Office collected and documented information on locations, including mitigation measures in place.

  Based on this research the following Light Rail Operators have Common Corridor Operations on portions of their lines: Charlotte NC LYNX, Dallas DART, Denver RTD, Jersey City NJT Hudson-Bergen LRT, Los Angeles LACMTA Green and Gold Lines, Sacramento CA, Sacramento RTD, St. Louis, Bi-State Development Agency, San Jose, VTA, Maryland Counties, Purple Line, Washington Metropolitan Area Transportation Authority (WMATA), and Portland MAX Orange Line.

  The Council contacted staff associated with these projects to identify the following common methods currently used or planned to be used after system build-out. Some of these projects and methods are still in development, but the following is a summary of these measures:

  — Reliance on direct communication by internal radio systems and emergency telephone contact with the adjacent railway’s dispatch center and vice-versa for notification of an accident that interferes with the other’s operation.

  — Have established incident response protocols with the adjacent railway and first responders as part of their emergency preparedness programs.

  — Conduct light rail emergency response exercises and drills as part of their training requirements. Many properties actively support “Operation Lifesaver” to reduce trespasser/transit rail accidents.

  — Construct corridor protection walls between freight and light rail.

  — Install intrusion detection devices in areas between freight and light rail.

  These methods are also planned to be used on the Southwest LRT Project and will be incorporated into the construction and management documents, as applicable.

Shared Corridor Comparison

City/Operating Agency/Transit Line Name[a]	Shared Route Mileage	Freight Contents	Distance Between Commuter and Freight Rail[b]	Frequency of Commuter and Freight Rail	Derailment History	Mitigation Measures/ Features in Place
Charlotte/ Charlotte Area Transit System (CATS) – LYNX/ LRT - Blue Line	Shared corridor with Norfolk Southern (NS)/CSX (NS leases time to CSX) for 3.9 miles, 1.2-mile rail spur.	Couldn't obtain manifests but assume its typical hazardous materials.	Existing Track distances vary from 20' to 45'. Widest distances maintained on south end of line adjacent to NS/CSX main tracks from I 485 Station to Woodlawn Station (terminus).	174 LRT trips daily. Headways vary from 10 to 30 minutes throughout day. Number freight movements unknown.	None	Fenced right-of-way adjacent to NS/CSX main tracks at south end of existing Blue Line. Fiber Optic cable imbedded in top rail of fence as intrusion detection. In event of a derailment, LYNX Control Center notified of breach of fiber optic cable and NS is also to be similarly notified. All at-grade crossings are interfaced between LYNX and NS. LYNX maintains one set of crossing warning devices including gates and freight rail carrier maintains other set of crossing warning devices including gates. Each party notifies other party of incidents at grade crossings. New construction of Blue Line Extension will have similar intrusion detection added with copper wire being used instead of fiber optic cable in fence rail. CATS has an Emergency Preparedness and Continuity Plan that defines roles and responsibilities, readiness and preparedness, and tests, training and exercises.

City/Operating Agency/Transit Line Name[a]	Shared Route Mileage	Freight Contents	Distance Between Commuter and Freight Rail[b]	Frequency of Commuter and Freight Rail	Derailment History	Mitigation Measures/ Features in Place
Dallas/DART/LRT	Shared corridor with DGNO Railroad for approximately 7 miles	Freight content is unrestricted	25 feet or greater	DART Light Rail service hours 3:30 am-1:30 am Trains run 5-minute headway during peak hours and 15 minute headways off peak hours. Number of freight movements unknown.	None	For a portion of the shared Freight and LRT corridor there is a chain link fence in place to prevent pedestrian incursion. No Emergency Preparedness Plan provided.

City/Operating Agency/Transit Line Name[a]	Shared Route Mileage	Freight Contents	Distance Between Commuter and Freight Rail[b]	Frequency of Commuter and Freight Rail	Derailment History	Mitigation Measures/ Features in Place
Denver/ Regional Transportation District (RTD)/ LRT - C and D LinesCommuter Rail - CU A Line (opens April 2016)	LRT C and D lines: 11.8 miles shared ROW and 3.4 miles shared corridor with Union Pacific (UP)/BNSF. CUA Line: approximately 13 miles shared corridor with UP.	Materials including coal, liquid sulfur, crude oil on UP/BNSF line.	25 feet track center standard along shared LRT right-of-way except at pinch point where it is >17 feet.	LRT C and D Lines: 15 minute headways most of the day with 30 minute headways late pm; minimum 15 to 20 daily UP/BNSF freight trains.CU A Line: 15 minute headways from 6 am to 8 pm and 30 minute headways early am and late pm; # of freight movements unknown	December 2007: UP unit coal train derailed and RTD LRT collided with derailed freight equipment and derailed the LRT. No injuries. January 2008: BNSF freight train derailed while passing station at Littleton. Derailed freight equipment collided with and damaged crash wall between freight rail and LRT lines. No injuries. Both derailments/collisions occurred prior to installation of intrusion detection seismic system by RTD following two incidents. No derailments/collisions since January 2008 incident.	LRT C and D Lines: Positive Train Control installed. Guard rails on LRT installed on bridges and in stations. Grade crossing protection.CU A Line: Impact barriers between freight and commuter rail.Emergency Response Plan with call tree, roles and responsibilities, emergency response activities, emergency evacuation procedures, and First Responders Guides.

City/Operating Agency/Transit Line Name[a]	Shared Route Mileage	Freight Contents	Distance Between Commuter and Freight Rail[b]	Frequency of Commuter and Freight Rail	Derailment History	Mitigation Measures/ Features in Place
Jersey City, Newark, Trenton/ New Jersey Transit (NJT)/ Hudson/Bergen LRT	5.2 miles shared ROW	Freight content is unknown	Generally, < 25 feet track spacing	Response pending	No Incidents in NTSB database	Fence physically separates light rail and freight rail tracks. NJT has an Emergency Preparedness Plan. This Plan addresses staffing, activities, and specific procedures which would be undertaken in dealing with different types of emergencies, including weather disasters (hurricanes, blizzards, etc.) or other incidents that disrupt the NJT system. There are no specific actions related to the freight railroads because many of the procedures would be the same as for other incidents impacting the light rail operation.
Los Angeles/ Los Angeles County Metropolitan Transportation/ LRT Blue Line, Green Line, Gold Line Extension	Blue Line: 10 miles shared corridor with UP. Green Line: 1.6 miles shared corridor, mostly elevated structure on RR ROW on west end of line. Gold Line extension: Approx. 7 miles shared corridor with BNSF to open March 2016.	Green Line: freight carries hazardous material. Blue and Gold Lines: No hazmat materials on freight.	Min 30 feet track centers between LRT and mainline railroad. Some areas less than 30 feet.	Blue Line: 12 minute headways off-peak and 6 minute headways during peak hours; 2 freight movements/day Gold Line: 12 minute headways off-peak and 6 minute headways during peak hours;1 freight movement/day	1990 - Blue Line at Manville Grade Crossing-Vehicle vs. LRT Train, multiple injuries; 2015 - Blue Line Artesia Crossover-Operator error, hand-throw switch and did not lock into position. No injuries; 2015 - Blue Line 119th St. Grade Crossing-Vehicle vs. LRT Train, 1 injury	Green Line: grade separation with freight. Will be conducting drills with commuter rail in the future. Intrusion detection for areas less than 30 feet apart. Reported no Emergency Preparedness Plan.
Maryland - Counties near DC/ Maryland Transit Administration (MTA)/ LRT Purple Line	Purple line to have 1.1 mile shared corridor with CSX. To open in late 2021.	Freight content is unknown	Unknown	Unknown - not yet operating	Under final design and construction. No report of incidents.	Crash wall separation from CSX lineContractor/concessionaire to perform own hazard analysis and threat and vulnerability analysis; under development

City/Operating Agency/Transit Line Name[a]	Shared Route Mileage	Freight Contents	Distance Between Commuter and Freight Rail[b]	Frequency of Commuter and Freight Rail	Derailment History	Mitigation Measures/ Features in Place
Portland/ Tri Met Metropolitan Area Express (MAX)/ LRT Yellow (Expo Center) and Orange Line (Milwaukie)	Yellow Line: 4.5 miles shared ROW with UP, steel lift bridge shared with UP; double-deck lift span with railroad underneath. Orange Line: 6 miles shared ROW with UP and Pacific Northwestern railroad (PNWR). Includes at-grade diamond crossing with UP, and seven shared roadway crossings with UP/PNWR.	Freight content is unknown	Yellow Line: 50-foot track centers on northern 3 miles Orange Line: 25-foot track centers plus crash wall on southern 3 miles	Yellow Line: LRT 10 minute headways, approximately 20 UP trains per day. Orange Line: LRT 15 minute headways, approximately 30 UP trains per day. LRT operates from 5AM to midnight.	No Incidents	Yellow Line: Track Centers >50 feet, fully fenced row. Orange Line: At-grade crossing fully interlocked, derails on freight side, Automatic Train Stop (ATS) on LRT side. No Emergency Preparedness Plan provided
Sacramento/ Regional Transit/ LRT Blue Line (South), LRT Gold Line (Folsom)	Blue Line: 3 miles shared corridor Gold Line: 16.5 miles shared ROW	Freight content is unknown	Blue Line: 20' track centers between freight and LRT Gold Line: 20'-50' track centers	Blue and Gold Lines: 15 minute headways with 30 minute headways in evening UP: Approximately 15 - 20 trains per day.	No Incidents	Freight train movements operate at low speed when on corridor with Light Rail. Standard operating procedures specific to common corridor operations covering communication procedures and emergency response procedures.

City/Operating Agency/Transit Line Name[a]	Shared Route Mileage	Freight Contents	Distance Between Commuter and Freight Rail[b]	Frequency of Commuter and Freight Rail	Derailment History	Mitigation Measures/ Features in Place
St. Louis/ Bi-State Development Agency/ LRT - Red and Blue Lines	Red and Blue Lines: 3.5 miles shared ROW, track connection, grade crossing protection. 1.6 miles adjacent to industrial track owned by Bi-State.	Coal and likely hazmat.	Approximately 15 feet track centers from existing freight. LRT was built on existing railway trackage.	LRT 310 trips/day. Number of freight trains unknown.	Three incidents reported. Incident 1: Date unknown: a freight train derailment involving a tanker car and a chemical spill. Fire Department called for evacuation of area just west of Grand Station. Staff uncertain whether revenue service had begun when incident occurred. Incident 2. 2003 or 2004 (uncertain of date): Derailment UPRR coal train at Grand Platform. ML advised of incident but service did not stop. Incident 3. Date unknown: UPRR freight train struck vehicle that was pushed by train. ML shut down, so that Fire Department could access the freight tracks from Scott Avenue near Sarah Avenue.	Emergency Preparedness Program Plan defines roles and responsibilities and multi-agency coordination, and response and recovery procedures. Use cameras and verbal observations. Emergency phone communication between LRT Control Center and railway.

City/Operating Agency/Transit Line Name[a]	Shared Route Mileage	Freight Contents	Distance Between Commuter and Freight Rail[b]	Frequency of Commuter and Freight Rail	Derailment History	Mitigation Measures/ Features in Place
San Jose/Santa Clara/ Santa Clara Valley Transportation Authority/ Mountain View LRT Vasona LRT (extension of Mountain View corridor)	Mountain View LRT: 2.1 miles shared track with Caltrain, 1.5 miles shared ROW with Caltrain, track connection. Vasona LRT: 6.8 miles shared ROW with freight (last 1.6 miles in planning).	No restrictions on freight type.	Varies - unknown	LRT: 15 minute headways during peak hours; 30 minute headways off-peak Freight rail: operates 3 times per week	No Incidents in NTSB database	Standard Operating Procedures specific to common corridor operations covering communication procedures, and accident/incident reporting and investigation; fence separation between LRT and freight for most of the corridor;
Washington, DC/ Washington Metropolitan Area Transportation Authority (WMATA)/ Green Line Red Line Orange Line	22.1 miles shared corridor between the 3 lines with CSX. Third Rail.	Freight content is unknown	Varies - unknown	Varies	No Incidents in NTSB database	Intrusion detection and fencing Quarterly drills No Emergency Preparedness Plan provided

[a] Some of these projects and methods are still in development

[b] Centerline to Centerline

- **Are the St. Louis Park and Hopkins fire departments and emergency management personnel involved in discussions regarding co-location of light rail and freight rail in their communities?**

  Yes, the Council has engaged St. Louis Park, and Hopkins. In addition, we have engaged with, Minneapolis and Minnetonka fire departments and emergency management personnel in discussions regarding co-location of light rail and freight rail in their communities. The Council has reviewed the design plans with the emergency responders and has incorporated their comments in the Project design.

- **Given the growth of oil and ethanol transportation in the region, and associated safety concerns since co-location was made permanent two years ago, does the Metropolitan Council have any plans to discuss re-routing freight trains carrying ethanol and other hazardous materials away from Hopkins, St. Louis Park, and Minneapolis during and after construction of the Southwest Light Rail project?**

  The Council evaluated alternative options for re-locating freight rail and vetting the findings of the evaluations with the Southwest LRT Corridor Management Committee. Currently, the Council does not have plans to discuss rerouting freight trains. Ever since the 1998 Trackage Rights Agreement between the TCW, the CP and HCRRA was executed, both rail carriers have the right to transport any rail traffic over the Kenilworth Corridor, without restriction as to the type of traffic and cannot be compelled to relocate their operations. The co-location alternative selected by the Council accordingly does not result in any change to current rail operations. Nor do the Council, HCRRA, the City of Minneapolis or the State have any right to interfere with the type of cargo or the routings over which the railroads choose to handle in view of the broad statutory preemptions enacted by the US Congress in the Interstate Commerce Commission Termination Act of 1995, 49 U.S.C. § 10501(b) and the Federal Rail Safety Act, 49 U.S. C. §§ 20101-20153. See *CSX Transp., Inc. v. William*s, 406 F.3d 667 (DC Cir. 2005). (An ordinance of the District of Columbia to restrict the movement of hazardous material train operations through the city was enjoined as an undue burden on commerce and accordingly preempted by federal law.)

Comment #	#197
Commenter	Kristine Vitale
Commenter Organization	None

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Regarding your opposition to the Project using the Kenilworth Corridor between Lake of the Isles and Cedar Lake, see *Master Response 10, Rationale for incorporating freight rail co-location into the Project*.

Regarding your concern over dewatering of chain of lakes, the Project does not include long-term groundwater pumping (i.e., dewatering) during operations of the Project and therefore will not result in adverse impacts to groundwater or surface water resources within the area of Cedar Lake and Lake of the Isles (Kenilworth Corridor). Refer to *Master Response 17: Concern over impacts to groundwater and surface water in the Kenilworth Corridor.*

Regarding your concern over the loss of trees in the Kenilworth Corridor, the Council has conducted a detailed tree inventory of trees that will be removed (see Section 3.10 and Appendix C for more information on the tree inventory and impacts/mitigation). Also, the Project has been adjusted through the design process to minimize impacts to the Kenilworth Corridor and to parks, recreation areas, and open spaces, including Cedar Lake Park. To further minimize long-term impacts, the Project will be a shallow tunnel between West Lake Street and south of the Kenilworth Lagoon. The Kenilworth Trail will also be retained in the corridor as part of the Project, with detours provided during construction activities. Within the Kenilworth Corridor specifically, the Council developed a landscape design that preserves and builds upon the natural character of the corridor, where applicable and appropriate.

The Council will also continue to work with the Kenilworth Landscape Design Committee, established in May 2015. The purpose of this committee is, in part, to help ensure that landscape design will restore the natural setting while incorporating the regional trail system, light rail, and freight rail. This group focuses on landscape design in the Kenilworth Corridor from West Lake Station to Penn Avenue Station. Furthermore, the Council retained a landscape design consultant to prepare a landscape design study for the Kenilworth Corridor, which will be implemented into the Project. See Section 9.2 of the Final EIS for additional detail on this committee.

Historic properties and districts located within the Kenilworth Corridor are described in Appendix H of the Final EIS. It is important to note that the “Kenilworth Corridor” is not a historic or federally protected property unto itself, but rather is a geographical area reference that contains portions of Section 106 historic and Section 4(f) properties (e.g., Kenilworth Channel/Lagoon and Cedar Lake Parkway).

Section 3.6 of the Final EIS evaluates impacts to parklands, recreation areas, and open spaces from the Project and identifies mitigation measures and commitments based on the design adjustments identified by the Council in April and July 2014 and July 2015. Section 4.5 of the Final EIS evaluates pedestrian and bicycle facilities.

Comment #	#198
Commenter	Beth Stockinger
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your opposition to co-location of freight rail and light rail in the Kenilworth Corridor has been noted. The sections that follow include response(s) to these specific comments.

- Opposition to co-location
- Park impacts
- Consider alternative alignments
- Concern over impacts to the Kenilworth Trail

Opposition to co-location
See *Master Response 10: Rationale for incorporating freight rail co-location into the Project*.

Park Impacts
In regard to your comment concerning the Project's adverse impacts on the Minneapolis Parks System, the Final EIS includes the Project's Final Section 4(f) Evaluation. Section 4(f) is a federal law that protects publicly owned parks, recreation areas, wildlife and/or waterfowl refuges, as well as significant historic sites. In summary, FTA cannot approve the use of a Section 4(f) property unless FTA determines: 1) there is no feasible and prudent avoidance alternative to the use of the property and that all possible planning to minimize harm to the property has been incorporated into the Project; or 2) the use of the property will result in only *de minimis* impacts to the property; or 3) if temporary construction activities within the property will not adversely affect the property. Within the Project's Final Section 4(f) Evaluation (Chapter 6 of the Final EIS), FTA has determined relative to parks and recreation areas that there will be a non-*de minimis* use of the Kenilworth Channel/Lagoon, which is an element of the Minneapolis Chain of Lakes Regional Park. Further, FTA has determined that there is no prudent or feasible alternative to the use of that property and that all possible planning to minimize harm to that property has occurred. In addition, FTA has determined that there will be a *de minimis* impact to Bryn Mawr Meadows Park and there will be construction activities within Cedar Lake Park that meet the criteria for a Section 4(f) temporary occupancy exemption. Other proximity impacts due to the Project will occur at Park Siding Park and FTA has determined that those proximity impacts will not substantially impair the activities, features, or attributes of the park that qualify it for Section 4(f) protection. See Chapter 6 of the Final EIS for additional information.

Historic properties and districts located within the Kenilworth Corridor are described in Appendix H of the Final EIS. It is important to note that the "Kenilworth Corridor" is not a historic or federally protected property unto itself, but rather is a geographical area reference that contains portions of Section 106 historic and Section 4(f) properties (e.g., Kenilworth Channel/Lagoon and Cedar Lake Parkway).

Consider alternative alignments
The Council notes your suggestion to consider the following alternative alignments: Lake Harriet Parkway, along Minnehaha Falls, or on the River Parkway. The option of routing the Project through other areas of south Minneapolis was previously evaluated during Alternatives Analysis, Scoping, and the Draft EIS as LRT 3C-1 and LRT 3C-2.

As documented in Section 11.2.6 of the Draft EIS, LRT 3C-1 was determined to be the least cost effective of the alternatives considered in the Draft EIS, due to its relative high costs and lowest ridership estimates. It was also found that LRT 3C-1 was not compatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, it would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and

minority populations due to displacements, impacts to community cohesion, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

As documented in Section 11.2.7 of the Draft EIS, LRT 3C-2 was found to be incompatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, LRT 3C-2 would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, the most severe construction impacts, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

In general, that alignment alternative was dismissed from further study because it would be less cost effective and efficient, have greater adverse environmental impacts, and support economic development and the study area's quality of life to a lesser degree compared to the Locally Preferred Alternative (LPA). Section 2.2 of the Final EIS provides a more detailed description of how the alternatives were evaluated during the Project's various phases and the rationale for the identification of the LPA.

Concern over impacts to the Kenilworth Trail

For the viewpoints within the Kenilworth Corridor, these impacts ranged from low to substantial. Viewpoints 5 and 6, included in the Supplemental Draft EIS, are renumbered to 16 and 18, respectively, in the Final EIS. Further, an additional viewpoint from the Burnham Road Bridge looking southeast down the channel toward the Kenilworth Corridor Bridges was added to the analysis—viewpoint 17. The level of impact remains the same for viewpoints 16 and 18 (low level of impact), however, there will be a substantial level of impact at viewpoint 17 as construction of the new bridges will require noticeable clearing of trees and other vegetation on the west side of the right-of-way.

The visual quality evaluation for the area north of the Kenilworth Channel (viewpoint 18 – looking toward the 21st Street Station) concluded that the level of visual impact will be low. Removal of trees is a contributing factor in the visual assessment for this area. The visual evaluation found that the removal of trees will slightly decrease the vividness of the view. However, the addition of the street trees, the widened sidewalk, and the plantings in the 21st Street Station area will make a positive contribution. For a more detailed explanation of the rationale for this conclusion, refer to the “Concern over visual impacts at 21st Street Station” in *Master Response 16: Concerns related to 21st Street Station and related impacts*.

These findings are based on FHWA’s Visual Impact Assessment of Highway Projects (FHWA, 1988). The method was designed to provide a systematic and objective approach to evaluation of the visual changes. The FHWA methodology is well established and widely accepted for the assessment of visual impacts and is well suited to assess the visual impacts of linear transportation facilities in urban areas. The assessment for the Project was based on visual assessment of the Project corridor, completed through site visits, analysis of existing conditions, and an evaluation of visual change. All viewpoint sites were visited and the corresponding views were photographed to document the existing views. This field work, review of the photographs, and the subsequent coordination/consultation process with the Project team provided a basis for understanding the typical visual issues for each visual assessment area. Computer modeling and rendering techniques were then used to produce simulated images of the with-Project conditions for the viewpoints evaluation (see Appendix J). These visual simulations provided the bases for the assessment of visual change.

The Council will also continue to work with the Kenilworth Landscape Design Committee, established in May 2015. The purpose of this committee is, in part, to help ensure that landscape design will restore the natural setting while incorporating the regional trail system, light rail, and freight rail. This group focuses on landscape design in the Kenilworth Corridor from West Lake Station to Penn Avenue Station. See Section 9.2 of the Final EIS for additional detail on this committee.

Comment #	#199
Commenter	Peter Beck
Commenter Organization	The Luther Company LLLP

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Concern regarding impacts of temporary easement on Hopkins Honda property
- Notice of intent to make a claim for value of business and property

Concern regarding impacts of temporary easement on Hopkins Honda property
The Project's proposed temporary property easement on the Hopkins Honda property is needed to obtain access to construct the proposed improvements at 8th and 5th Avenue as well as the light rail station and alignment that are immediately adjacent to the property. The Council has and will continue to work with The Luther Company LLLP and Hopkins Honda to minimize temporary impacts to the property both in duration and extent. The construction activities within the temporary easement will be managed such that only one of the two access points to the property at 8th Avenue or 5th Avenue will be closed at any given time and the drive aisle that connects between 8th and 5th Avenue is excluded from the temporary easement boundary.

Regarding your concerns over the elimination of the row of parking along the northern edge of the property, the limits of the proposed temporary property easement only affect the portion of parking between 8th Avenue and the trail access point and not the entire parking row that extends to 5th Avenue. The Council will develop and implement a construction staging plan which will minimize the use of the parking spaces in this impacted location to the extent possible.

The Project will include mitigation measures to address temporary construction impacts to businesses through the development and implementation of the Construction Mitigation Plan and the Construction Communication Plan. For additional information on those plans see Section 3.2, Economic Activity, of the Final EIS. Section 3.4, Acquisitions and Displacements, of the Final EIS provides information on the short-term (construction) easements related to the Project, as well as mitigation measures that will help to minimize the impacts during construction. All property will be acquired in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Relocation Act), and MN Stat. 117. Additionally, the plans previously listed in this response will also mitigate temporary partial and full closures of existing streets. See Section 4.2, Roadways and Traffic, of the Final EIS for additional details on street closures during construction, including a description of potential short-term impacts (i.e., lane closures) and applicable mitigation measures.

In regards to your proposed options for alternate staging areas, the Council has not determined all of the staging areas for construction of the Project and will continue to work with Luther and Hopkins Honda on feasible locations. The final location of staging areas will be determined by the Council's construction contractors based upon various specifications.

Notice of intent to make a claim for value of business and property
In regard to your comment on making a claim for the total value of the business if a temporary easement covers both property access points during construction, as stated above, construction activities within the temporary easement will be managed such that only one of the two access points to the property will be closed at any given time.

Comment #	#200
Commenter	Peter Beck
Commenter Organization	St. Paul Fire and Marine Insurance Company

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Concern regarding permanent acquisition, temporary easement, and related mitigation
- Proposed options for reducing impacts to SPFM Property
- Suggestion to move LRT Alignment and OMF to minimize or avoid impacts

Concern regarding permanent acquisition, temporary easement, and related mitigation
In regard to your concern about the proposed permanent acquisition of a portion of property located at 11311 K-Tel Drive (the "SPFM Property") as well as the concern about the proposed temporary construction easement on the same property, see Section 3.4 of the Final EIS (See Exhibit 3.4-1, Parcel Identification number 053-2611722140006). This section provides information on the property acquisition impacts to businesses and states that the Council will identify and compensate businesses for long-term and short-term (construction) impacts, in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Code of Federal Regulations [CFR] Title 49, Part 24), as amended (49 CFR, Part 24) (Uniform Act). The Council has identified the need for both permanent and temporary acquisitions of a portion of this property for the Project's long-term right-of-way needs and for construction of the Project. As noted in Section 3.4 of the Final EIS, compliance with the Uniform Act will be the mitigation measure incorporated into the Project to address impacts related to permanent and temporary acquisition of property, including the SPFM Property.

In regards to your proposed mitigation measures and construction staging options, the Council has not determined all of the staging areas for construction of the Project and will continue to work with the St. Paul Fire and Marine Insurance Company on feasible options. Final staging plans will be determined by the Council's construction contractors based upon various specifications. Your proposed site specific mitigation measures can be proposed and considered within the property acquisition process, in compliance with the Uniform Act.

The Project will remove 61 of the 120 off-street parking spaces at the SPFM Property. The Project will not temporarily remove parking spaces. The Council will compensate business owners for the loss of off-street parking spaces, in accordance with the Uniform Act. This compensation will include consideration from parking space requirements. Design adjustments have reduced the temporary easements needed and will allow the driveway and access to loading locks to remain fully functional during construction.

Proposed options for reducing impacts to SPFM Property
In 2015, Project staff met with you and the property owner to discuss comments contained in this letter. Both permanent and temporary impacts to the property have been reduced with additional design refinements. Please note that much of the temporary easement on this property is needed to relocate a City of Minnetonka storm sewer west of its current location onto this property to be clear of the proposed light rail alignment (the existing storm sewer is within an easement on the property). Again, design adjustments have reduced the temporary easements needed and will allow the driveway and access to loading locks to remain fully functional during construction. Temporary easements will likely be secured for a duration of less than five years.

Suggestion to move LRT Alignment and OMF to minimize or avoid impacts
In regard to your suggestion to move the Hopkins OMF and proposed light rail alignment to the east, the location of the proposed light rail alignment is generally determined by the western boundary of the Hopkins Landfill because the light rail alignment cannot be located within the boundary of the landfill due to substantial risks associated with hazardous and contaminated materials on the landfill site. Relocation of the Hopkins OMF to the east would result in requiring two additional properties to the east. Without relocation of the proposed light rail alignment to the east, the relocation of the Hopkins OMF to the east

would not avoid the impacts to the SPFM Property. As previously described, design adjustments incorporated into the Project have reduced the temporary easements needed and will allow the driveway and access to loading locks to remain fully functional during construction. Therefore, the Council is not considering a full acquisition of the SPFM property related to the needed temporary easements.

Comment #	#201
Commenter	Kenneth Westlake
Commenter Organization	US Environmental Protection Agency (EPA)

Response
See Appendix N, Agency Coordination Letters, of the Final EIS for the response to EPA's comment letter on the Supplemental Draft EIS.

Comment #	#202
Commenter	Cathy Deikman
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#203
Commenter	Gretchen and Doug Gildner
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*. In addition, your letter includes other comments that are responded to below.

- Safety impacts related to colocation of freight rail and LRT, and the transport of hazardous material in the Kenilworth Corridor
- Vibration, noise, dewatering, and deforesting
- Visual impact analysis
- Existing contamination of Cedar Lake rail yard and mitigation costs

Safety impacts related to colocation of freight rail and LRT, and the transport of hazardous material in the Kenilworth Corridor
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*. Please also see *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*.

Also see response to comment #196 from Representative Hornstein and Senator Dibble.

Vibration, noise, dewatering, and deforesting
Since the release of the Supplemental Draft EIS, the analysis for the Project has been updated in the areas of vibration (Section 3.13), noise (Section 3.12), ecosystems (Section 3.10), and groundwater resources (Section 3.8). Please refer those sections of the Final EIS for additional analysis and discussion of impacts and proposed mitigations. These sections provide an updated analysis and an appropriate level of detail for addressing impacts in the Kenilworth Corridor including a noise impact analysis for the Kenilworth Channel. Relative to your comment concerning dewatering, refer to *Master Response 17: Concern over impacts to groundwater and surface water in the Kenilworth Corridor*.

Visual impact analysis
In regard to your comment questioning the methodology and findings of visual impacts within the Kenilworth Corridor, Section 3.7 of the Final EIS includes an updated visual assessment. Six viewpoints were studied within the Kenilworth Corridor for the visual assessment completed for the Final EIS. Section 3.7.4 of the Final EIS documents the level of visual impact anticipated for each viewpoint. For the viewpoints within the Kenilworth Corridor, these impacts range from low to substantial. Section 3.7.5 of the Final EIS documents the mitigation measures the Council will implement to mitigate the Project's visual quality and aesthetic impacts, including those within the Kenilworth Corridor.

For the viewpoints within the Kenilworth Corridor, these impacts ranged from low to substantial. Viewpoints 5 and 6, included in the Supplemental Draft EIS, are renumbered to 16 and 18, respectively, in the Final EIS. Further, an additional viewpoint from the Burnham Road Bridge looking southeast down the channel toward the Kenilworth Corridor Bridges was added to the analysis—viewpoint 17. The level of impact remains the same for viewpoints 16 and 18 (low level of impact), however, there will be a substantial level of impact at viewpoint 17 as construction of the new bridges will require noticeable clearing of trees and other vegetation on the west side of the right-of-way.

The visual quality evaluation for the area north of the Kenilworth Channel (viewpoint 18 – looking toward the 21st Street Station) concluded that the level of visual impact will be low. Removal of trees is a contributing factor in the visual assessment for this area. The visual evaluation found that the removal of trees will slightly decrease the vividness of the view. However, the addition of the street trees, the widened sidewalk, and the plantings in the 21st Street Station area will make a positive contribution. For a

more detailed explanation of the rationale for this conclusion, refer to the "Concern over visual impacts at 21st Street Station" in *Master Response 16: Concerns related to 21st Street Station and related impacts*.

These findings are based on FHWA's Visual Impact Assessment of Highway Projects (FHWA, 1988). The method was designed to provide a systematic and objective approach to evaluation of the visual changes. The FHWA methodology is well established and widely accepted for the assessment of visual impacts and is well suited to assess the visual impacts of linear transportation facilities in urban areas. The assessment for the Project was based on visual assessment of the Project corridor, completed through site visits, analysis of existing conditions, and an evaluation of visual change. All viewpoint sites were visited and the corresponding views were photographed to document the existing views. This field work, review of the photographs, and the subsequent coordination/consultation process with the Project team provided a basis for understanding the typical visual issues for each visual assessment area. Computer modeling and rendering techniques were then used to produce simulated images of the with-Project conditions for the viewpoints evaluation (see Appendix J). These visual simulations provided the bases for the assessment of visual change.

The Council will also continue to work with the Kenilworth Landscape Design Committee, established in May 2015. The purpose of this committee is, in part, to help ensure that landscape design will restore the natural setting while incorporating the regional trail system, light rail, and freight rail. This group focuses on landscape design in the Kenilworth Corridor from West Lake Station to Penn Avenue Station. See Section 9.2 of the Final EIS for additional detail on this committee.

In particular, the Council has prepared design guidelines for key structures throughout the proposed light rail alignment, focusing on bridges and retaining walls. Those guidelines are included within the Visual Quality Guidelines for Key Structures (Council, 2015 – refer to Appendix C to access the Guidelines). These guidelines were developed by the Council, reflecting various coordinating efforts with affected local jurisdictions. The guidelines have been used by the Council in the advancement of the Project's design and development of final design plans. The guidelines have and will help to ensure a consistent aesthetic element for key structures throughout the proposed light rail alignment, while allowing for some flexibility in wall treatments. Refer to Section 3.7.4 for more information. Additionally, within the Kenilworth Corridor, the Council developed a landscape design that preserves and builds upon the natural character of the corridor, where applicable and appropriate.

Existing contamination of Cedar Lake rail yard and mitigation costs
See *Master Response 8: Questions over the extent of hazardous and contaminated materials in the Kenilworth Corridor*.

Comment #	#204
Commenter	Julia Singer
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). In addition to expressing your support of the Southwest LRT Project, please see responses below to other comments within your email.

- Keep 21st Street Station
- Proposed "highline" for bikes and pedestrians in the Kenilworth Corridor

Keep 21st Street Station
See *Master Response 16: Concerns related to 21st Street Station and related impacts*.

Proposed "highline" for bikes and pedestrians in the Kenilworth Corridor
After publication of the Draft EIS the Council developed and evaluated a range of design adjustments to LRT 3A-1 (co-location), including an elevated bicycle and pedestrian trail through a portion of the Kenilworth Corridor. In summary, the "Elevate the Kenilworth Trail" design adjustment was dismissed from further study because visual impacts due to structure height and connecting ramps, impacts the visual quality and setting of the trail (e.g., separation from ground vegetation) and the addition of grade changes to the trail, and potential visual impacts on Kenilworth Lagoon. This evaluation was presented to the public, stakeholders and participating agencies for review and comment, including the Project's Corridor Management Committee. See Appendix F of the Final EIS for additional information. There are no long-term impacts on the Kenilworth Trail, because the trail will maintain its current functionality after construction of the Project. See Section 4.5.3 of the Final EIS for additional information on evaluation of trails.

Comment #	#205
Commenter	George Puzak
Commenter Organization	None

Response
Duplicate comment - please see the response to comment 66.

Comment #	#206
Commenter	Lou Schoen
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

The option of routing the Project through uptown and south Minneapolis was previously evaluated during Alternatives Analysis, Scoping, and the Draft EIS as LRT 3C-1 and LRT 3C-2.

As documented in Section 11.2.6 of the Draft EIS, LRT 3C-1 was determined to be the least cost effective of the alternatives considered in the Draft EIS, due to its relative high costs and lowest ridership estimates. It was also found that LRT 3C-1 was not compatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, it would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

As documented in Section 11.2.7 of the Draft EIS, LRT 3C-2 was found to be incompatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, LRT 3C-2 would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, the most severe construction impacts, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

In general, that alignment alternative was dismissed from further study because it would be less cost effective and efficient, have greater adverse environmental impacts, and support economic development and the study area's quality of life to a lesser degree compared to the Locally Preferred Alternative (LPA). Section 2.2 of the Final EIS provides a more detailed description of how the alternatives were evaluated during the Project's various phases and the rationale for the identification of the LPA.

In summary, HCRRA and the Metropolitan Council, as well as the Project’s Corridor Management Committee (CMC) found that the light rail alignment that is part of LRT 3A and LRT 3A-1 will best meet the Project's Purpose and Need Statement, as expressed by the goals of improving mobility, providing a cost effective and efficient travel option, preserving the environment, protecting quality of life, and supporting economic development.

Comment #	#207
Commenter	Fred and Gloria Sewell
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Your opposition to the Southwest LRT Project has been noted.

Comment #	#208
Commenter	Rick Getschow
Commenter Organization	City of Eden Prairie

Response
Duplicate comment - please see the response to comment 142.

Comment #	#209
Commenter	Chris Johnson
Commenter Organization	None

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please refer to the response to *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right* for responses relevant to the comments included in the LRT Done Right letter, including several other topics of concern itemized in your letter.

In regard to your comment that Southwest LRT should be routed via existing freeway corridors rather than the Kenilworth Corridor, the option of placing the proposed light rail alignment along generally north-south or east-west freeway corridors that are available in the Southwest LRT Study Area would not meet the Project Purpose identified in Section 1.1 of the Final EIS. The Purpose notes that "The Southwest LRT Project will provide a competitive, cost-effective travel option that will attract choice riders to the transit system. The competitive and reliable travel time for the Southwest LRT Project is attributed to the diagonal nature of the line compared to the north-south/east-west orientation of the roadway network and to the increasing levels of congestion of the roadway network."

Additionally, the Project Purpose indicates that the Project will improve access and mobility to the jobs and activity centers in the Minneapolis central business district, as well as along the entire length of the corridor for reverse-commute trips to the expanding suburban employment centers. These employment centers, shown on Exhibit 1.4-5 of the Final EIS, demonstrate that the Project alignment will more effectively provide access to these employment centers: Golden Triangle Business Park, Optum Corporate Headquarters and Business Park, Downtown Hopkins, and Park Nicollet Methodist Hospital compared to a freeway based alignment, A freeway alignment would also not provide direct service to stations projected to experience the highest average weekday station usage, including the Beltline Station or the West Lake Station, which is projected to have the highest level of ridership under the Project (See Section 4.1, Transit, of the Final EIS, including Table 4.1-5, Average Weekday Station Usage by Mode of Access, Year 2040, for additional information.

Use of freeway alignments for the Southwest LRT have previously been considered. The Southwest LRT Alternatives Analysis, completed by HCRRA in 2007, studied an alignment that would utilize the I-494 corridor under LRT Alternatives 2A and 2C. The Southwest LRT Alternatives Analysis also developed and evaluated enhanced bus transit alternatives that would utilize Highway 169 and 212, as well as a BRT alternative that would have utilized existing bus shoulder lanes on Highway 169. Both enhanced bus and BRT alternatives were dismissed from further evaluation within the Alternatives Analysis because these alternatives were found to not meet Project goals as documented within Section 2.2 of the Final EIS, these alternatives were screened out of further evaluation within the AA process.

The Southwest Rail Transit Study, completed by HCRRA in October 2003 (available at: http://old.swlrtcommunityworks.org/technical-documents/cat_view/57-archive/60-rail-feasibility-study.html), also considered alignments that would utilize portions of freeway along The Southwest Rail Transit Study included portions of alignment along I-494, Highway 169, and Highway 212. Alternative W8 of the Study, which incorporated alignment along TH 212 and TH 169 was not recommended for further study due to:

- Significantly higher capital costs and lower Project ridership than W1 and W4
- Poor service to western Minnetonka

  Significant structures required at the Southwest Metro Transit Station, bridge over wetlands along Highway 169, and tunnel under Highway 169 and Excelsior Boulevard
  (Source: Figure 5.4 Screen 2 Evaluation Results)

Though the Policy Advisory Committee for the Study recommended further consideration of a Modified Alternative 3A: LRT from Southwest Metro to downtown Minneapolis, the report noted that additional study should be conducted to reroute the alignment to better serve employment generators because direct service to employment sites would not be provided because the alignment remained within the existing Highway 169 and 212 rights-of-way.

The study also considered a light rail alignment that would have utilized Highway 100 between I-394 and Highway 7. This alternative (E-2 within the Study) was not recommended for further study because:

- No excess right-of-way in the Highway 100 corridor
- Would have significant right-of-way impacts along Highway 100 due to multiple property owners
- Reduced service to population and employment concentrations in St. Louis Park (Source: Figure 5.3: Screen 1 Recommendation)

In regard to your comment that the Southwest LRT alignment should be routed through Uptown, the option of routing the Project through Uptown and south Minneapolis was previously evaluated during Alternatives Analysis, Scoping, and the Draft EIS as LRT 3C-1 and LRT 3C-2.

As documented in Section 11.2.6 of the Draft EIS, LRT 3C-1 was determined to be the least cost effective of the alternatives considered in the Draft EIS, due to its relative high costs and lowest ridership estimates. It was also found that LRT 3C-1 was not compatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, it would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

As documented in Section 11.2.7 of the Draft EIS, LRT 3C-2 was found to be incompatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, LRT 3C-2 would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, the most severe construction impacts, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

In general, that alignment alternative was dismissed from further study because it would be less cost effective and less efficient, have greater adverse environmental impacts, and support economic development and the study area's quality of life to a lesser degree compared to the Locally Preferred Alternative (LPA). Hennepin Avenue is also a busy urban arterial, with a very constrained street right-of-way, many cross streets and driveway entrances and exits along its alignment. This alternative would perform very similarly to the 3C-1 and 3C-2 alternatives. Section 2.2 of the Final EIS provides a more detailed description of how the alternatives were evaluated during the Project's various phases and the rationale for the identification of the LPA.

In summary, HCRRA and the Metropolitan Council, as well as the Project’s Corridor Management Committee (CMC) found that the light rail alignment that is part of LRT 3A and LRT 3A-1 will best meet the Project's Purpose and Need Statement, as expressed by the goals of improving mobility, providing a cost effective and efficient travel option, preserving the environment, protecting quality of life, and supporting economic development.

Comment #	#210
Commenter	Lindy Nelson
Commenter Organization	United States Department of the Interior

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). We acknowledge and appreciate your preliminary concurrence with the preliminary determinations included in the Draft Section 4(f) Evaluation Update, assuming there are no subsequent changes to the preferred alternatives or impacts to the eligible properties.

Since publication of the Supplemental Draft EIS, there have been several updates to the Project's Section 4(f) Evaluation. The following is a summary of these changes.

Design Adjustments and Section 4(f) Determination Changes for Cedar Lake Park. Within the Supplemental Draft EIS, Cedar Lake Park was found to have a Section 4(f) *de minimis* use due to anticipated permanent easements for a sidewalk extension in the park near East Cedar Beach and a proposed bicycle and pedestrian bridge for North Cedar Lake Trail at Cedar Lake Junction. Since that time, the Minneapolis Park and Recreation Board (MPRB) has agreed to retain ownership of the area of the park where the sidewalk extension will occur, so no permanent easement is required at that location. Further, the proposed bicycle and pedestrian bridge at Cedar Lake Junction has been removed from the Project design. While some sections of the North Cedar Lake Trail will be reconstructed within the park, the trail will cross the existing freight rail alignment at graded (as it does today) and it will also cross the proposed light rail alignment at grade. With the removal of the proposed bicycle and pedestrian bridge, there will be no related permanent easement in Cedar Lake Park. As a result of these design adjustments, the Project will only result in construction activities within Cedar Lake Park and the Project will not result in the permanent incorporation of any portion of the park into the Project. FTA has concluded, and the MPRB has concurred in writing, that that the construction activities that will occur within Cedar Lake Park meet the Section 4(f) criteria for a temporary occupancy exception.

Since publication of the Project's Draft Section 4(f) Evaluation Update in the Supplemental Draft EIS, FTA prepared and published an Amended Draft Section 4(f) Evaluation for two newly identified Section 4(f) properties in Minnetonka. These properties are as follows:

Property Name	Property Type	Location	Official with Jurisdiction	Section 4(f) Qualifying Description
Unnamed Open Space B	Park	Located generally south of Smetana Rd, west of Green Circle Dr, North of Bren Rd W, east of Claremont Apartments	City of Minnetonka	49.0-acre open space
Opus Development Area Trail Network	Park	Located generally between Smetana Road to the north, Hwy 169 to the east, Hwy 62 to the South and Shady Oak Road to the west	City of Minnetonka	9.6 acre recreational trails

Within the Amended Draft Section 4(f) Evaluation, which was published for review and comment on January 11, 2016, FTA determined that these two properties qualify for Section 4(f) protection as publicly owned recreation properties of local significance. FTA also preliminarily determined that there will be a Section 4(f) *de minimis* impact on these two properties as a result of the Project. Following the close of the public comment period on the Amended Draft Section 4(f) Evaluation on February 25, 2016, and after consideration of comments received, FTA requested and received written concurrence from the City of Minnetonka (as the Section 4(f) Official with Jurisdiction for the two properties) on the final Section 4(f) *de minimis* impact determinations for the two properties (as per 23 CFR 774.5(b) and 23 CFR 774.17).

Chapter 6 of the Final EIS contains the Final Section 4(f) Evaluation, which includes the final Section 4(f) determinations for the above listed properties. Appendix I of the Final EIS provides background documentation for the Final Section 4(f) Evaluation. The Project's Record of Decision will include the Project's Final Section 4(f) Evaluation.

Section 106 Findings of Effect. FTA, the Council, and the Minnesota Historic Preservation Office (MnHPO) have reached final findings of effect of the Project on qualifying Section 106 resources. In addition, they have also prepared the Project's Section 106 Memorandum of Agreement (MOA) to resolve adverse effects on qualifying Section 106 resources, including specifying avoidance, minimization, and mitigation measures that will avoid adverse effects to other resources. The final Section 106 findings of effect and the Section MOA have been incorporated into the Final Section 4(f) Evaluation, including the stipulation of avoidance, minimization, and mitigation measures for adversely effected Section 106 resources that are Section 4(f) protected properties (i.e., the Kenilworth Lagoon and the Grand Rounds Historic District [GRHD]). In summary, the Section 106 MOA stipulates the following measures to address the Project's adverse effect on the Kenilworth Lagoon and the GRHD: 1) install noise mitigation on the new light rail bridge across the lagoon; 2) rehabilitate/reconstruct the WPA Rustic Style retaining walls to minimize/mitigate adverse effects; 3) design Project elements within and adjacent to the GRHD in accordance with SOI Standards (36 CFR 68) and allow for further consulting party review of the design; 4) develop and implement a Construction Protection Plan; and 5) prepare guidance for future preservation activities within a portion of the GRHD (see Section 3.5 and Appendix H of the Final EIS).

The final findings of effect and the Section 106 MOA are included in Appendix H of the Final EIS and they are reflected in FTA and the Council's Section 4(f) determination that all measures to minimize harm have been employed for the two historic resources that will be subject to Section 4(f) use. (See Chapter 6 of the Final EIS.)

The Project's Section 106 process will be completed with signing of the Section 106 MOA by FTA and MnHPO, which will occur prior to publication of the Project's Record of Decision (ROD). The signed Section 106 MOA will be included in the ROD.

FTA's Final Section 4(f) Determinations and Written Concurrence from Officials with Jurisdiction. FTA and the Council have reached final Section 4(f) determinations for all properties addressed in the Final Section 4(f) Evaluation (see Chapter 6 of the Final EIS). Those final determinations include: Section 4(f) uses that are non-*de minimis*; Section 4(f) *de minimis* uses; and temporary occupancy exceptions. FTA has received written concurrence from the officials with jurisdiction for all Section 4(f) *de minimis* determinations that are parks or recreation areas and for all temporary occupancy exceptions (for historic resources, the Council notified the MnHPO in writing that their concurrence with findings of no adverse effect would be used by FTA and the Council in reaching *de minimis* use determinations for Section 106 resources). Copies of the officials with jurisdiction written concurrence are included in Appendix I of the Final EIS.

Other Miscellaneous Adjustments and Updates. Since publication of the Supplemental Draft EIS, relatively minor adjustments have been made to the proposed design of the Project, which are reflected in the Project's Preliminary Engineering Plans (see Appendix E). Those design adjustments and the resulting updates to the environmental analysis documented in the Final EIS are reflected in the Project's Final Section 4(f) Evaluation. Except for the design adjustments that affected Cedar Lake Park as previously described, these adjustments and updates have not affected the overall Section 4(f) determinations that were in the Draft Section 4(f) Evaluation Update.

The DOI is receiving a copy of the Final EIS, which includes the Project's Final Section 4(f) Evaluation (see Chapter 6 and Appendix I) and the Section 106 MOA (see Appendix H). The DOI is encouraged to review and comment on the Section 4(f) Evaluation during the Final EIS waiting period before FTA issues the Project's Record of Decision. The DOI will receive a copy of the ROD when it is published by FTA, which will include a signed copy of the Section 106 MOA.

Comment #	#211
Commenter	Joyce Murphy
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). In regard to your request to have Project location of light rail alignment decisions reconsidered, See *Master Response 10: Rationale for incorporating freight rail co-location into the Project*.

Safety at West 21st Street crossing of proposed light rail alignment
See *Master Response 16: Concerns related to 21st Street Station and related impacts*.

Comment #	#212
Commenter	Edith Black
Commenter Organization	None

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please refer to the response to *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right* for responses relevant to the comments included in the LRT Done Right letter.

In regard to your comment that the Southwest LRT alignment should be routed along the Midtown Greenway: The option of routing the Project through Uptown and south Minneapolis via the Midtown Greenway was previously evaluated during Alternatives Analysis, Scoping, and the Draft EIS as LRT 3C-1 and LRT 3C-2.

As documented in Section 11.2.6 of the Draft EIS, LRT 3C-1 was determined to be the least cost effective of the alternatives considered in the Draft EIS, due to its relative high costs and lowest ridership estimates. It was also found that LRT 3C-1 was not compatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, it would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

As documented in Section 11.2.7 of the Draft EIS, LRT 3C-2 was found to be incompatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, LRT 3C-2 would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, the most severe construction impacts, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

In general, that alignment alternative was dismissed from further study because it would be less cost effective and less efficient, have greater adverse environmental impacts, and support economic development and the study area's quality of life to a lesser degree compared to the Locally Preferred Alternative (LPA). Hennepin Avenue is also a busy urban arterial, with a very constrained street right-of-way, many cross streets and driveway entrances and exits along its alignment. This alternative would perform very similarly to the 3C-1 and 3C-2 alternatives. Section 2.2 of the Final EIS provides a more detailed description of how the alternatives were evaluated during the Project's various phases and the rationale for the identification of the LPA.

In summary, HCRRA and the Metropolitan Council, as well as the Project’s Corridor Management Committee (CMC) found that the light rail alignment that is part of LRT 3A and LRT 3A-1 will best meet the Project's Purpose and Need Statement, as expressed by the goals of improving mobility, providing a cost effective and efficient travel option, preserving the environment, protecting quality of life, and supporting economic development.

Comment #	#213
Commenter	Laura Kinkead
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#214
Commenter	Louise Delagran
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Concern over hazardous freight cargo in the Kenilworth Corridor
- Concern over Federal Railroad Administration (FRA) Oversight
- Concern over noise and visual impacts at the 21st Street Station

Concern over hazardous freight cargo in the Kenilworth Corridor
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*. See also *Master Response 11: Safety concerns related to hazardous freight rail cargo within the Kenilworth Corridor*.

Concern over Federal Railroad Administration (FRA) Oversight
See *Master Response 3: General concerns related to safety and security for LRT construction and operations within close vicinity to freight in the Kenilworth Corridor*.

Concern over noise and visual impacts at the 21st Street Station
See *Master Response 16: Concerns related to 21st Street Station and related impacts*.

Comment #	#215
Commenter	Thad and Shiela Spencer
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#216
Commenter	Melissa Lally
Commenter Organization	None

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#217
Commenter	Laila Schirrmeister
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#218
Commenter	Harvey Ettinger
Commenter Organization	East Isles Residents Association Parks Committee

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please refer to the response in *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right* for responses relevant to the comments included in the LRT Done Right letter.

In regard to your comment about considering options documented in the letter from Mr. Bob Carney, please see response to comment #131. The Council reviewed the following transit options requested for review by Governor Dayton: No Build Alternative, Enhanced Bus, and Bus Rapid Transit (BRT) Alternatives (see http://metrocouncil.org/getdoc/73777f40-2fd1-48c8-af49-a62531e581c2/Presentation.aspx). The Council presented this review to the Corridor Management Committee (CMC) in June 2015 and the CMC dismissed them as they do not meet the Project's Purpose and Need.

The prior evaluation of those alternatives is also documented in Section 2.2 of the Final EIS, which provides the rationale for why the Enhanced Bus and BRT alternatives were previously dismissed from further study. Please see Chapter 8 of the Final EIS for a summary comparison of the Project to the No Build Alternative based upon metrics related to the Project's Purpose statement. In particular, FTA and the Council have found that the No Build Alternative would not meet the Project's Purpose and Need.

Comment #	#219
Commenter	Herb Jones
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS).

Alternate alignments along Lake Street or along Highway 394
Regarding your comment that Southwest LRT should be routed via TH 100 and I-394, rather than the Kenilworth Corridor, the option of placing the proposed light rail alignment along generally north-south or east-west freeway corridors would not meet the Project Purpose identified in Section 1.1 of the Final EIS. The Project Purpose notes that "The Southwest LRT Project will provide a competitive, cost-effective travel option that will attract choice riders to the transit system. The competitive and reliable travel time for the Southwest LRT Project is attributed to the diagonal nature of the line compared to the north-south/east-west orientation of the roadway network and to the increasing levels of congestion of the roadway network."

The additional length an alignment that used generally north-south or east-west orientation of existing freeways such as Highway 100 and I-394 (past Brownie Lake), respectively, would increase LRT travel times for trips between west of Highway 100 and downtown Minneapolis (including connecting trips), compared to the generally diagonal southwest to northeast light rail alignment included in the Project.

Additionally, the existing rights-of-way for Highway 100 and I-394 would not be adequate to accommodate the introduction of a light rail alignment due to geographic and existing transportation infrastructure constraints. As a result, the use of those alignments for light rail would likely lead to property acquisitions and the displacement of adjacent land uses, including residences and commercial properties.

The Southwest Rail Transit Study, completed by HCRRA in October 2003 (available at: http://old.swlrtcommunityworks.org/technical-documents/cat_view/57-archive/60-rail-feasibility-study.html), considered a light rail alignment that would have utilized Highway 100 between I-394 and Highway 7. This alternative (E-2 within the Study) was not recommended for further study because:

- No excess right-of-way in the Highway 100 corridor
- Would have significant right-of-way impacts along Highway 100 due to multiple property owners
- Reduced service to population and employment concentrations in St. Louis Park
- Source: Figure 5.3: Screen 1 Recommendation

The Project Purpose also indicates that the Project will improve access and mobility to the jobs and activity centers in the Minneapolis central business district, as well as along the entire length of the corridor for reverse-commute trips to the expanding suburban employment centers. These employment centers, shown on Exhibit 1.4-5 of the Final EIS, demonstrate that the Project alignment will more effectively provide access to these employment centers: Golden Triangle Business Park, Optum Corporate Headquarters and Business Park, Downtown Hopkins, and Park Nicollet Methodist Hospital compared to an alignment along I-394 and Highway 100. Also, an I-394/Highway 100 alignment would not provide direct service to stations projected to experience the highest average weekday station usage, including the Beltline Station or the West Lake Station, which is projected to have the highest level of ridership under the Project (See Section 4.1, Transit, of the Final EIS, including Table 4.1-5, Average Weekday Station Usage by Mode of Access, Year 2040, for additional information.

In regard to the option of routing the light rail line along Lake Street, the option of routing the Project through other areas of south Minneapolis was previously evaluated during Alternatives Analysis, Scoping, and the Draft EIS as LRT 3C-1 and LRT 3C-2.

As documented in Section 11.2.6 of the Draft EIS, LRT 3C-1 was determined to be the least cost effective of the alternatives considered in the Draft EIS, due to its relative high costs and lowest ridership

estimates. It was also found that LRT 3C-1 was not compatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, it would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

As documented in Section 11.2.7 of the Draft EIS, LRT 3C-2 was found to be incompatible with approved comprehensive plans, because of potential disruptions to regional roadways, such as Nicollet Mall, and impacts to pedestrian facilities. Further, LRT 3C-2 would have had greater construction impacts, due to extensive in-street construction. Finally, LRT 3C-1 was found to have disproportionately high and adverse impacts to low-income and minority populations due to displacements, impacts to community cohesion, the most severe construction impacts, and increased traffic congestion in environmental justice areas identified in the Draft EIS.

In general, that alignment alternative was dismissed from further study because it would be less cost effective and efficient, have greater adverse environmental impacts, and support economic development and the study area's quality of life to a lesser degree compared to the Locally Preferred Alternative (LPA). Section 2.2 of the Final EIS provides a more detailed description of how the alternatives were evaluated during the Project's various phases and the rationale for the identification of the LPA.

The Project has been adjusted through the design process to minimize impacts to parks and trails, including those in or adjacent to the Kenilworth Corridor. The Project will be within a shallow tunnel between West Lake Street and the Kenilworth Lagoon, which will minimize long-term impacts to the Kenilworth Corridor and trail. The Kenilworth Trail will be retained in the corridor as part of the Project. Short-term impacts during construction will be mitigated with temporary detours. Section 4.5 of the Final EIS evaluates pedestrian and bicycle facilities.

Historic properties and districts located within the Kenilworth Corridor are described in Appendix H of the Final EIS. It is important to note that the “Kenilworth Corridor” is not a historic or federally protected property unto itself, but rather is a geographical area reference that contains portions of Section 106 historic and Section 4(f) properties (e.g., Kenilworth Channel/Lagoon and Cedar Lake Parkway).

Comment #	#220
Commenter	William Griffith
Commenter Organization	Claremont Apartments (Larkin Hoffman)

Response
Duplicate comment - please see the response to comment 191.

Comment #	#221
Commenter	Susu Jeffrey
Commenter Organization	Friends of Coldwater

Response
Duplicate comment - please see the response to comment 149.

Comment #	#222
Commenter	Jerry Van Amerongen
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#223
Commenter	Diane Steen-Hinderlie
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The sections that follow include response(s) to these comments.

- Suggestion to mention Jorvig Park and historical buildings in same section for ease of reading
- Request for clarification regarding switching wye and freight rail swap changes
- 21st Street Station
- Moving Kenilworth Trail

Suggestion to mention Jorvig Park and historical buildings in same section for ease of reading
The description of Jorvig Park in Section 6.7 of the Final EIS indicates that the park contains a relocated historic train depot and a description of the historic train depot notes that it was relocated to Jorvig Park. Because Jorvig Park is a recreation property and the historic depot is a historic property they are evaluated under both Section 4(f) of the Department of Transportation Act and Section 106 of the National Historic Preservation Act.

Request for clarification regarding switching wye and freight rail swap changes
Please refer to *Master Response 12: Concern over potential impacts related to replacement of the Skunk Hollow Switching Wye with the Southerly Connector between the Bass Lake Spur and the MN&S Spur*. This master response gives a description of replacement of the Skunk Hollow Switching Wye with the Southerly Connector between the Bass Lake Spur and the MN&S Spur.

21st Street Station
The Council notes your support for regaining the 21st Street Station as part of the Project, as described in Section 2.1 in the Final EIS. See *Master Response 16: Concerns related to 21st Street Station and related impacts*.

Moving Kenilworth Trail
In regard to your suggestion that the Kenilworth Trail could be moved out of the Kenilworth Corridor, See *Master Response 14: Relocate the Kenilworth Trail instead of co-locating freight rail and light rail within the Kenilworth Corridor*.

Comment #	#224
Commenter	Jean and John Sandbo
Commenter Organization	None

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The Council notes your support for the comments submitted by the LRT Done Right organization. Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#225
Commenter	Mary Pattock
Commenter Organization	LRT Done Right

Response
Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). Please see *Master Response 15: Comments Received from Kenwood Isles Area Association (KIAA), Cedar Isles Dean Neighborhood Association (CIDNA), and LRT-Done Right*.

Comment #	#226
Commenter	Tim Kelly
Commenter Organization	Minnesota House of Representatives

Response

Thank you for your comments on the Southwest LRT (METRO Green Line Extension) *Supplemental Draft Environmental Impact Statement* (EIS). The following includes responses to comments within your two letters dated July 10, 2015 to Marisol Simon, US Department of Transportation – Federal Transit Administration and June 23, 2015, to Adam Duininck, Chair – Metropolitan Council.

Based on the current scope of the Southwest LRT Project as described in Chapter 2, Alternatives Considered, of the Final EIS, the Project's capital cost estimate in year-of-expenditure dollars is $1,791 million (see Chapter 7, Finance, of the Final EIS). The development of this cost estimate, and associated scope occurred throughout the spring and summer of 2015, during which time Council staff presented materials at five meetings of the Corridor Management Committee (CMC) between May and July 2015. In developing its recommendations to the Council concerning scope adjustments, the CMC considered recommendations adopted by the Project's Business Advisory Committee (BAC) and Community Advisory Committee (CAC) in June 2015. The Council considered the recommendations from the BAC, CAC, and CMC prior to identifying the scope adjustments on July 8, 2015. This process is documented in Section 2.2.5 and Chapter 9 of the Final EIS. The capital cost estimate within the Final EIS reflects the scope adjustments made by the Council.

The Council and FTA were also accepting public comments on the Southwest LRT Project's Supplemental Draft EIS, including comments on the capital cost estimate for the proposed Project during this time. The comment period for Supplemental Draft EIS was from May 22 through July 21, 2015.

The Project's public and agency coordination activities were also developed and implemented in accordance with NEPA, MEPA, and other applicable laws, such as Chapter 4410, Environmental Quality Board (EQB) Environmental Review Program. The Southwest LRT Project's agency and public coordination activities have included meetings with the Technical Project Advisory Committee (TPAC), which is composed of staff from the Council's Southwest LRT Project Office, Hennepin County, MnDOT, the cities of Eden Prairie, Minnetonka, Hopkins, St. Louis Park and Minneapolis, Three Rivers Park District, and the Council's Metro Transit Rail Operations division. Community and business representatives serve on the BAC and CAC, which provide input and recommendations to the CMC. For a more complete description of coordination activities that occurred in each municipality to support the Southwest LRT Project's environmental planning activities, please see Chapter 9 of the Final EIS.

In your June 23, 2015, letter, you raised several questions about the Council's cash flow financing plan for the Southwest LRT Project. Responses to your letter, including answers to eight questions within your letter, were included in a letter to you from Adam Duininck, Chair – Metropolitan Council, dated July 22, 2015. That letter and its attachment are incorporated herein as responses to your concerns and questions about the Council's cash flow financing plan.

Attachment 5: Responses to Comments on the Amended Draft Section 4(f) Evaluation

Responses to Comments on the Amended Draft Section 4(f) Evaluation

Appendix M, Attachment 5 contains comments received on the Southwest LRT (METRO Green Line Extension) Amended Draft Section 4(f) Evaluation. Attachment 5 is divided into two parts:

- Index of comments received on the Supplemental Draft EIS: Contains a table with the commenter name/organization and the page number for the response
- Responses to comments received.

Index of comments received on the Amended Draft Section 4(f) Evaluation

United States Environmental Protection Agency..... M.5-2
SFI Partnership..... M.5-3

Responses to Comments Received on the Amended Draft Section 4(f) Evaluation

Comment #	#1
Commenter	
Commenter Organization	United States Environmental Protection Agency

Response

See Appendix N, Agency Coordination Letters, of the Final EIS for the response to EPA's comment letter on the Supplemental Draft EIS.

Comment #	#2
Commenter	Jerry Kavan
Commenter Organization	SFI Partnership 54

Response

Thank you for your comments on the Amended Draft Section 4(f) Evaluation, stating your disagreement with the FTA's preliminary determinations regarding Section 4(f) properties in the Opus Hill Area, noting three prior letters from 2012, 2013, and 2015 as supporting information. FTA considered your comments on the Amended Draft Section 4(f) Evaluation prior to reaching its final Section 4(f) determinations included within the Project's Final Section 4(f) Evaluation (Chapter 6 of the Final EIS).

Following are summaries of the three letters referenced in your February 2016 letter on the Amended Draft Section 4(f) Evaluation:

- Your 2012 letter, in response to the Draft EIS, does not include any information or comments on the Section 4(f) process, documentation, or properties (see Appendix L.2 for a copy of that letter and Appendix L.3 for responses to comments within that letter).
- Your 2013 letter is a data practices act request, requesting information on "the recreational trail operated and maintained by the City of Minnetonka that travels through the Opus Hill area" (part of the Opus development area trail network) and on other Section 4(f) properties and properties considered for Section 4(f) protection. The Council responded to that data practices act request under separate cover.
- Your 2015 letter, in response to the Supplemental Draft EIS, notes that the Draft Section 4(f) Evaluation Update in the Supplemental Draft EIS (i.e., Section 3.5) does not include information on the public trail southwest of the Claremont Apartments (part of the Opus development area trail network) or on the open space south and east of the Claremont apartments (Unnamed Open Space B), and whether or not the trail or open space qualify for Section 4(f) protection. A copy of your 2015 letter and a response to it are provided in Appendix M, Supplemental Draft EIS Comments and Responses (see comments and responses #191 and #220).

Since receipt of those letters, FTA and the Council published the Amended Draft Section 4(f) Evaluation (January 2016), which included FTA's determination that Unnamed Open Space B and the Opus development area trail network qualify as Section 4(f) properties, based on their public ownership (by the City of Minnetonka) and being public accessibility areas of local significance for recreation purposes. Further, the Amended Draft Section 4(f) Evaluation included FTA's preliminary determinations that the Project would result in Section 4(f) *de minimis* impacts to the Unnamed Open Space B and the Opus development area trail network, based on the preliminary determination that the Project would not adversely affect the activities, features, and attributes that qualify the properties for Section 4(f) protection. Since publication of the Amended Draft Section 4(f) Evaluation, FTA received the City of Minnetonka's written concurrence with the Section 4(f) *de minimis* impact determinations for Unnamed Open Space B and the Opus development area trail network (see Appendix I). The Final Section 4(f) Evaluation includes FTA's final determinations that Unnamed Open Space B and the Opus development area trail network qualify as Section 4(f) properties and that the Project will have Section 4(f) *de minimis* impacts on those properties. Chapter 6 of the Final EIS provides a description on the rationale and documentation supporting these Section 4(f) determinations by FTA.