



U.S. Department of Transportation  
**Federal Highway Administration**  
Minnesota Division  
380 Jackson Street, Suite 500  
St. Paul, MN 55101



U.S. Department of Transportation  
**Federal Transit Administration**  
Region V  
200 West Adams Street, Suite 320  
Chicago, IL 60606

March 20, 2017

Mr. Adam Duininck, Chairman  
Metropolitan Council  
Policy Committee  
390 Robert Street North  
St. Paul, Minnesota 55101

Re: Minneapolis-St. Paul Transportation Management Area Planning Certification Review  
Final Report

Dear Mr. Duininck:

Pursuant to 23 USC § 134(k)(5) and 23 CFR § 450.336(b), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed a certification review of the transportation planning process in the Minneapolis-St. Paul Transportation Management Area (TMA). We appreciate the cooperation of the Metropolitan Council staff in assisting us with the review. Certification reviews are required every four years in metropolitan areas with a population of 200,000 persons or more. The objective is to determine whether the transportation planning process meets the Federal transportation planning requirements outlined in 23 CFR § Part 450.

The review found that the transportation planning process for the Minneapolis-St. Paul metropolitan area is sufficiently in compliance with the Federal requirements. Based upon this review, FHWA and FTA certify the transportation planning process for the Minneapolis-St. Paul TMA. The enclosed Final Report documents the results of this review which includes four commendations and fourteen recommendations.

In an effort to improve the partnership amongst our agencies and ensure tangible results that are transparent to the public, FHWA and FTA are requesting an action plan for addressing all recommendations in the final report. The action plan will identify specific tasks, timelines for completion, and the individual(s) responsible for completing each task. The Congestion Management Process (CMP) recommendation is a focus area for FHWA/FTA. We look forward to working collaboratively with your staff on the planned peer exchange and formation of the CMP work group. These are very important starting points for a more effective CMP. The action plan is due to FHWA and FTA within two months of receiving this letter. The expectation is that all tasks will be completed within two years.

FHWA and FTA would like to participate in advancing each recommendation and review the outcomes for each task as completed. Therefore, the Metropolitan Council will demonstrate progress through the completion of quarterly reports for our review.

The reports will highlight task completion, progress steps, and subsequent actions on a re-occurring basis. It is also an opportunity to request technical assistance or feedback from our offices. The Metropolitan Council's Unified Planning Work Program needs to contain the actions, funding, and schedule necessary to complete the action plan.

We will be contacting your staff to schedule a presentation on the TMA Certification review findings to the Metropolitan Planning Organization. Please contact Andrew Emanuele of the FHWA Minnesota Division at 651-291-6124 or Reggie Arkell of FTA Region V at 312-886-3704 if you have any questions regarding this certification action.

Sincerely,



Arlene Kocher  
Division Administrator  
Federal Highway Administration



Marisol R. Simón  
Regional Administrator  
Federal Transit Administration

cc: Tim Henkel, MnDOT  
Patricia Bursaw, MnDOT Metro District  
Roberta Retzlaff, MnDOT  
Amy Vennewitz, Metropolitan Council  
Brian J. Lamb, General Manager, Metro Transit  
Nick Thompson, Metropolitan Council  
Andrew Emanuele, FHWA  
Reggie Arkell, FTA



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Administration

# Transportation Management Area Planning Certification Review

- ◆ **Metropolitan Council**
- ◆ **Metro Transit**
- ◆ **Minnesota Department  
of Transportation**

**Final Report**

**March 20, 2017**





## Table of Contents

1.0	EXECUTIVE SUMMARY .....	3
1.1	Previous Findings and Status .....	4
1.2	Summary of Current Findings .....	5
2.0	INTRODUCTION.....	10
2.1	Background .....	10
2.2	Purpose and Objective.....	11
3.0	SCOPE AND METHODOLOGY .....	12
3.1	Review Process .....	12
3.2	Documents Reviewed .....	13
4.0	PROGRAM REVIEW .....	14
4.1	Metropolitan Planning Area Boundaries .....	14
4.2	MPO Structure and Agreements.....	15
4.3	Unified Planning Work Program .....	17
4.4	Metropolitan Transportation Plan.....	19
4.5	Transportation Planning Process .....	22
4.6	Transportation Improvement Program .....	24
4.7	Public Participation & Visualization .....	26
4.8	Public Comments .....	28
4.9	Civil Rights (Title VI, EJ, LEP, ADA).....	32
4.10	Consultation, Coordination, and Environmental Mitigation .....	34
4.11	List of Obligated Projects .....	37
	March 20, 2017	1



## Minneapolis-St. Paul TMA Planning Certification Review

4.12	Transportation Safety .....	37
4.13	Financial Plan for Metropolitan Transportation Plan .....	39
4.14	Integration of Land Use and Transportation .....	41
4.15	Travel Demand Forecasting .....	44
4.16	Air Quality .....	45
4.17	Congestion Management Process, Management and Operations, and ITS.....	46
4.18	Performance Based Planning & Programming .....	51
APPENDIX A - PARTICIPANTS.....		1
APPENDIX B - STATUS OF FINDINGS FROM LAST REVIEW .....		3
APPENDIX C – FHWA/FTA LETTER RE MPO STRUCTURE .....		8
APPENDIX D - LIST OF ACRONYMS .....		9
APPENDIX E – PUBLIC COMMENTS .....		11



## 1.0 EXECUTIVE SUMMARY

From August 2016 through January 2017, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) conducted a Certification Review of the transportation planning process for the Minneapolis – St. Paul, MN-WI urbanized area (UZA)/transportation management area (TMA). FHWA and FTA are required to jointly review and evaluate the transportation planning process for each UZA over 200,000 in population at least every four years. This is done to determine if the process meets the federal planning requirements per 23 USC 134(k)(5)(A) and 49 USC 5303(k)(5)(A) and the rules stated thereunder.

The TMA Certification Review involved an examination of many different planning elements. Based on the Current Status and Findings, FHWA/FTA could issue one of three actions for each element: Commendation, Recommendation, or Corrective Action. Key definitions are provided below:

**Current Status and Findings:** Statements of fact, interpretations and conclusions regarding the conditions found during the review. These statements provide the primary basis for determining the federal actions (Commendations, Recommendations, or Corrective Actions), if any, contained in the Certification Report.

**Commendations [(C)(Noteworthy Practices)]:** Practices that demonstrate innovative, highly effective, well-thought-out procedures for implementing the planning requirements. Procedures addressing issues that have frequently posed problems nationwide could be cited as noteworthy practices. Commendations may also be cited for significant improvements and/or resolution of past findings.

**Recommendations (R):** Procedures that could improve regulatory compliance and/or represent best planning practices. Recommendations are somewhat less substantial than a corrective action. However, they are significant and FHWA/FTA are hopeful that the pertinent planning partners will implement them accordingly.

**Corrective Actions (CA):** Practices that fail to meet requirements of the transportation statutes and regulations, thus seriously impacting the outcome of the overall process. The expected changes and timelines for resolution are clearly defined.



## 1.1 Previous Findings and Status

The first Certification Review for the Minneapolis – St. Paul, MN-WI UZA was conducted in 1992. Subsequent Certification Reviews were conducted every four years, with the last review taking place in 2012-13. The 2013 review findings and their status are provided in Appendix B and summarized below as follows.

**Table 1 - 2013 Review Findings Status**

Review Area	Finding	Code (C, CA or R)	Resolution Method	Status
Transportation Policy Plan: Fiscal Constraint 23 CFR 450.322(f)(10)	The MTP did not contain a clear, detailed Financial Plan.	R	Include in next MTP update.	Ongoing
Transportation Policy Plan: Listing of Projects 23 CFR 450.322(f)(6)	The MTP did not have a comprehensive listing of all projects for 20-year horizon.	R	Include in next MTP update.	Ongoing
Congestion Management Process (CMP) 23 CFR 450.320	The CMP was not effectively compiled and summarized to document the process.	R	Include in next MTP update.	Incomplete
Operations and Maintenance (O&M) 23 CFR 450.322(10)(i)	The TIP and MTP did not identify and discuss O&M costs.	R	Include in next TIP and MTP update.	Complete
Freight Transportation Planning 23 CFR 450.306	Lack of emphasis on freight planning.	R	Improve efforts to study and plan for freight movement / collect data / identify freight corridors.	Complete
Documentation	The Federal Review Team noted the value of the discontinued Implementation Report.	R	Consider resuming publication of Implementation Report.	Complete
Title VI and Environmental Justice	Lack of clarity in identifying minority and low income populations.	R	Break out demographics separately and identify projects in the TIP that provide benefits to Title VI and EJ populations.	Ongoing
Public Participation	Demonstration of extensive and innovative public outreach efforts.	C	N/A	Ongoing
Consultation and Coordination	Demonstration of leadership and cooperative efforts in the Metropolitan Planning Process.	C	N/A	Ongoing



# Minneapolis-St. Paul TMA Planning Certification Review

Review Area	Finding	Code (C, CA or R)	Resolution Method	Status
National Leadership	The Metropolitan Council was the first MPO to include a Bus Rapid Transit (BRT) Managed Lane as an alternative.	C	N/A	Complete

## 1.2 Summary of Current Findings

The current review found that the metropolitan transportation planning process conducted in the Minneapolis – St. Paul, MN-WI UZA **substantially meets** federal planning requirements and is **certified with conditions**.

As a result, FHWA and FTA are certifying the transportation planning process conducted by the Minnesota Department of Transportation (MnDOT), Metropolitan Council Metropolitan Planning Organization (MPO) and the public transportation operators of the region - Metro Transit, Minnesota Valley Transit Authority, Plymouth Metrolink, Southwest Transit, and Maple Grove Transit. Certification is subject to satisfactory resolution of identified corrective actions. This report also contains recommendations to improve the transportation planning process and commendations for recognition of exemplary planning practices.

**Table 2 - 2017 Commendations Summary**

Review Area	Commendation
Environmental Justice, Executive Order 12898	MPO and MnDOT participation in the 2016 US DOT Ladders of Opportunity Every Place Counts Design Challenge, which considered innovative solutions for the disparate impacts of the I-94 urban expressway on minority communities.
Transportation Planning Process 23 CFR 450.306	APTA award to Metro Transit: 2016 Transit System of the Year for 2013-15. Accomplishments include safety, operations, maintenance, expanding ridership/ access, community relations, and advances in sustainability.
Transportation Safety 23 USC 134(h)(1)(B) 23 CFR 450.306(b)(2)	MnDOT’s State Traffic Safety Engineer has been added to the committee that reviews Metro HSIP project proposals. Including an individual with safety-related experience on this committee is a noteworthy practice.
Transportation Improvement Program 23 CFR 450.326(n)(1)	The use of equity as a project selection criterion helps inform the policy board, project sponsors, and the planning process about the impact of the investment.



## Minneapolis-St. Paul TMA Planning Certification Review

**Table 3 - 2017 Corrective Action (CA) and Recommendation (R) Summary**

Review Area	Finding	Code (CA or R)	Corrective Action or Recommendation	Resolution Due Date
MPO Structure and Agreements 23 USC 134(d) 23 CFR 450.314(h)(1) 23 CFR 450.310(d)	The MOU does not include the new requirements to improve planning coordination/transparency.	R	Improve and update the MOU by: <ul style="list-style-type: none"> <li>• Including missing regulatory citations / requirements;</li> <li>• Clarifying Metropolitan Council's correct structure (the Council is the MPO);</li> <li>• Adding primary "opt-out" transit operators as signatories; and</li> <li>• Including procedures for compliance with performance-based planning.</li> </ul>	Within 1 year of this report
Unified Planning Work Program 23 CFR 450.308	The UPWP is presented only as a program document with little external exposure. It receives little input from the public and stakeholders.	R	Elevate and recognize the UPWP as a critical planning document by: <ul style="list-style-type: none"> <li>• Clarifying context of UPWP studies;</li> <li>• Specifying work task relation to MTP goals.</li> <li>• Discussing project ranking process;</li> <li>• Further breaking down funding and staff time; and</li> <li>• Making UPWP publically available beyond TAB/TAC meetings.</li> </ul>	Next Updates of the UPWP, MTP, Transportation Planning and Programming Guide, and PPP.
Metropolitan Transportation Plan 23 USC 134(c),(h)&(i) 23 CFR 450.324(g)(3) & (4)(i)  Performance-Based Planning Per 23 CFR 450.306(d)	The MTP/planning process does not include the new requirements for performance-based planning.	R	Collaboratively develop the required performance metrics/targets with the planning partners for inclusion in an updated MTP.	Next MTP update (2018)
Metropolitan Transportation Plan 23 CFR.324(g)(4)(ii), (j)	The MTP does not evaluate alternative policies beyond the existing investment option per the new FAST Act scenario planning language. This could be considered.	R	Integrate scenario planning into the MTP for investments, projects, and/or population/employment distribution alternatives.	Next MTP update (2018)



## Minneapolis-St. Paul TMA Planning Certification Review

Review Area	Finding	Code (CA or R)	Corrective Action or Recommendation	Resolution Due Date
Metropolitan Transportation Plan 23 CFR 450.324(g)(2)	The parameters for major capital project selection are unclear.	R	Improve procedures and transparency of rating/selecting capital projects. Consider quantitative methodology such as benefit-cost analysis.	Next MTP update (2018)
Metropolitan Transportation Plan 23 CFR 450.324(g)(11)	The MTP Financial Plan does not identify regionally significant projects and categories of projects in the year of expenditure throughout the 20 years of the plan.	R	Include non-expansion regionally significant projects for each of the first four years and subsequent five year bands through the MTP horizon.	Next MTP update (2018)
Transportation Improvement Program 23 CFR 450.326(k)	The TIPs include projects without committed federal funding in the first two years, which is non-compliant with 23 CFR 450.326(k).	R	Move projects that do not have federal funding committed from years one and two of the TIP to years three or four.	Within 60 days of this report.
Transportation Improvement Program 23 CFR 450.326(j), (p) 23 CFR 450.330	The TIP lacks clarity on change procedures and Year of Expenditure (YOE) dollars. Time is also not allocated for federal input on the TIP/STIP.	R	Add criteria for amendments, administrative modifications, inflation rate to the TIP. Revise the procedures for federal TIP/STIP review to allow for revisions.	Within 60 days of this report.
Transportation Improvement Program 23 CFR 450.326(n)	The TIP's investment categories and subcategories are incomplete.	R	Complete a system-level assessment to determine the level of performance/ investment need for the Regional Solicitation.	Prior to or in concert with the next MTP
Public Participation 23 USC 134(i)(6) 23 CFR 450.326(b) 23 CFR 450.316(a) 23 CFR 450.316(a)(1)(iii) 23 CFR 450.316(a)(1)(vi) 23 CFR 450.316(a)(1)(x)	The Public Participation Plan (PPP) is lacking in certain areas. It only provides a high-level conceptual overview of the methods and procedures indicated. Visualization techniques, methods for engaging the public and public comment consideration practices are missing.	R	Update and enhance the PPP. Areas updated should include: <ul style="list-style-type: none"> <li>Improving potential stakeholder engagement methods;</li> <li>Adding visualization techniques;</li> <li>Demonstrating a clear process for public comment consideration; and</li> <li>Documenting a process for evaluating the PPP's overall effectiveness.</li> </ul>	In time for the next MTP update.
Environmental Justice, Executive Order 12898	The benefits and burdens analysis is incomplete.	R	Analyze plan impacts on disadvantaged communities, overall regional populations in terms of travel distances, and times & air quality by mode.	Next MTP update (2018)



## Minneapolis-St. Paul TMA Planning Certification Review

Review Area	Finding	Code (CA or R)	Corrective Action or Recommendation	Resolution Due Date
Consultation, Coordination and Environmental Mitigation 23 USC 134(g) & (i) 23 CFR 450.316(b), 23 CFR 450.324(g)(10), (h)	The Partner Agency Work Group supported environmental mitigation in the MTP's development, but it is unclear what input was provided. It is also unclear how this group and other agencies and officials were involved in TIP and UPWP development. Greater transparency is needed.	R	Improve the process by: <ul style="list-style-type: none"> <li>• Documenting consultation with federally-recognized tribes;</li> <li>• Documenting procedures for environmental mitigation and coordination in support of the MTP; and</li> <li>• Updating natural and historic resources and document in MTP.</li> </ul>	Next Update of the PPP, MTP, TIP, and UPWP.
Transportation Safety 23 USC 134(h)(1)(B) 23 CFR 450.306(a)(2) 23 CFR 450.318	The safety and mobility needs for the system are not fully developed.	R	Follow the Principal Arterial Intersection Conversion Study by more detailed corridor planning studies that look at lower-cost alternatives. Explore options that can be quickly and realistically funded and constructed.	Ongoing
Congestion Management Process / Management and Operations 23 USC 134(k)(3) 23 CFR 450.322	The CMP is not fully compiled, summarized and implemented.	R	Improve the CMP to fully comply with 23 CFR 450.322 and the 8-step federal process. Specific areas for improvement include: <ul style="list-style-type: none"> <li>• Analyzing non-freeway principal and minor arterials;</li> <li>• Including SMART regional objectives;</li> <li>• Incorporating greater public transparency of CMP implementation;</li> <li>• Documenting steps taken to consider potential CMP strategies;</li> <li>• Evaluating previously implemented strategies;</li> <li>• Integrating the CMP into the project selection process;</li> <li>• Evaluating project benefits and costs in relation to congestion mitigation; and</li> <li>• Defining operation problems and expected solutions/benefits.</li> </ul>	Within 2 Years of this report, with periodic updates on progress



U.S. Department  
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## Minneapolis-St. Paul TMA Planning Certification Review

Details of the certification findings for each of the above items are contained in this report.



## 2.0 INTRODUCTION

### 2.1 Background

Pursuant to 23 U.S.C. 134(k)(5) and 49 U.S.C. 5303(k)(5), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) shall jointly certify the metropolitan transportation planning process in Transportation Management Areas (TMAs) at least every four years. A TMA is an urbanized area, as defined by the U.S. Census Bureau, with a population over 200,000.

In general, the reviews consist of three primary activities: a site visit, a review of planning products, and preparation of a Certification Review Report that summarizes the review and offers findings. The reviews focus on compliance with federal regulations, challenges, successes, and experiences of the cooperative relationship between the MPO(s), the State DOT(s), and public transportation operator(s) in the conduct of the metropolitan transportation planning process. Joint FHWA/FTA Certification Review guidelines provide agency field reviewers with latitude and flexibility to adapt the review to reflect regional issues and needs. As a consequence, the scope and depth of Certification Review reports may vary significantly.

The Certification Review is one of several methods used to assess the quality of a regional metropolitan transportation planning process, compliance with applicable statutes and regulations, and the level and type of technical assistance needed to enhance the effectiveness of the planning process. Other opportunities include Unified Planning Work Program (UPWP) approval, review of the Metropolitan Transportation Plan (MTP), statewide and metropolitan Transportation Improvement Program (S/TIP) findings, and air-quality (AQ) conformity determinations (in nonattainment and maintenance areas). Additionally, a range of other less formal contact points provide both FHWA and FTA an opportunity to comment on the planning process. The results of these other processes are considered in the Certification Review.

While the Certification Review report itself may not fully document those many intermediate and ongoing checkpoints, the “findings” of the Certification Review are, in fact, based upon the cumulative findings of the entire review effort.

The review process is individually tailored to focus on topics of significance in each metropolitan planning area. Federal reviewers prepare certification reports to document the results of the review process. The reports and final actions are the joint responsibility of the appropriate FHWA and FTA field offices. Content will vary to reflect the planning processes reviewed.



### 2.2 Purpose and Objective

Since the enactment of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, the FHWA and FTA are required to jointly review and evaluate the transportation planning process in all UZAs over 200,000 population to determine if the process meets the federal planning requirements of 23 USC 134, 49 USC 5303, and 23 CFR 450. In 2005 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), extended the minimum allowable frequency of Certification Reviews to at least every four (4) years.

The Metropolitan Council is the designated MPO for the Minneapolis - St. Paul UZA. The Minnesota Department of Transportation (MnDOT) is the responsible state agency and Metro Transit, a component of the Metropolitan Council, is the primary responsible public transportation operator for the region.

Current membership of the Metropolitan Council consists of 17 governor-appointed members that are confirmed by the state senate. This unique and unelected structure has been upheld by the United States Department of Transportation, citing the “grandfathering provision” of 23 USC 134(d)(3), which offered an exemption for MPO structures in place prior to the 1991 ISTEA requirement. 16 of the members represent individual geographic districts, while a chairperson serves at large.

The study area includes the full seven counties of Hennepin, Ramsey, Anoka, Washington, Dakota, Scott and Carver. Following the 2010 census, the MPO boundaries were adjusted to include portions of Wright and Sherburne counties, as well as a small portion of Wisconsin. The City of Minneapolis serves as the largest population center for the region, as well as the state.

In MPOs over 200,000 people, certification of the planning process is a prerequisite to the approval of federal funding for transportation projects. The Certification Review is also an opportunity to provide assistance with new programs and further enhance the metropolitan transportation planning process.



### 3.0 SCOPE AND METHODOLOGY

#### 3.1 Review Process

The initial Certification Review was conducted in 1992. Subsequent Certification Reviews have been conducted every four years, most recently in 2012. The current status of the 2012 findings is provided in Appendix B. This report details the seventh formal review, which consisted of a formal site visit and public involvement opportunity, conducted in November and December of 2016.

Participants in the review included representatives of FHWA, FTA, MnDOT, and the Metropolitan Council. A full list of participants is included in Appendix A.

A desk audit of current documents and correspondence was completed prior to the site visit. In addition to the formal review, routine oversight provided a basis for many of the findings.

The Certification Review covers the transportation planning process run cooperatively by the MPO, State, and public transportation operators. Background information, current status, key findings, and recommendations are summarized in the body of the report for the following subject areas selected by FHWA and FTA staff for on-site review:

- Metropolitan Planning Area Boundaries
- MPO Structure and Agreements
- Unified Planning Work Program (UPWP)
- Metropolitan Transportation Plan (MTP)
- Transportation Planning Process
- Transportation Improvement Program (TIP)
- Public Participation and Visualization
- Civil Rights (Title VI, EJ, LEP, ADA)
- Consultation, Coordination and Environmental Mitigation
- List of Obligated Projects
- Transportation Safety
- Financial Plan for Metropolitan Transportation Plan
- Integration of Land Use and Transportation
- Travel Demand Forecasting
- Air Quality
- Congestion Management Process, Management and Operations, and ITS
- Performance Based Planning and Programming



### 3.2 Documents Reviewed

The following Metropolitan Council documents were evaluated as part of this planning process review:

- Annual List of Obligated Projects (ALOP), 2015 and 2016
- CMAQ 2017 Project Selection Process, 2014
- Conformity SIP – Signed MOU, 2015
- Draft Public Participation Plan, 2016
- Expanded UZA MOU Agreement, 2014
- FHWA/FTA Determination Letter on Metropolitan Council MPO Structure, 2016
- Freight Study Summary Report, 2013
- FTA Triennial Review Final Report, FY 2015
- Metropolitan Council - MnDOT MOU, 2008
- Metropolitan Council's Forecasts Methodology Report, 2015
- Metropolitan Freeway System 2014 Congestion Report
- Minneapolis – St. Paul TMA Conformity MOA, 2014
- Public Engagement Plan, 2015
- Public Participation Plan, 2010
- Public Transit and Human Services Coordinated Action Plan, 2013
- Regional Project Selection Process, 2002
- Regional Solicitation Process, 2014
- Regional Solicitation Scoring Committee Structure, 2016
- TDM Evaluation and Implementation Study, 2010
- Thrive MSP 2040 (State required regional framework), 2014
- TIP: FY 2014 – 2017; FY 2015-2018; FY 2016-2019; FY 2017-2020
- Title VI Compliance Implementation Plan, 2011
- Transportation Planning and Programming Guide, 2013
- Transportation Policy Plan (MTP), 2010 and 2015
- Transportation Policy Plan Amendments, 2013 and 2014
- Travel Demand Forecasting User Guide, 2012
- Unified Planning Work Program, FY 2016 and FY 2017



## 4.0 PROGRAM REVIEW

### 4.1 Metropolitan Planning Area Boundaries

**4.1.1 Regulatory Basis:** 23 CFR 450.312(a) states the boundaries of a Metropolitan Planning Area (MPA) shall be determined by agreement between the MPO and the governor. At a minimum, the MPA boundaries shall encompass the entire existing UZA (as defined by the Bureau of the Census) plus the contiguous area expected to become urbanized within a 20-year forecast period.

**4.1.2 Current Status and Findings:** The 2010 census added geography to the Minneapolis-St. Paul, MN-WI UZA in Wright and Sherburne Counties and an extremely small sliver across the St. Croix River in Wisconsin. Following this, the Metropolitan Council officially expanded its MPA to include the UZA areas of Wright and Sherburne.

The MPO staff was able to verify that the Wisconsin portion of the Minneapolis-St. Paul UZA had a 2010 population of 276 individuals, accounting for 0.01% of the entire Minneapolis-St. Paul UZA population. It is an area of approximately 0.75 square miles, comprising 0.5 square miles of dry land. It includes undevelopable steep bluffs within the St Croix River Wild and Scenic Area, and an additional 0.25 miles within the St. Croix River. Future development within this UZA area is limited by the Wild and Scenic River designation. It should be noted that development in Lake Elmo, MN, during 2000-2010 created the contiguous link to Wisconsin – not new development in Wisconsin itself.

There is no public transit in this portion of Wisconsin. According to the Wisconsin Department of Transportation (WisDOT), the Surface Transportation Block Grant (STBG) program “urban guarantee” amount that would be attributable to this area, given its size and population, is less than \$5,000 per year. A meeting was held in 2013 with representatives from Metropolitan Council, St. Croix County, WisDOT, MnDOT, FHWA and West Central Wisconsin Regional Planning Commission to discuss the potential of a bi-state MPO. It was concluded the amount of U.S. DOT dollars received would not offset the administrative and staffing costs for the small size and population of the area. The Metropolitan Council will continue to work with St. Croix County on planning that may impact Wisconsin (such as the Gateway (Gold Line) transit corridor study). In addition, WisDOT has annually informed the Metropolitan Council of any work in the UZA area for inclusion in the TIP. For instance, the 2016-2019 TIP includes some state-funded approach work related to the new bridge.

Furthermore, the Wisconsin portion of the UZA is connected to the Minnesota portion by the Chestnut Street/WI 64 lift bridge. This bridge is expected to close to vehicle traffic in late 2017 or early 2018 when the new St. Croix River crossing bridge opens as a continuation of MN 36. The Wisconsin portion of the UZA will then no longer be connected to the urbanized portion of the



## Minneapolis-St. Paul TMA Planning Certification Review

Twin Cities metropolitan area since, the Wisconsin portion of the UZA area does not extend as far south as the new bridge.

Metropolitan Council staff anticipates that after the 2020 Census, the contiguous UZA area may again extend into Wisconsin. This will likely occur at a different location, such as the Hudson area, since the eastern Minnesota communities along I-94 are already part of the Hudson UZA but separated from the Minneapolis-St. Paul UZA by rural portions of Washington County, MN. The Metropolitan Council will work with WisDOT, MNDOT, U.S. DOT and the affected Wisconsin partners after the 2020 UZA area has been determined to develop a formal agreement, if needed at that point.

In anticipation of the likely expansion of the Minneapolis-St. Paul UZA into Wisconsin as a result of the 2020 Census, the Metropolitan Council should consider expanding the Metropolitan Planning Area to include those counties, as well as any others expected to become urbanized during the 20-year horizon of the MTP.

**Schedule for Process Improvement:** None.

**Proposed FHWA/FTA Technical Assistance:** None.

### 4.2 MPO Structure and Agreements

**4.2.1 Regulatory Basis:** 23 CFR 450.310 provides the parameters for MPO designation. 23 CFR 450.314 states the MPO, the State, and the public transportation operators shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the state, and the public transportation operators serving the MPA.

**4.2.2 Current Status and Findings:** The Metropolitan Council is the designated MPO for the Twin Cities Region. Its officials are responsible for carrying out the metropolitan transportation planning process (MN Statute 473.146 subd. 4(a) and governor's Letter dated January 29, 1976). The Metropolitan Council's Board members are appointed by the governor and do not include local elected officials, transportation agency officials, or appropriate state officials.

The limitation on statutory construction, commonly referred to as the "grandfathering exemption", continues to apply to the Metropolitan Council. The Minnesota State Law that provided the Metropolitan Council with multimodal transportation responsibilities was in effect on December 18, 1991. The exemption from the MPO structural requirements contained in 23 USC 134(d)(2) has been continued in law under 23 USC 134(d)(4) until such time as the MPO is re-designated. This finding is supported by February 1, 2016 correspondence from FHWA/FTA to legal counsel representing a coalition of suburban counties within the Minneapolis – St. Paul TMA that contested this MPO structural compliance determination (Appendix C). The documentation



## Minneapolis-St. Paul TMA Planning Certification Review

demonstrates that the governor-appointed Metropolitan Council Policy Board is within the legal parameters of 23 USC 134(d)(2) and 23 CFR 450.310.

On December 5, 2008, the Metropolitan Council and MnDOT executed a Memorandum of Understanding (MOU) on Metropolitan Transportation Responsibilities for the Minneapolis – St. Paul Metropolitan Area. The document contains 16 Articles outlining the transportation planning cooperative procedures that are to be followed by the planning partners. This includes specific provisions for the development of financial plans supporting the MTP, TIP and the Annual Listing of Obligated Projects. The MOU also provides substantive details on the project solicitation and selection process. Additionally, Article 3 of the MOU states: “The Transportation Advisory Board (TAB) in conjunction with the Metropolitan Council, satisfies the federal requirements that a designated MPO include local elected officials in the decision making process.” However, pursuant to 23 CFR 450.104, the MPO is the policy board and it shall consist of elected officials (23 CFR 450.310(d)(1)(i)) if the above exemption does not apply.

Some communities within the region have chosen to fund other public transportation operators rather than Metro Transit. These “opt-out” transit providers are the Minnesota Valley Transit Authority, Plymouth Metrolink, Southwest Transit, and Maple Grove Transit.

On January 22, 2014, the MPO approved an agreement authorizing Wright and Sherburne Counties and several cities within them to conduct federally-required metropolitan planning activities pursuant to geographic additions made to the Minneapolis – St. Paul UZA by the U.S. Census Bureau.

FHWA, FTA, Metropolitan Council, MnDOT, Minnesota Pollution Control Agency, and the Metropolitan Interstate Council executed a *2014 Memorandum of Agreement Regarding Determination of Conformity of Transportation Plans, Programs and Projects to State Implementation Plans*. The document outlines the interagency consultation process amongst these agencies and the U.S. Environmental Protection Agency, which collectively comprise the Minnesota Interagency Air Quality & Transportation Planning Committee.

**Recommendation:** In accordance with recent revisions to 23 CFR 450.314 per MAP-21 and the FAST Act, it is recommended that the MPO, MnDOT, Metro Transit, and the opt-out transit providers (all as signatories – Minnesota Valley Transit Authority, Plymouth Metrolink, Southwest Transit, and Maple Grove Transit) update the MOU. The MOU should be a single document reflecting current regulatory citations/requirements and any new processes for interagency coordination and cooperation adopted by the planning partners in recent years. In particular, the agreement(s) shall contain procedures for compliance with the new performance-based planning provisions of 23 CFR 450.314(h)(1). This would detail agency responsibilities – individually and as a collaborative partnership – in implementing a coordinated approach to the collection, analysis, and reporting of performance data, including observed and projected progress in target achievement associated with TIP implementation. Additionally, reference to the MPO’s Policy



## Minneapolis-St. Paul TMA Planning Certification Review

Board structural compliance should be improved by properly demonstrating adherence to 23 USC 134 (d)(2),(3),(4) and 23 CFR 4501.310(d) while referencing the FHWA/FTA February 1, 2016 supporting correspondence.

**Schedule for Process Improvement:** Within 1 year of this Report.

**Proposed FHWA/FTA Technical Assistance:** None.

### 4.3 Unified Planning Work Program

**4.3.1 Regulatory Basis:** 23 CFR 450.308 requires that planning activities performed under Titles 23 and 49 USC be documented in a Unified Planning Work Program (UPWP). The MPO, in cooperation with the state and public transportation operator(s), shall develop a UPWP that includes a discussion of the planning priorities facing the MPA and the work proposed for the next one or two-year period by major activity and task. This must be done in sufficient enough detail to indicate the agency performing the work, the schedule for completing the work, the resulting products, the proposed funding, and the funding source.

**4.3.2 Current Status and Findings:** The Metropolitan Council's UPWP is produced annually with input from four major contributing agencies: The Metropolitan Council, MnDOT, the Metropolitan Airports Commission (MAC), and the Minnesota Pollution Control Agency (MPCA). The 2017 UPWP was approved on November 9, 2016. At its core, the UPWP delivers all the requisite information to receive federal Consolidated Planning Grant (CPG) funds for the metro-wide area.

The document provides a clear description of the UPWP's background, context and goals within the greater transportation planning process. The roles and responsibilities of participating agencies, local officials, counties, municipalities, and the U.S. DOT are clearly defined. The document also notes that work activities have been vetted for consistency with the Metropolitan Transportation Plan (MTP). However, the UPWP could be improved by identifying tasks that directly relate to specific MTP goals, objectives and strategies.

The UPWP is divided into five distinct categories: Planning and Programming Process, Comprehensive and Surface Transportation Planning, Research and Travel Forecasting, Operations and Management, and Aviation Transportation Planning. Within those categories, items are further sub-divided into tasks that detail their purpose, activities involved, relationship to previous work, relationship to other agency work, and the tangible products resulting from each respective task.

Many of the tasks included in the UPWP repeat on an annual basis, including the TAC and TAB process, TIP preparation, and regional solicitation. The document notes that much of the upcoming work will focus on application of principles from *Thrive MSP 2040* and the 2040 MTP,



## Minneapolis-St. Paul TMA Planning Certification Review

including the early stages of an MTP update. Attention will also focus on MAP-21 Performance-Based Planning implementation. Several large studies began in earlier years continue, including the I-94 Between the Downtowns Project, TH 169 Mobility Study, Gateway (I-94 East) Corridor Project, and the Riverview Pre-Project Development Study. Of note, the document could be further enhanced with a brief discussion of how non-reoccurring studies/projects are prioritized and selected for inclusion in the UPWP.

The document provides a high-level budget for each task, identifying federal and local funding along with expected staff time and salary/consultant costs. Federal CPG funding makes up the majority of the 2017 budget (\$4,358,912 – 70%), with the local match (\$1,765,139 – 28.35%) and finally local MAC (\$103,150 – 1.66%) rounding out the \$6,227,200 total. A separate line item indicating \$1,300,000 in non-CPG federal money for the Gold Line Station Area Planning is also noted. The document could be further enhanced by isolating the federal/local funding contributions for each task (e.g. Task B-1, Task B-2), along with estimated staff time required to carry out those respective tasks. It is currently presented in a bulk format.

The UPWP structure and readability is consistent with a programming document. However, the descriptions provide only limited discussion of the connection between the UPWP and the mobility challenges facing the region, including the need for data collection and analysis to address those issues. A short section in the UPWP entitled, “Work Continuing Beyond 2017,” mentions this only briefly in relation to the MTP update. A status update of the studies identified in Chapter 11 of the MTP relative to their inclusion in the UPWP would also be helpful. Further, a UPWP chart indicates, without clear explanation, that all UPWP activities address all planning factors. Relatedly, the UPWP is not made available to the public and stakeholder communities as a “strategic plan for planning” for review and comment beyond discussion during TAB/TAC meetings.

**Recommendation:** In accordance with 23 CFR 450.308, the UPWP should be elevated and recognized as a critical document defining the Metropolitan Council’s planning agenda. This should be accomplished by:

- Clarifying discussion in the UPWP and other planning documents, such as the Work Program Studies listed in the MTP, the Transportation Planning and Programming Guide, and the Public Participation Plan (PPP), regarding the context of planning and policy studies funded through the UPWP.
- Specifying how work tasks directly relate to specific MTP goals, objectives, and strategies.
- Incorporating a short discussion of how non-reoccurring studies/projects are ranked, prioritized and selected for inclusion in the UPWP.
- Isolating federal and local funding contributions for tasks (e.g. Task B-1, Task B-2), along with estimated staff time required to carry out those tasks.
- Making the UPWP available to the public beyond TAB/TAC meetings.



**Schedule for Process Improvement:** Next updates of the UPWP, MTP, Transportation Planning and Programming Guide, and PPP.

**Proposed FHWA/FTA Technical Assistance:** Identification and conveyance of similar-sized MPO UPWP's that have been noted for clarity, detail, and fluency with the public.

### 4.4 Metropolitan Transportation Plan

**4.4.1 Regulatory Basis:** 23 CFR 450.324 sets forth requirements for the development and content of the Metropolitan Transportation Plan (MTP). Among these requirements, MTP must address at least a 20-year planning horizon, and include both long and short-range strategies leading to the development of an integrated and multi-modal system. This system should be designed to facilitate the safe, efficient movement of people and goods in addressing current and future transportation demand.

The MTP is required to facilitate a continuing, cooperative, and comprehensive multimodal transportation planning process. The MTP needs to consider all applicable issues related to the transportation systems development, land use, employment, economic development, natural environment, and housing and community development.

23 CFR 450.324(d) requires the MPO to review and update the MTP at least every four years in air quality nonattainment and maintenance areas, and every five years in attainment areas. The update must reflect current and forecasted transportation, population, land use, employment, congestion, and economic conditions and trends.

Under 23 CFR 450.324(g), the MTP is required, at a minimum, to consider the following:

- Projected transportation demand
- Existing and proposed transportation facilities
- Operational and management strategies
- Congestion management process
- Capital investment and strategies to preserve transportation infrastructure and provide for multimodal capacity
- Design concept and design scope descriptions of proposed transportation facilities
- Potential environmental mitigation activities
- Pedestrian walkway and bicycle transportation facilities
- Transportation and transit enhancements
- A financial plan



## Minneapolis-St. Paul TMA Planning Certification Review

Under 23 CFR 450.340(f), beginning two years after the effective date of each Federal regulation establishing performance measures, the MTP must be prepared in accordance with performance-based planning requirements set forth under 23 CFR 450.324(g)(3) and (4).

**4.4.2 Current Status and Findings:** The *2030 Transportation Policy Plan* was adopted by the Metropolitan Council on November 10, 2010 and amended in 2013 and 2014. This Systems Plan or MTP was superseded by the *2040 Transportation Policy Plan*, adopted on January 14, 2015. This updated MTP provides an overview of the existing transportation system, including history of its development in conjunction with growth patterns.

The MTP has sections on goals, objectives and strategies that align with the planning factors (23 CFR 450.306), including potential measureable approaches to quantify performance. These sections include: sustainable investments in transportation, safety/security, multimodal accessibility, competitive economy, healthy environment, and land use/transportation planning coordination. There are also sections on the status and expectations for transportation finance, highways, transit, bicycle/pedestrian, freight, aviation, equity/environmental justice, work program, compliance with federal requirements, air quality, public participation, congestion management plan, intelligent transportation systems, and consultation with environmental resource agencies.

The MTP identifies general planning area designations to guide local communities in updating their comprehensive plans. A regional Travel Behavior Inventory is conducted every 10 years to track transportation use by mode (although the Metropolitan Council is currently transitioning to a rolling TBI administered on an ongoing basis). Of note is that from 2000-2010, even though total trips declined, there were large increases in transit (25 percent), bicycling (13 percent) and walking (16 percent) modes. Nevertheless, public transportation presently represents only 5 percent of commuting trips and 3 percent of overall trips (8 percent if school buses are included). The region has been in maintenance or attainment for all air emissions pollutants since 1999.

The highway section of the MTP depicts existing congested principal arterials. A chart is provided showing highway system investment prioritization factors used by stakeholders to select projects based upon the 5 primary "Thrive outcomes" (stewardship, prosperity, equity, livability, sustainability). 62 percent of fiscally constrained highway projects are identified as maintenance by MnDOT and are depicted on a map. The MTP depicts separate graphics for highway and transit projects identified as part of the constrained investment scenario by the type of infrastructure. Appendix C of the MTP contains the fiscally constrained list of highway and transit projects for the period 2015-2024 with pertinent route/location, description, estimated cost. The highway projects are provided by MnDOT and originate from the investment direction established by the Minnesota State Highway Investment Plan 2014-2033 (MnSHIP). Generally, information is not provided in the MTP about the project selection process, with the exception of interchanges as documented in Appendix F. The MTP does not have any highway or transit



## Minneapolis-St. Paul TMA Planning Certification Review

projects listed after 2024 through the planning horizon. The rationale provided is that there is not a reasonable expectation that funding will be available to expand the system for either mode.

Based in part on the national goal areas of MAP-21, the MTP contains a section of proposed performance measures for both highways and transit including standards, status, and outcomes. These also reflect recommendations of the American Association of State Highway and Transportation Officials (AASHTO) in the interim before completion of federal Performance Management rulemaking. Targets have not been developed. Recommended general measures are listed for safety (fatalities, injuries), pavement condition, bridge condition, system performance/congestion (delay, reliability), freight (delay, reliability), aircraft delay, person trips by mode, emissions and VMT, and transit assets (to be determined). Some related/expected planning outcomes of note through the 2040 planning horizon from the MTP under the fiscally constrained Current Revenue Scenario overall from 2010-2040 and/or after implementation of the 2014-2017 TIP, respectively, are as follows:

- Per capita VMT changes are negligible at -0.4 and +0.2 percent;
- Transit ridership changes of +79.4 and +8.5 percent (population grows 29 percent);
- Crash numbers change by -0.7 percent overall;
- Single occupancy vehicle changes of +29.9 and -0.5 percent;
- Carpooling person trips changes of +22.1 and +0.12 percent;
- Average travel time change after the 2014-2017 TIP of about -1.2 percent;
- Total hours of delay changes after the 2014-2017 TIP of about -3.2 percent;
- Emissions changes after the 2014-2017 TIP ranging from -0.2 to -0.7 percent depending upon pollutant.

The MTP outlines an existing priced managed lanes (MnPASS) system on expressways for use by transit, carpools, and others willing to pay during rush hour periods. All users can utilize the lanes during non-rush hour periods. MnPASS will be expanded in conjunction with specific planned road project rehabilitations and expansions. The first 10 years of the plan documents new fixed guideway projects that are expected to be built. Priority corridors are identified for additional comparable transit projects that are in the early stages of planning processes. Financial details are provided. The MTP documents the existence of intercity bus service in the region and notes that MnDOT is involved to some extent in planning/financing this mode of transportation, while the MPO does not have an effective role. Pursuant to 23 CFR 450.324(f)(8), the next MTP update should provide more extensive information and plans on the role and expected performance for intercity buses in addressing congestion, pollution and energy consumption.

**Recommendations:** Pursuant to 23 CFR 450.324(g)(3)&(4), see the recommendation in Section 4.18 *Performance-Based Planning & Programming*.

In accordance with 23 CFR 450.324(j), it is recommended that scenario planning be integrated into future updates of the MTP beyond the existing investment options. Scenario planning



## Minneapolis-St. Paul TMA Planning Certification Review

evaluates the effects of alternative policies, plans and programs on future transportation and land uses for the region. This includes population and employment projections based on different assumptions for geographic distribution and densities. Selection of the preferred scenario should be based on targeted improvements to baseline conditions for the performance measures identified in 23 CFR 450.306(d). The planning partners are also encouraged to base the preferred scenario on improvements in comprehensive locally-determined metrics that address the planning factors at 23 CFR 450.306(b) and the Partnership for Sustainable Communities goals/objectives.

In accordance with 23 CFR 450.324(g)(2) (MTP) and 23 CFR 450.322 (CMP), it is recommended that the MPO reevaluate and improve its procedures for selecting and prioritizing major capital investment projects in the MTP. The chosen methodology should more transparently demonstrate inclusion of the CMP and performance measures as part of decision-making and integrate comprehensive/conventional benefit-cost analysis or a similar methodology to rate and rank proposed projects.

**Schedule for Process Improvement:** Next MTP update.

**Proposed FHWA/FTA Technical Assistance:** Ongoing.

### 4.5 Transportation Planning Process

**4.5.1 Regulatory Basis:** Per 23 CFR 450.306, the scope of the metropolitan planning process requires continuous, cooperative, and comprehensive performance-driven, outcome-based procedures. The planning process should also be conducted in concert with the coordinated public transit-human services transportation plan required under 23 CFR 450.306(h).

**4.5.2 Current Status and Findings:** The Metropolitan Council has a number of committees that facilitate and inform the transportation planning process. The Transportation Advisory Board (TAB) is a coalition of local elected officials, citizens, and other stakeholders that advise the Metropolitan Council Policy Board and MnDOT on transportation planning issues and selects projects [Surface Transportation Block Grant (STBG), Congestion Management and Air Quality Improvement Program (CMAQ),] for Policy Board concurrence via documented procedures. The Technical Advisory Committee (TAC), composed of professional staff from local governments, informs both entities. On August 2012, the Metropolitan Council completed *Managing Federally Funded Projects* to assist planning partners, particularly sub-recipients of FTA and other federal funds, in applying for and managing funds after projects are in the approved TIP/STIP. The MPO also posted May 2016 documents, *Introduction to the Regional Solicitation for Transportation Projects* and *Using the Council's Online Grant Application*, to assist planning partners on entering projects into the competitive process for funding.



## Minneapolis-St. Paul TMA Planning Certification Review

The Metropolitan Council/Metro Transit have been coordinating with other planning partners, stakeholders, FTA and citizens on planning activities, including alternatives analyses and environmental reviews, for a number of public transportation projects in recent years. These include: Southwest Light Rail Transit, Blue Line Light Rail Transit, Orange Line Bus Rapid Transit (BRT), Gateway Corridor Gold Line BRT, C Line BRT, Nicollet-Central Modern Streetcar, A Line, Police Station, Heywood II Bus Garage Expansion, and Ladders of Opportunity Bus Shelter Replacements. A number of other planning studies have been initiated but have not yet included environmental reviews. BRT projects evolved from a 2011-2012 Arterial Transit Way Corridors Study that was initiated pursuant to directions in the 2030 Transportation Policy Plan.

The Coordinated Human Service Transportation Plan (HSTP) for the seven-county metro area was completed on February 13, 2013, approved by the Metropolitan Council, and is an update to a previous version finalized in 2007. MnDOT is the designated recipient and administrator for the Section 5310 program, Enhanced Mobility of Seniors and Individuals with Disabilities. MnDOT maintains a Section 5310 State Management Plan that was approved by FTA in 2008 and is updated on an annual basis. The local HSTP was developed in part through a framework for metro area coordination action plans established by the MnDOT 2006 Minnesota Coordination Action Plan. The Minnesota Council on Transportation Access established in 2010 and a metro steering committee of stakeholders also provided guidance for the HSTP. The HSTP outlines the FTA-established criteria that sponsors should use in prioritizing proposed projects and measuring performance. The HSTP outlines goals and planning procedures including a survey/inventory of transportation providers and service, public involvement, demographic profile, needs assessment/gap analysis, and strategies to address them. A Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis is also included. The HSTP also provides an examination of projects selected and implemented prior to 2011. Projects chosen after this period are not in the plan.

The aforementioned activities, along with the collaborative efforts documented in other planning products reviewed as outlined in this report, are evidence that the TMA partners are conducting a continuing, cooperative, and comprehensive multimodal transportation planning process. Further, the partners are addressing the planning factors; in particular, planning activities are responsive to the factors of improving accessibility/mobility, modal connectivity, efficient system management/operation, environmental protection, energy conservation, economic vitality, and consistency with planned development patterns.

Pursuant to 49 USC 5310(e)(A)(i) and FTA Circular 9070.1G, applicable projects selected for funding must be included in the HSTP to receive pertinent grant awards. Previous projects that are not in the HSTP should be added to the plan as soon as possible. Future projects selected for funding must be added to the HSTP prior to applying for FTA grants.

**Schedule for Process Improvement:** None.



**Proposed FHWA/FTA Technical Assistance:** None.

### 4.6 Transportation Improvement Program

**4.6.1 Regulatory Basis:** Under 23 CFR 450.326, the TIP must meet the following requirements:

- Cover at least a four-year horizon and be updated at least every four years;
- Surface transportation projects funded under Title 23 USC or Title 49 USC, except as noted in the regulations, are required to be included in the TIP;
- List project description, cost, funding source, and identification of the agency responsible for carrying out each project;
- Projects need to be consistent with the adopted MTP;
- Must be fiscally constrained; and
- The MPO must provide all interested parties with a reasonable opportunity to comment on the proposed TIP.

FHWA and FTA take action on the TIP in accordance with 23 CFR 450.330.

**4.6.2 Current Status and Findings:** A four-year TIP is approved annually, with the most recent version issued in September 2016 for the period of state FY 2017-2020. Typical sections of the TIP include: an introduction and overview of the planning process, a summary of regional plans and priorities, fiscal constraint analysis, project selection procedures, and project tables. The MPO and TAB ensure the TIP is consistent with priorities in the Air Quality Control Plan and Minnesota Statewide Multimodal Transportation Plan.

Projects for National Highway Performance Program (NHPP) funds are selected by the MnDOT Metro District in consultation with the Capital Improvement Committee (CIC). The MPO and TAB conduct a competitive selection process for local highway projects to be funded by FHWA's programs: STBG, CMAQ, and TAP. TAB also approves projects selected for Highway Safety Improvement, and Railroad Safety funding programs after MnDOT evaluates and ranks proposals. Section 5307, 5337, 5339, and 5309 Capital Investment Grant (CIG) program transit projects are selected using the MPO's six-year Capital Improvement Program, which is an implementation tool for the MTP. Section 5310 and 5311 projects are selected by MnDOT through a competitive process. The TIP provides the status of major highway and CIG projects. Project tables are provided by funding program and list the required information. Fiscal constraint is shown through projected federal and total spending amounts in these tables against separate tables of expected revenues.

Of note, the TIP has a separate funding table for FTA Section 5309 CIG projects. The previous three TIPs, that have since expired, list the Southwest Corridor Light Rail Transit Project with FTA New Starts funds for "Grade and Surface" as far back as 2015. Some of these entries include the



## Minneapolis-St. Paul TMA Planning Certification Review

first two years of the TIP. The current TIP (2017-2020) lists this project in addition to the Bottineau Corridor Light Rail Transit and Orange Line BRT projects with New Starts funding for one or both of the first two years of the program. Federal funds have not been committed for construction of any of these projects and the region is a maintenance area for CO. Thus, the practice of listing FTA CIG projects for construction-related funding in the first two years of the TIP despite uncommitted federal funding is not in compliance with 23 CFR 450.326(k).

The Regional Solicitation included various investment categories to solicit funding requests. After the project proposers submit requests, the policy board prioritizes investment levels considering the needs identified in each category. The funding requests are used as surrogates for system needs. One of the project selection scoring criteria is equity, which the review team noted is a commendable practice.

The MPO attests that there are established procedures to delineate the circumstances for a TIP amendment versus an administrative modification. The MPO also asserts that dollar amounts for projects are listed in year of expenditure (YOE) dollars using a two percent annual inflation rate. Documentation was not evident in the TIPs reviewed on the practices for TIP amendments, administrative modifications, and listing projects in YOE dollars. MnDOT and the Metropolitan Council did not provide a 2017-2020 TIP/STIP review period allowing FHWA and FTA to critique the document so that changes could be made as appropriate prior to approval.

**Commendation:** The use of equity as project selection criteria is a commendable practice. It helps inform the policy board, project sponsors, and the planning process about the impact of the investment. The Met Council is recognized for this.

**Recommendations:** The first two years of the current TIP should be corrected to only include projects with committed funding in accordance with 23 CFR 450.326(k), as the TMA is an air quality maintenance area for CO.

It is also recommended that the MPO add the established criteria and procedures for administrative modifications and amendments to the TIP consistent with 23 CFR 450.326(p). It is recommended that a statement is added to the TIP regarding the inflation assumptions and that funding amounts are expressed in YOE dollars consistent with 23 CFR 450.326(j). Consistent with 23 CFR 450.330, it is recommended that MnDOT and the MPO coordinate to ensure FHWA and FTA have sufficient time to review future TIPs/STIPs so that revisions can be made prior to approval. Failure to do so may result in approval delays.

In accordance with 23 CFR 450.326(n), a system-level assessment should be completed to determine the performance/investment need for the Regional Solicitation. Each investment category or subcategory can be assessed to identify the short-term and long-term needs to fit with the TIP and MTP.



**Schedule for Process Improvement:** Within 60 days of this report.

**Proposed FHWA/FTA Technical Assistance:** None.

### 4.7 Public Participation & Visualization

**4.7.1 Regulatory Basis:** Sections 134(i)(5), 134(j)(1)(B) of Title 23 and Section 5303(i)(5) and 5303(j)(1)(B) of Title 49, require an MPO to provide adequate opportunity for the public to participate in and comment on their products and planning processes. The requirements for public involvement are detailed in 23 CFR 450.316(a) and (b), which instruct the MPO to develop and use a documented public participation plan (PPP) that includes explicit procedures and strategies for involvement of the public and other interested parties.

Specific requirements include: giving adequate and timely notice of opportunities to participate in or comment on transportation issues and processes, employing visualization techniques to describe the metropolitan transportation plans and TIPs, making public information readily available in electronically accessible formats and means such as the world wide web, holding public meetings at convenient and accessible locations and times, demonstrating explicit consideration and response to public input, and periodically reviewing effectiveness of the participation plan.

**4.7.2 Current Status and Findings:** Pursuant to 23 CFR 450.316, the Metropolitan Council adopted their PPP on February 14<sup>th</sup>, 2007. This PPP replaced the *Citizen Participation Plan*, which was incorporated into the appendix of the *2030 Transportation Policy Plan* and adopted on December 25<sup>th</sup>, 2004. The current PPP identifies broad categories of public participation methods available for outreach. It also includes the Metropolitan Council's roles and responsibilities, methods for participant identification, minimum public notice requirements, advisory body roles, visualization techniques, education and outreach methods, and methods for local government participation.

Following a recommendation in *Thrive MSP 2040*, a Public Engagement Plan (PEP) was created and adopted by TAB in September of 2015; it is intended as a policy framework for public participation. It serves as a process roadmap for Metropolitan Council staff to engage the public on both an individual and regional scale, and includes a concept overview of engagement methods/procedures. Notably, the document supplies guidance for all of the Metropolitan Council's outreach activities, including those beyond transportation (land use, regional parks, and wastewater). While establishing core principles for engagement, the document also discusses strategies to improve outreach, such as having a presence in the community, utilizing best practices, and tailoring certain project-specific engagement plans. However, as a policy document born out of *Thrive MSP 2040*, the PEP does not offer the traditional staples of a PPP, including specifics on the timing and process by which planning documents are made accessible to the public, or the availability and use of visualization techniques.



## Minneapolis-St. Paul TMA Planning Certification Review

Following completion of the PEP, the Metropolitan Council saw the need to update the 2007 PPP, with the PEP serving as a guiding framework. At the time of this on-site review, an updated PPP was released for public comment, with final adoption scheduled for early 2017. The Metropolitan Council indicated the intent of both plans (PPP and PEP) is to signal that consultation will occur throughout the planning effort.

The draft version of the 2017 PPP is materially different than the 2007 version. It contains desired goals and participation outcomes, broad thematic strategies to improve participation, and a future commitment to effort-specific strategies for transportation planning. This focuses on the four major planning products of an MPO: the MTP, TIP, UPWP, and Air Quality Conformity Determination. As a framing document for future enhancement, the draft 2017 PPP does not include the level of procedural detail necessary for stakeholders to identify clear avenues for engagement. Further, no timeframes or schedules were included for future enhancements, nor were visualization techniques described. Actions are considered for each specific planning product at a policy level, and many of these simply call for greater investigation of engagement methods. During the review, the Metropolitan Council stated this lack of procedural detail was to disengage from formulaic “menu” plans, instead opting to tailor large planning efforts to key planning activities and prepare them individually. For example, following adoption of the updated 2017 PPP, an Individual Engagement Plan will be developed for the imminent MTP update.

While the Metropolitan Council collects both quantitative and qualitative data on outreach activities, including demographic information, outreach methods, website and social media interaction, and participant opinions of the process, there is no evidence of a comprehensive evaluation on the effectiveness of outreach activities. However, per the draft 2017 PPP, the MPO intends to evaluate participation success on an individual planning product level, such as MTP and TIP updates. And while the PEP states the Metropolitan Council will work with residents and community members to monitor engagement practices, the PPP itself could be improved by explicitly describing how it periodically reviews the effectiveness of these overall procedures and strategies, per 23 CFR 450.316(a)(1)(x).

Metro Transit utilizes the MPO’s public involvement process supporting the TIP to satisfy the public participation requirements for transit operators pursuant to 49 USC 5307(b). However, the public needs to be advised that the MPO’s public involvement process for the TIP is their opportunity to comment on the proposed Section 5307 “program of projects.” Therefore, it is recommended the Metropolitan Council state explicitly in the TIP that Metro Transit is using the public involvement process supporting the TIP to satisfy and/or supplement the public participation requirements of the FTA Section 5307 program. And, when it is revised, the PPP should include reference to this provision.

The Metropolitan Council is also exploring new, innovative approaches to engage the public. They are partnering with MnDOT to apply a different model of participation whereby the agencies



## Minneapolis-St. Paul TMA Planning Certification Review

employ trusted members of the community to handle local engagement around certain questions/issues for upcoming corridor studies (such as MnDOT's *Rethinking I-94*). The goal here is twofold – reinvesting in the community while reaching a greater level of participation. The MPO has also been implementing new outreach and engagement tools such as wiki-mapping (which allows comment and public user updates) to complement their robust social media presence. However, these techniques were not mentioned in the PPP or PEP, nor was there an existing social media policy.

**Recommendation:** The procedural detail and content of the PPP should be updated and enhanced to support preparation of key approaching documents – beginning with the 2018 MTP update. As a note, amendments to the PPP need to be available a minimum of 45 days for public review and comment. Information to update in the PPP should include:

- A detailed discussion on the occasions and methods for engaging the public and stakeholder communities to support preparation of planning products (23 CFR 450.316);
- Procedures, strategies, and desired outcomes for visualization in MTP and the TIP (23 CFR 450.316(a)(1)(iii));
- A clear and documented process that demonstrates how public comments are considered in the regional transportation planning process (23 CFR 450.316(a)(1)(vi)); and
- A process and schedule for evaluation of the effectiveness of the PPP prior to, and as input to, the next update of the PPP (23 CFR 450.316(a)(1)(x)). The evaluation should explicitly describe the methods strategies used to review for effectiveness, and detail explicit outcomes from the review. This should cover both systems planning and project planning, particularly those that are controversial.

**Schedule for Process Improvement:** Completion to support the next MTP update.

**Proposed FHWA/FTA Technical Assistance:** None.

### 4.8 Public Comments

**4.8.1 Regulatory Basis:** 23 USC 134(k)(5)(D) and 49 USC 5303(k)(5)(D) state that in making certification determinations, FHWA AND FTA shall provide for public involvement appropriate to the metropolitan area under review. 23 CFR 450.336(b)(4) states that FHWA and FTA shall consider the public input received in arriving on a certification action.

**4.8.2 Current Status and Findings:** During the onsite visit, a public meeting was held at the Metropolitan Council's main office on November 2, 2016 at 5:00 PM. Several people provided verbal comments during the meeting. Written comments were received through December 7, 2016. More than 70 people provided verbal and written comments. Copies of all written comments are in Appendix E. A summary of the comments follows below. FHWA/FTA responses are provided.



## Minneapolis-St. Paul TMA Planning Certification Review

- One commenter expressed concern with the increasing amount of park district funds that must be used to maintain the expanding network of non-motorized paths and trails for bicycles and pedestrians. This reduces funding to maintain other park areas and expand the park system.

**FHWA/FTA Response:** The issue should be addressed via the local collaborative planning process.

- One commenter expressed concern with the strong regional and MPO emphasis on new light rail projects when the technology is quickly becoming obsolete, considering the rise of Uber and the inevitability of driverless cars. He thinks it would make sense to have more emphasis on using existing infrastructure, roads and buses, to accommodate this new technology rather than rail.

**FHWA/FTA Response:** The issue should be addressed via the local collaborative planning process.

- One commenter stated that he has gone to numerous Metropolitan Council transit-related planning and project meetings and it is always unclear that public input is considered seriously. Another commenter stated that the Metropolitan Council generally provides limited information to the public and that disabled persons are only involved on side committees that do not have meaningful roles.

**FHWA/FTA Response:** See the 4.7 Public Participation & Visualization section recommendations.

- One commenter expressed concern with the involvement of 22 transit-related entities participating in transit planning, including seven regional railroad authorities, each pursuing their own projects and then handing them over to the Metropolitan Council. The commenter believes this prevents the MPO from functioning as an effective regional planning body. The commenter also stated that a Minnesota legislative subcommittee heard testimony and reviewed comments in 2015 and 2016 in relation to the *Thrive MSP 2040* plan, in which numerous counties and cities in the region were critical of the MPO in terms of openness to public input, transparency and for developing plans with outcomes that seemed predetermined.

**FHWA/FTA Response:** The MPO has an established project selection process for all planning partners. See Section 4.2 *MPO Structure and Agreements* relating to a recommendation that additional transit operators be included in an updated memorandum of understanding (MOU) with the Metropolitan Council and MnDOT to transparently define roles, responsibilities and procedures relative to the planning process.



## Minneapolis-St. Paul TMA Planning Certification Review

- About one-half of the commenters are very concerned that the MPO Board is appointed by the Governor, not elected, and does not properly represent respective localities of the constituents. Commenters also alleged a conflict of interest in the MPO Board approving the proposed Southwest Light Rail Transit (SWLRT) project, as some of the appointees are union members. Commenters pointed out that the MPO Transportation Advisory Board (TAB) does have elected members but they are not decision-makers and their function does not meet the federal planning requirements relative to decision-making authority. One commenter conveyed that a 2011 report by the nonpartisan Minnesota Office of the Legislative Auditor indicated that many stakeholders believe the Metropolitan Council Board members represent the views of the Governor and not the region as a whole or the district from which they were appointed. Thus, local elected officials often do not see Metropolitan Council decisions as credible. The commenter noted that the Auditor report also indicated that there is frequent distrust between the Metropolitan Council and other transit entities within the region. Another commenter referenced a 2011 State Auditor report that recommends replacement of the Metropolitan Council Board with elected officials.

**FHWA/FTA Response: See February 1, 2016 correspondence from FHWA/FTA to legal counsel representing a coalition of suburban counties within the Minneapolis-St. Paul TMA addresses the MPO structural issue (Appendix C). The documentation demonstrates that the Governor-appointed Metropolitan Council Policy Board is within the legal parameters of 23 USC 134(d)(2) and 23 CFR 450.310. There is planning process value in elected officials representing their respective constituencies on the MPO Policy Board. However, FHWA/FTA will not make any such recommendation as the change is beyond control of the local planning partners.**

- All other input, which came from the vast majority of commenters, is generally related to the proposed SWLRT project sponsored by the Metropolitan Council, particularly the project planning process including the environmental review pursuant to the National Environmental Policy Act (NEPA). One of these comments was supportive of the project. All other comments expressed a number of concerns or complaints. About one-third of the total comments are from residents at Calhoun Isles condominiums who are concerned about impacts of the SWLRT project on their homes and quality of life. Many of the SWLRT commenters expressed concerns with a lack of considering public input, selecting an illogical locally preferred alternative (LPA), and not recognizing significant environmental and safety impacts. A number of commenters noted that there is a trial scheduled for September 2017 to litigate these issues.

**FHWA/FTA Response: Regarding the SWLRT project environmental impact statement (EIS), NEPA mandates informed decision-making, evaluation of all reasonable alternatives, and analysis of the effects or impacts of those options. An EIS under NEPA**



## Minneapolis-St. Paul TMA Planning Certification Review

**does not require selection of the environmentally preferable alternative nor does it prohibit adverse environmental effects. FHWA/FTA will not be responding further to SWLRT project-specific concerns that relate to alternatives selection and environmental/safety issues as these have all been addressed at length via the environmental review process pursuant to NEPA. FTA is working jointly with the local planning partners to address mitigation as the project moves forward and will continue if federal funding is committed. See the Section 4.7 Public Participation & Visualization recommendations.**

- One commenter depicted inconsistencies of SWLRT project planning with specific citations of the federal planning regulations. First, 23 CFR 450.306(b), “The metropolitan transportation planning process shall be continuous...”; transit project proposals usually occur once they are proposed. Second/Third, 23 CFR 450.306(b)(2) and (3), “Increase the safety/security of the transportation system for motorized and non-motorized”; relating to dangers associated with co-locating SWLRT with freight rail. Fourth, 23 CFR 450.306(b)(4), Increase the accessibility of the transportation system for motorized and non-motorized users”; concerning the proximity of SWLRT to a park and lack of access to the urban core with the highest numbers of riders. Two commenters questioned the wisdom of SWLRT based upon benefit-cost analysis.

**FHWA/FTA Response: See Section 4.2 *MPO Structure and Agreements* relating to a recommendation that additional transit operators be included in an updated memorandum of understanding with the Metropolitan Council and MnDOT to transparently define roles, responsibilities and procedures relative to the planning process. See the response above regarding project-specific safety/security which falls under NEPA. See the Section 4.7 *Public Participation & Visualization* recommendations. Additionally, pursuant to the Capital Investment Grant (CIG) program, FTA analyzes project proposals and provides ratings via established performance-related criteria in law and through review of methodologies used in estimating ridership. Projects are fully vetted prior to selection for FTA CIG funding. Nevertheless, see Section 4.4 *Metropolitan Transportation Plan* regarding a recommendation to use benefit-cost analysis or another comparable quantified performance-based methodology to select projects.**

- Several commenters stated that the planning Certification Review public notice was insufficient in its distribution and timeliness and was inappropriately removed immediately after the public meeting even though there was a 30-day comment period in effect.

**FHWA/FTA Response: See the Section 4.7 *Public Participation & Visualization* recommendations.**



### 4.9 Civil Rights (Title VI, EJ, LEP, ADA)

**4.9.1 Regulatory Basis:** Title VI of the Civil Rights Act of 1964 prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

In addition to Title VI, there are other nondiscrimination statutes that afford legal protection. These statutes include the following: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324), Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990. ADA specifies that programs and activities funded with federal dollars are prohibited from discrimination based on disability.

Executive Order #12898 (Environmental Justice) directs federal agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations. In compliance with this Executive Order, USDOT and FHWA issued orders to establish policies and procedures for addressing environmental justice in minority and low-income populations. The planning regulations, at 23 CFR 450.316(a)(1)(vii), require that the needs of those “traditionally underserved” by existing transportation systems, such as low-income and/or minority households, be sought out and considered.

Executive Order # 13166 (Limited English Proficiency) requires agencies to ensure that limited English proficiency persons are able to meaningfully access the services provided consistent with and without unduly burdening the fundamental mission of each federal agency.

**4.9.2 Current Status and Findings:** Approved in December 2014, the most recent MTP contains goals, objectives and strategies relating to environmental justice. A chapter on equity and environmental justice uses percentages of minority and low income populations in the region for comparison with proportions at the census tract level to identify concentrations above identified thresholds. These are mapped with the locations of principle arterials, the transit system, and bicycle corridors in addition to proposed roadway and transit major capital investment projects. The MTP addresses accessibility disparities through the expansion of modal options, particularly public transportation, bicycles, and pedestrians. The MTP acknowledges that an equity assessment has not been performed relating to historical preservation, maintenance investments, and system condition. The regional model was used to determine that, under the Current Revenue Scenario of the MTP, the number of jobs reachable in 30 minutes by automobile will improve comparably for both populations of color and the overall region. However, transit accessibility improvements measured similarly will improve by 84 percent overall vs. 63 percent for people of color. The MTP concludes that there are not any significant disparities to protected populations as a result of implementing the plan.



## Minneapolis-St. Paul TMA Planning Certification Review

In March 2014, the Metropolitan Council completed the report, *Choice, Place and Opportunity: An Equity Assessment of the Twin Cities Region*. The Metropolitan Council released a September 2016 issue of METROSTATS entitled, *Behind the Curve: Racial and Ethnic Disparities in the Twin Cities Metro in 2015*. The document summarizes statistics from the Census Bureau American Community Survey to demonstrate that the region has the highest disparities in the country between white and black populations for employment, poverty and homeownership. Rankings comparable to these have apparently existed in the region for many years.

Clark et al. released the 2014 study, *National Patterns in Environmental Injustice and Inequality: Outdoor nitrogen oxide (NO<sub>2</sub>) Air Pollution in the U.S.* Analysis in that report ranks the Minneapolis-St-Paul UZA 28 of 448 U.S. UZA's for highest environmental inequality per the Atkinson Index, which measures the extent to which NO<sub>2</sub> concentrations are distributed evenly across the population.

The region also ranks 12 of 448 for highest environmental injustice in terms of parts per billion (ppb) NO<sub>2</sub> concentration differences between low-income non-white populations and high-income white populations.<sup>1</sup>

In August 2016, MnDOT released drafts of the Statewide Multimodal Transportation Plan (SMTP) and Minnesota State Highway Investment Plan (MnSHIP) for FHWA and FTA review and comment. The draft SMTP's Environmental Justice section acknowledges that, based upon a statewide systems level overview, transportation systems can create barriers and disparate impacts on protected populations. The draft MnSHIP recognizes that some parts of the system may need to be reduced due to substantial funding shortfalls. The draft MnSHIP Environmental Justice section identifies the categories of protected populations by their proportions of overall inhabitants residing within one-quarter mile of the State Highway System, with breakdowns by NHS and non-NHS, and compares them to statewide percentages. The one disparity identified is that of the population living within one-quarter mile of the NHS, 17.9 percent are minorities while minorities comprise 12.8 of the state population. The MnSHIP concludes that this disparity in noise and emissions may balance out with the benefits of being closely located to the NHS.

Consistent with 2016 FTA and FHWA comments and recommendations sent in formal correspondence to MnDOT on the draft SMTP and MnSHIP, the Metropolitan Council and MnDOT should collaborate in seeking explanations for the apparent discrepancies between their respective environmental justice analyses and that of the Clark, et al. research. Additionally, the

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<sup>1</sup> Clark LP, Millet DB, Marshall JD. (2014). National Patterns in Environmental Justice and Inequality: Outdoor NO<sub>2</sub> Air Pollution in the United States. PLoS ONE 9 (4). Available via <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0094431>.



## Minneapolis-St. Paul TMA Planning Certification Review

MPO could highlight and build upon MnDOT's work to improve transparency to the public on the proportion of protected populations residing near limited access highways and how planning can reduce any identified disparate impacts.

The TIP regional solicitation includes equity scoring criteria, which helps project sponsors and MPO staff understand project impacts on low income, minority, disabled, and elderly populations. The Equity Advisory Group has been utilized to advise the Metropolitan Council on various items including transit investments and plans.

**Commendation:** The Metropolitan Council and MnDOT are to be commended for participating in the 2016 US DOT Ladders of Opportunity Every Place Counts Design Challenge for I-94 between Saint Paul and Minneapolis. The effort focuses on collaboration to reduce the negative externalities that the Interstate Highway program of the 1950's and 1960's continues to impose on urban neighborhoods, particularly those consisting predominantly of minority and low income residents. The US DOT initiative provides a tremendous opportunity for the planning partners to demonstrate how unconventional changes to the I-94 corridor, other expressways and major arterials could result in quality of life improvements for these populations while simultaneously addressing funding shortfalls.

**Recommendation:** It is recommended that the Metropolitan Council improve transparency to the public in its environmental justice benefits and burdens analysis on impacts of both the existing transportation system and planned projects to minority and low income populations. This should include examination of travel times by mode to both employment and community amenities for these populations compared to the overall population. An example of best practices can be found in the Northwestern Indiana Regional Planning Commission (NIRPC) 2040 Comprehensive Regional Plan. Additionally, the proportion of these populations residing within a set distance of limited access highways should also be analyzed for disparities similar to the methodology used in the draft Minnesota 20-Year State Highway Investment Plan.

**Schedule for Process Improvement:** Next MTP update.

**Proposed FHWA/FTA Technical Assistance:** None.

### 4.10 Consultation, Coordination, and Environmental Mitigation

**4.10.1 Regulatory Basis:** 23 CFR 450.316(b-e) sets forth requirements for consultation in developing the MTP and TIP. Consultation is also specifically addressed in connection with the MTP in 23 CFR 450.324(h)(1-2) and in 23 CFR 450.324(g)(10) related to environmental mitigation.

In developing the MTP and TIP, the MPO shall, to the extent practicable, develop a documented process that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies as described below:



## Minneapolis-St. Paul TMA Planning Certification Review

- Agencies and officials responsible for other planning activities (state, local, economic development, environmental protection, airport operations, or freight);
- Other providers of transportation services;
- Federally-recognized Tribal Governments; and
- Federal land management agencies.

The MTP is also required to include a discussion of potential environmental mitigation for transportation improvements. When doing so, the MTP must examine potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

Appendix A to 23 CFR Part 450 provides detail on linking transportation planning and the National Environmental Policy Act (NEPA) processes. A Planning and Environmental Linkages (PEL) study can incorporate the initial phases of NEPA through the consideration of natural, physical, and social effects, coordination with environmental resource agencies, and public involvement. This will allow analysis in the PEL study to be referenced in the subsequent NEPA document once the project is initiated, avoiding redundancy on project implementation while saving time and money.

**4.10.2 Current Status and Findings:** The Metropolitan Council asserts that most of its consultation and coordination is accomplished through the Technical Advisory Committee (TAC) and Transportation Advisory Board (TAB) during their monthly meetings. TAC/TAB membership contains representatives from the Metropolitan Airport Commission (MAC), Minnesota Pollution Control Agency (MPCA), Department of Employment and Economic Development (DEED), MnDOT, the Suburban Transit Association (STA), FHWA, and the major cities and counties in the region. Notably missing from those rosters are representatives of land management and environmental resource agencies, as well as Indian Tribes. TAB and TAC meeting agendas are distributed prior to the meeting and available on the MPO website. Meeting minutes are also listed on the website shortly after the meeting is completed, and those minutes are considered documentation of the coordination that took place.

TAC/TAB coordination provides an important framework for coordination and consultation. The process could be improved by creating formal and documented procedures, expanding the range of participating organizations, and conducting outreach beyond the TAB/TAC process. This should also include methods for engaging entities that are traditionally less involved, such as Indian Tribes. Rather than being a stand-alone report, the documented process could be included within the updated PPP.

As it stands, the *Transportation Planning and Programming Guide*, updated in November of 2013, functions as the primary resource for identification of the agencies involved and the procedures for consultation and coordination. It describes (on a very cursory level) methods the Metropolitan Council uses to engage partner agencies and inform their decision-making process,



## Minneapolis-St. Paul TMA Planning Certification Review

especially regarding the UPWP, TIP and MTP. However, the document could be improved by exploring ways to improve outcomes, or approaches to evaluate the success of this collaboration.

The interagency consultation and environmental mitigation requirements are very much intertwined. An informed narrative on potential environmental mitigation is challenging without at least a high level analysis comparing the anticipated projects in an MTP with resource agency conservation plans, natural resource inventories, and historic property inventories.

The MTP environmental mitigation narrative offers project proposers a generic set of strategies to consider in project development, but provides no geographic detail on where those mitigation strategies may need to be utilized. The MTP supports use of the Natural Resources Inventory by project proposers for NEPA studies, but it is unclear how that information is used in preparing the MTP itself. Additionally, the work of the Partner Agency Workgroup (PAW) does not include a discussion about potential mitigation activities and the areas to carry them out because the plan focuses on broad principles and general concepts, as opposed to an anticipated suite of projects to address identified issues.

The MTP does not substantially meet the requirements of environmental mitigation and agency coordination as part of the 2040 MTP development because there is no discussion of potential mitigation activities developed in coordination with federal, state, or tribal representatives.

**Recommendation:** In accordance and 23 CFR 450.324(g)(10) & (h), it is recommended that the MPO:

- Directly and explicitly consult with federally-recognized tribes as well as federal and state environmental resource agencies in the next update of the MTP and prepare documentation describing the effort and its results;
- Document the procedures for environmental mitigation coordination and consultation efforts in support of the MTP, perhaps in the updated Public Participation Plan; and
- Update the inventory of natural and historic resources and compare it with long-range transportation options to develop a final scenario and proposed mitigation. All details should be fully documented in the MTP.

**Schedule for Process Improvement:** Next updates of the PPP and MTP.

**Proposed FHWA/FTA Technical Assistance:** The FHWA Division maintains examples of approaches used in other TMAs and can facilitate engagement with the Minnesota Historic Preservation Office and the Minnesota Department of Transportation Cultural Resources Unit.



### 4.11 List of Obligated Projects

**4.11.1 Regulatory Basis:** 23 CFR 450.334 requires the state, the MPO, and public transportation operators to cooperatively develop a listing of projects for which federal funds under 23 USC or 49 USC Chapter 53 have been obligated in the previous year. The listing must include all federally funded projects authorized or revised to increase obligations in the preceding program year, be generated no later than 90 calendar days following the end of the program year and, at a minimum, include the following for each project:

- The amount of funds requested in the TIP;
- Federal funding obligated during the preceding year;
- Federal funding remaining and available for subsequent years;
- Sufficient description to identify the project; and
- Identification of the agencies responsible for carrying out the project.

**4.11.2 Current Status and Findings:** The 2015 Annual List of Obligated Projects (ALOP) was on the MPO's web site during the desk review and the 2016 ALOP was posted in October 2016. The ALOP consists of two tables. The first is for highway, non-motorized and MnDOT-funded transit projects, which cover the 2015 State fiscal year of July 1 through June 30. The second is for all other transit projects during the federal fiscal year of October 1 through September 30. Generally, entries in the ALOP include identification of projects by route, project number, description, total dollar amount, federal amount in TIP, federal authorized amount, and agency.

The Metropolitan Council attests that they did not generate ALOP's for 2013 and 2014. Further, the MPO conveyed that they may not have created ALOP's from 2008 to 2012. It is suggested that the MPO post the 2013 and 2014 ALOP's on its web site to improve transparency to the public regarding the history of funded projects that were not listed in previous ALOP's.

**Schedule for Process Improvement:** None.

**Proposed FHWA/FTA Technical Assistance:** None.

### 4.12 Transportation Safety

**4.12.1 Regulatory Basis:** 23 USC 134(h)(1)(B) requires MPOs to consider safety as one of ten planning factors. As stated in 23 CFR 450.306(b)(2), the planning process needs to consider and implement projects, strategies, and services that will increase the safety of the transportation system for motorized and non-motorized users.

In addition, SAFETEA-LU established a core safety program called the Highway Safety Improvement Program (HSIP) (23 USC 148), which introduced a mandate for states to have



## Minneapolis-St. Paul TMA Planning Certification Review

Strategic Highway Safety Plans (SHSPs). 23 CFR 450.306(d) requires the metropolitan transportation planning process to be consistent with the SHSP, and other transit safety and security planning.

**4.12.2 Current Status and Findings:** The MTP contains a goal, objectives and strategies for improving safety of the transportation system. Safety is a primary selection metric for roadway projects in both the MTP and MnDOT's Congestion Management and Safety Plan (CMSP). MnDOT's SHSP tracks vehicular crash statistics and outlines strategies to reduce them. The MTP identifies some of the spot mobility improvement opportunity areas based upon the CMSP. The planning partners participate in the Minnesota *Toward Zero Deaths* initiative. Rail safety is pursued via collaborative efforts such as the State Rail Plan and project planning/implementation of light rail expansion in the region.

Overall, planning for and solicitation of projects funded by the FHWA HSIP occurs through a regional solicitation process conducted by MnDOT and the Metropolitan Council TAB. This process functions well but there are also opportunities for improvement that are explained below. A positive observation is that the Metro safety program, with leadership from MnDOT, has taken on some politically tough safety projects, such as innovative intersection types that are demonstrating significant safety benefit. Some of these are unfamiliar to the public and local elected officials and have required extensive public outreach.

It is not clear how the SHSP is applied within the planning process. A few references are made to the SHSP in the MTP and other documents, but its usage is not clear, nor is its impact after completion. Ideally, the SHSP is a more action-oriented plan that sets priorities and tracks progress. The Metropolitan Council should make an effort to assist MnDOT in the next SHSP update (due in 2019), which would create a more practical, impactful plan.

Relative to HSIP funding, it's not clear the planning partners include evaluation of past projects or project categories as part of the planning process. There are a wide variety of project types funded through HSIP. Evaluation should be added to the process as an integral part of the safety program. This is important because it continually increases knowledge of which project types have the greatest impact on reducing fatal and serious injury crashes (the purpose of the program). This knowledge informs future decision-making.

Additionally, the Principal Arterial Intersection Conversion Study is a joint study by the Metropolitan Council and MnDOT that looked at prioritizing grade separation and other intersection improvements along high-volume signalized corridors in the metro area. The study is nearing completion but a recommendation is presented below on how it can achieve greater benefit with follow-up work.

**Commendation:** MnDOT's State Traffic Safety Engineer has been added to the committee that reviews Metro HSIP project proposals. This individual has strong highway safety expertise and is



## Minneapolis-St. Paul TMA Planning Certification Review

very familiar with the SHSP and other safety plans completed for counties and MnDOT Districts. Also, there are three different HSIP solicitations and processes in Minnesota: 1) Metropolitan Council; 2) non-Metro MnDOT Districts; and 3) non Metro counties. Having one person involved in all three processes ensures consistency and fairness.

**Recommendation:** The safety and mobility needs for the system are not fully developed. The Principal Arterial Intersection Conversion Study should be followed up by more detailed corridor planning studies that look at lower-cost alternatives (to full freeway conversion) that can be more quickly and realistically realized. The current pace of intersection to interchange conversion along these corridors is 1.6 per year. Because of this approach, safety improvement along these corridors is very slow and primarily impacts spot locations. Regional solicitation criteria should prioritize safety (and operational) improvement along the corridor as a whole. This will impact the type of projects that are funded and result in greater safety improvement overall.

The US 10 Access Planning Study is an example of this. Previous studies recommended a \$300 million freeway. Lower cost alternatives were developed and the study found that implementation of approximately \$100 million of those project types achieved 90% of the safety and operational benefits compared to the full freeway vision.

**Schedule for Process Improvement:** None.

**Proposed FHWA/FTA Technical Assistance:** None.

### 4.13 Financial Plan for Metropolitan Transportation Plan

**4.13.1 Regulatory Basis:** 23 CFR 450.324(g)(11) calls for the MTP to include a financial plan that demonstrates how the transportation plan can be fiscally implemented. In addition to documenting the reasonable availability of revenues to support the capital costs of implementation, the financial plan must also include system-level estimates of revenues that are reasonably expected to be available to operate and maintain federal-aid highways and federally supported public transportation services.

**4.12.2 Current Status and Findings:** The MTP presents long-term transportation finance challenges by detailing two investment scenarios for the period of 2015-2040. The first is a conservative list of recommended improvements and presented under a Current Revenue Scenario. The second, an illustrative Increased Revenue Scenario, provides a context for the level of transportation revenues and spending that would be needed to move the region closer to achieving its transportation goals and objectives. To demonstrate fiscal constraint, aggregations of revenues over the first ten years of the planning horizon are aligned with the aggregated costs of projects proposed for this time. There are no projects identified after 2024. The rationale provided is that there is not a reasonable expectation that funding will be available to expand



## Minneapolis-St. Paul TMA Planning Certification Review

the system. The MTP raises serious questions of the continued ability to operate and maintain state-owned highways in the region.

Based on past experiences/trends, the Current Revenue Scenario (or approved plan) does not assume increases beyond inflation. It projects \$84 billion (YOE) broken down by source in known transportation funding revenues balanced with spending as depicted by separate tables in multiyear bands and pie charts. There are three primary categories: local transportation for roads, bicycle and pedestrian (\$42 billion); state highways (\$11 billion); and public transportation (\$31 billion). Expected federal funding comprises about 13 percent of the total revenues. There are also separate revenue tables for the three categories with each identifying the investment groups and amounts in multi-year bands. The amount of funding for state highway expansion is negligible while roughly 31 percent of the transit amount is for expansion. The MTP concludes that under the Current Revenue Scenario funding will be insufficient to maintain and operate highways and performance will decline as a result.

The Increased Revenue Scenario (or illustrative plan) demonstrates the impacts to programs and projects should policy changes result in additional revenues. It estimates that an additional \$8-10 billion (current dollars) and \$7-9 billion (YOE) could become available for state highway and transit investments respectively.

Of particular note, the Counties Transit Improvement Board (CTIB) was created pursuant to state statute by a joint powers agreement between five counties comprising 92 percent of the region's population. These counties receive funding from transit and motor vehicle sales taxes that support development, construction, and operation of transit-ways within their areas. The MPO attests that the Current Revenue Scenario assumes this funding will continue at levels to fully support transit system operations through the planning horizon. There is a possibility that the CTIB will disband or downsize in the future which could either threaten sustained transit funding or create opportunities for counties to increase financial support.

**Recommendation:** In accordance with 23 CFR 450.324(f)(11), the MTP should identify proposed major capital projects, even if they do not include system expansions. Pavement reconstructions and bridge replacements on principal arterials are important regional improvements to identify in the plan including local projects. Other non-regionally significant investments can be generalized into investment categories.

The MTP should illustrate year of expenditure dollars for projects at a minimum of each of the first four years and subsequent five year bands through the plan horizon. This additional detail is needed to confirm the availability of revenues to support capital, operating, and maintenance expenses for the years, or selected small groupings of years, over the near-term horizon of the MTP.



The Financial Plan should clarify that the State-owned highways in the region will continue to be operated and maintained, with consideration by MNDOT of appropriate cost containment strategies, as needed.

**Schedule for Process Improvement:** The more detailed Financial Plan should be prepared in a time frame to support the next update of the MTP, scheduled for 2018.

**Proposed FHWA/FTA Technical Assistance:** None.

### 4.14 Integration of Land Use and Transportation

**4.14.1 Regulatory Basis:** 23 USC 134(g)(3) encourages MPOs to consult with officials responsible for other types of planning activities that are affected by transportation in the area (including state and local planned growth, economic development, environmental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities.

23 USC 134 (h)(1)(E) and 23 CFR 450.306(b)(5) set forth requirements for the MPO Plan to protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and state and local planned growth and economic development patterns.

In June 2009 the DOT, HUD and EPA joined together to form the Partnership for Sustainable Communities ([www.sustainablecommunities.gov](http://www.sustainablecommunities.gov)). Six livability principles have been established through this collaboration and are listed below. Compliance is voluntary.

- Provide more transportation choices – Reduce transportation costs, dependence on foreign oil, and emissions.
- Promote equitable, affordable housing – Expand location and energy efficient housing to reduce the combined costs of housing and transportation.
- Enhance economic competitiveness – Improve accessibility to employment, education, and community amenities.
- Support existing communities – Revitalize neighborhoods and increase the efficiency of public works investments through transit-oriented development, mixed land uses and land recycling.
- Coordinate and leverage federal policies and investment.
- Value communities and neighborhoods – enhance the unique characteristics, imaginability and walkability of the built environment.

**Current Status and Findings:** On May 28, 2014 the Metropolitan Council approved *Thrive MSP 2040*, a 30-year vision plan for the region based upon nine community designations ranging from



## Minneapolis-St. Paul TMA Planning Certification Review

Urban Center to Agricultural. The document is a comprehensive development guide that establishes the policy foundation for local governments in updating their land use plans to ensure consistency with the seven-county regional vision.

*Thrive MSP 2040* is the umbrella for the following Systems and Policy Plans that have been developed to guide compliance and coordination of regional systems: Transportation, Water Resources, Regional Parks, and Housing. *Thrive MSP 2040* contains five outcomes that the local land use plans must address: stewardship, prosperity, equity, livability, and sustainability. Methodologies identified for achievement and adoption are: integration of related activities to increase efficiencies in solving complex problems, multi-stakeholder collaboration, and accountability through data-driven metrics. Per *Thrive MSP 2040*, the 2007 Next Generation Energy Act seeks to reduce Minnesota's greenhouse gas emissions by 15 percent in 2015 and 30 percent by 2025. In accordance with the Metropolitan Land Planning Act, seven policies are established to guide future land use and development along with underlying strategies for implementation: Orderly and Efficient Land Use; Natural Resources Protection; Water Sustainability; Housing Affordability and Choice; Access, Mobility, and Transportation Choice; Economic Competitiveness; and Building in Resilience.

Communities are expected to develop in accordance with established levels of population density. *Thrive MSP 2040* states that the region will grow by 824,000 residents or 29 percent during 2010-2040, with about one-third from migration. Employment is expected to increase by 550,000 during this period. Suburban and exurban locations are expected to accommodate about 73 percent of the increase in population and 59 percent of the employment growth (*Thrive MSP 2040*, pages 92-110). These are forecasts based upon preferred projections by the collective local authorities and stakeholders.

The *Metropolitan Council's Forecasts Methodology*, dated February 28, 2014 is established to be consistent with *Minnesota Statutes* 473.146 and 473.859 in relation to policy and comprehensive plans. Long-range forecasts for population, households and employment are updated at least once per decade and cover a 30-year time period. The most recent forecasts were released in preliminary form in 2012, updated for public comment in February 2014, and finalized for *Thrive MSP 2040*.

Regional economic, land use and travel demand modeling tools are also used. Initially, using the *REMI PI* model, regional forecasts are developed based upon business conditions and competitive advantages within the larger national economy. More localized forecasts are then developed using the *Cube Land model* which considers real estate dynamics (assuming value-maximizing decisions of households, site selectors, and developers) and transportation accessibility in relation to regional land use policies and local plans. *Cube Land* has the capability to consider alternative projections of population, household, and employment growth by locality based on varying assumptions. However, local authorities generally do not conduct scenario planning.



# Minneapolis-St. Paul TMA Planning Certification Review

In an effort to quantify progress in achieving planning goals and objectives relative to land use and transportation coordination, the review team analyzed selected data related to the planning factors and Partnership for Sustainable Communities principles. The U.S. Census Bureau provides weighted population data by distance from city hall for 366 Metropolitan Statistical Areas (MSAs) during the years of 2000 and 2010. The measure indicates the level of population clustering and has a much stronger correlation to transit ridership, walkability, and reduced travel demand than traditional population density. In the Minneapolis-St. Paul MSA (2010 population 3.3 million), weighted population density decreased from 3,617 to 3,383 from 2000 to 2010. While the drop was fairly typical for MSAs in the 2.5-4.9 million population grouping, this was the 50th largest numeric decline out of all MSAs. The MSA has the 16th largest population in the country while weighted population density is ranked 57th. The average weighted population density for U.S. metro areas with populations of 2.5-4.9 million was 5,550 in 2010.<sup>2</sup>

Other U.S. Census and FHWA statistics show that the Minneapolis-St. Paul, MN-WI UZA has a 2010 population of about 2.7 million which is the 16th largest in the country and ranked: 119th in persons per square mile, at the median of 26 daily vehicle miles traveled (DVMT) for all UZAs, and higher than the median population per miles of freeway (7,415 vs. median of 5,700).<sup>3</sup>

Table 4 below shows the UZA’s area public transportation rankings for various metrics against other transit agencies for 440 UZAs in the U.S. Data are combined for Metro Transit, Metropolitan Council, and Metro Mobility, which together provide the bulk of public transportation in the region.<sup>4</sup> Based on population, all of the regional performance rankings are within or better than expectations, which is reflective of strong transit ridership.

**Table 4 – National Transit Area Rankings Comparison**

MINNEAPOLIS-ST. PAUL, MN-WI URBANIZED AREA TOTALS/RANKINGS AGAINST US TRANSIT AGENCIES (ALL MODES)							
Minneapolis-St. Paul MN-WI UZA	Population	Vehicles Operated Maximum Service	Vehicles Available for Max. Service	Annual Vehicle Revenue Miles (000)	Annual Vehicle Revenue Hrs. (000s)	Unlinked Passenger Trips (000s)	Passenger Miles (000s)
Totals	2,650,890	1,778	2,024	59,402	4,040	97,603	495,570
Ranking	16	12	12	13	12	15	17

<sup>2</sup> U.S. Census Bureau. Patterns of Metropolitan and Micropolitan Population Change 2000 to 2010:

[http://www.census.gov/population/metro/data/pop\\_pro.html](http://www.census.gov/population/metro/data/pop_pro.html).

<sup>3</sup> FHWA, Highway Statistics 2013, Table HM-72: <https://www.fhwa.dot.gov/policyinformation/statistics.cfm>.

<sup>4</sup> 2016 APTA Public Transportation Fact Book, Appendix B, UZA Totals Table (All Modes Combined, 2014 data). <http://www.apta.com/resources/statistics/Pages/transitstats.aspx>. Data does not include the Minnesota Valley Transit Authority, Southwest Transit, and Maple Grove Transit.



## Minneapolis-St. Paul TMA Planning Certification Review

Generally, for such a large urban and metropolitan area, the built environment in the Minneapolis - St. Paul region has the form of smaller areas with less population clustering that is more prevalent in locations with populations of about 1.0 - 2.5 million. It is evident that power given to the Metropolitan Council by the Minnesota State Legislature facilitates strong coordination amongst local governments to ensure growth and development occurs consistent with a regional vision/plan. The integration of public transportation into land use planning is exceptional. Nevertheless, there is concern that area land use plans could be facilitating further de-densification, which will likely increase per capita travel demand and associated costs while restraining efforts to reduce dependence on non-renewable fuels. The reason is the above cited Thrive MSP 2040 allocation of population growth predominantly to suburban and exurban locations and comparative weighted population density performance. Further, it is unclear from *Thrive MSP 2040*, the MTP, and current TIP that substantive progress will be made by the region's transportation sector in reducing Minnesota's greenhouse gas emissions in accordance with the 2007 Next Generation Energy Act.

Consistent with 23 CFR 450.324(f)(4)(i) and (ii), it is suggested that scenario planning is integrated into future updates of *Thrive MSP 2040* beyond the existing investment options. Scenario planning evaluates the effects of alternative policies, plans and programs on future transportation and land uses for the region. This includes population and employment projections based on different assumptions for geographic distribution and densities. Selection of the preferred scenario should be based on targeted improvements to baseline conditions for the performance measures identified in 23 CFR 450.306(d). The planning partners are also encouraged to base the preferred scenario on improvements in comprehensive locally-determined metrics that address the planning factors at 23 CFR 450.306(b) and the Partnership for Sustainable Communities goals/objectives. See Section 4.4 *Metropolitan Transportation Plan* for a related recommendation.

**Schedule for Process Improvement:** None.

**Proposed FHWA/FTA Technical Assistance:** None.

### 4.15 Travel Demand Forecasting

**4.15.1 Regulatory Basis:** 23 CFR 450.324(g)(1) requires that the MTP include the projected transportation demand of persons and goods in the MPA over the period of the plan. Travel demand forecasting models are used in the planning process to identify deficiencies in future year transportation systems and evaluate the impacts of alternative transportation investments. In air quality non-attainment and maintenance areas, they are also used to estimate regional vehicle activity for mobile source emission models that support air quality conformity determinations.



**4.15.2 Current Status and Findings:** The Metropolitan Council's travel demand forecasting model is operated by staff for regional planning analyses. Metropolitan Council staff does not perform project-level forecasts. The model is provided to consultants working on MnDOT, Metro Transit, and local project forecasts. Metropolitan Council forecasting staff provides technical support, guidance, data, and review. Descriptions of this process can be found in MnDOT's traffic forecast guidelines and in the Regional Transit-way Guidelines 3.

The model is also currently undergoing an update, converting the regional model from the trip-based paradigm to an Activity - Based Model (ABM). The new model was developed 2012-2015 from 2010-12 travel survey data. The model was developed by a consultant. The base year of this model is 2010. There are 3,030 TAZs covering the 7-county area and the entire area of all adjacent counties.

**Schedule for Process Improvement:** None.

**Proposed FHWA/FTA Technical Assistance:** None.

## 4.16 Air Quality

**4.16.1 Regulatory Basis:** The air quality provisions of the Clean Air Act (CAA) (42 USC 7401) and the MPO provisions of Titles 23 and 49 require a planning process that integrates air quality and metropolitan transportation planning, such that transportation investments support clean air goals. Under 23 CFR 450.324(n), a conformity determination must be made on any updated or amended transportation plan in accordance with the CAA and the Environmental Protection Agency (EPA) transportation conformity regulations of 40 CFR Part 93. A conformity determination must also be made on any updated or amended TIP, per 23 CFR 450.326(a).

**4.16.2 Current Status and Findings:** The Metropolitan Council's air quality conformity analysis area includes its traditional seven-county jurisdiction plus portions of Wright County and the city of New Prague. All Transportation Control Measures (TCMs) have been implemented or remain ongoing, and are documented in Appendix E of *Thrive MSP 2040*.

On November 8<sup>th</sup>, 2010, the EPA approved a 10-year limited maintenance plan for carbon monoxide (CO) in the Twin Cities region, as the EPA found it unreasonable to expect the region would experience so much growth during the maintenance period that a violation would result. This was built off monitoring data that indicated eight-hour CO concentrations had not risen above 30% of the NAAQS since 2004, and not above 70% since 1998. Because of this designation, regional modeling analysis is no longer required (although "hot spot" analysis constraints still apply to federally funded projects).



## Minneapolis-St. Paul TMA Planning Certification Review

In December of 2010, the Metropolitan Council jointly developed *Transportation Conformity Procedures for Minnesota: A Handbook for Transportation and Air Quality Professionals* with the Minnesota Pollution Control Agency (MPCA), MnDOT, and FHWA. The handbook fulfills the conditions of 40 CFR 51.390(b), which required an Implementation Plan revision and incorporation into the State Improvement Plan (SIP), which deals with statewide air quality improvement. The handbook identifies the roles, responsibilities, major steps, and conformity requirements by each agency in the state of Minnesota. Primarily written by the Metropolitan Council, the document is noteworthy for its clear, concise description of differing agency roles and responsibilities in the complex air quality conformity process.

In March of 2015, a new transportation conformity Memorandum of Agreement (MOA) was established between the MPCA, FHWA, FTA, MnDOT and Metropolitan Council. The agreement details the interagency consultation process, specific roles and responsibilities, conflict resolution, public consultation procedures, and project level mitigation measures. Following approval by the EPA, the MOA was incorporated into the SIP.

The Metropolitan Council also participates in the Minnesota Interagency Air Quality and Transportation Planning Committee (MNIAQTPC). This group consists of representatives of the Metropolitan Council, MnDOT, MPCA, FHWA, and the EPA, and makes technical and policy recommendations on TIP Amendments, TCM revisions, air quality modeling, and a host of other conformity issues.

The Metropolitan Council is meeting all the necessary requirements for Air Quality Conformity and on track to exit the Limited Maintenance designation for CO in 2019.

**Schedule for Process Improvement:** None.

**Proposed FHWA/FTA Technical Assistance:** None.

### **4.17 Congestion Management Process, Management and Operations, and ITS**

**4.17.1 Regulatory Basis:** 23 CFR 450.322 sets forth the requirements for the Congestion Management Process (CMP) in TMAs. A (CMP) is a systematic and regionally-accepted approach for managing congestion that provides accurate, up-to-date information on transportation system performance and assesses alternative strategies for congestion management that meet state and local needs. The CMP is intended to move these congestion management strategies into the funding and implementation stages.

23 CFR 450.322(f)(3) requires the MTP to include Management and Operations (M&O) of the transportation network as an integrated, multimodal approach to optimize the performance of



## Minneapolis-St. Paul TMA Planning Certification Review

the existing transportation infrastructure. Effective M&O strategies include measurable regional operations goals, objectives and specific performance measures to optimize system performance.

23 CFR 940 sets a requirement for MPOs to have a regional Intelligent Transportation Systems (ITS) architecture in place. All ITS projects funded by the Highway Trust Fund (Including the Mass Transit Account), must be consistent with the provisions discussed therein.

**4.17.2 Current Status and Findings:** The Metropolitan Council's CMP is outlined in chapter 12 of the MTP. There, it identifies Transportation Management Organizations (TMOs) and cooperating operators that help the Metropolitan Council promote travel options, particularly during peak periods and in congested areas. Coordination with these and other entities takes place during TAB and TAC meetings. The CMP focuses on freeway type facilities, in both the region and connections to areas beyond. The CMP also maps major roads by functional class/congestion level and identifies four primary aspects of congestion: intensity, duration, extent, and variability.

**The following analysis of the Metropolitan Council's CMP is based on the federal process model for development and implementation of a CMP<sup>5</sup>:**

**Develop Regional Congestion Management Objectives** – Separate from the CMP chapter, chapter two of the MTP discusses overall goals, objectives and strategies. Under the "Access to Destinations" goal there are objectives related to increasing the availability of multimodal alternatives and increasing travel time reliability. The strategies are used to refine objectives, and there are several that impact CMP activities. The main strategy is listed under C3, which notes the council "...will continue to maintain a Congestion Management Process for the region's principal arterials to meet federal requirements". However, this did not include non-freeway principal arterials and minor arterial roadways.

Several of the detailed objectives in the sections address issues related to the CMP, such as "Increase travel time reliability and predictability for travel on highway and transit systems." A good objective is written as specific, measurable statement that supports achievement of a goal. The Metropolitan Council's CMP quality and accountability would be increased by using SMART (Specific, Measurable, Agreed Upon, Realistic, and Time Bound) objectives. For example, an outcome-based SMART objective in relation to

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<sup>5</sup> FHWA, "Congestion Management Process Guidebook", January 2017, [https://www.fhwa.dot.gov/planning/congestion\\_management\\_process/cmp\\_guidebook/chap02.cfm](https://www.fhwa.dot.gov/planning/congestion_management_process/cmp_guidebook/chap02.cfm)



## Minneapolis-St. Paul TMA Planning Certification Review

congestion might be, “Increase travel time reliability and predictability as measured by a planning time index by 3% in 2040 for travel on highway and transit systems”.

**Define Extent of CMP Network** – As noted above, the extent of the Metropolitan Council’s CMP network is described as the region’s principal and minor arterials. Very limited information is provided on non-freeway arterials. Much of this coverage has been examined within the context of corridor or subarea studies. However, the CMP section does not detail the end product of those studies, or discuss if other projects elsewhere in the MTP are a result of the CMP corridor studies.

**Develop Multimodal Performance Measures** – The MTP includes a number of performance measures along the lines of those recommended by AASHTO to FHWA/FTA in anticipation of the new Performance Measure rules. Some of these refer to measures collected nationally by the Texas Transportation Institute (TTI) on the extent and intensity of congestion. The document does make some analyses based upon a local definition of road or transit system congestion, but does not specifically document which one(s) used.

The five performance measures in the previous MTP have now been expanded to a total of 14, increased to measure a number of other factors. The document notes current efforts focused on intensity, number of people impacted, and duration of congestion. Other measures are:

- Reliability Index
- Annual hours of delay
- Annual hours of delay per capita
- Corridor throughput by mode
- MnPASS lane and corridor use by vehicles
- Total Vehicle Miles Traveled (VMT)
- MnPASS delay and reliability compared to general purpose lanes

It is encouraging to efforts focused on the dimensions of congestion and reliability. However, some terms are missing documentation of relevant definitions and formulas. The work plan for the CMP does note that the MTP needs to be updated to include the final set of recently-released federal performance measures.

**Collect Data / Monitor System Performance** – MnDOT monitors freeway performance and collects data that is published annually in freeway system congestion reports. There, congestion is identified in hour categories by the number of miles that speeds are below 45 mph. For 2003-2012, these data show an increasing trend of regional congestion. Impacts of proposed road improvements are analyzed using the Regional Travel Demand Model. The Metropolitan Council compares congestion levels with ten other regions in



## Minneapolis-St. Paul TMA Planning Certification Review

the U.S. in terms of daily VMT per capita and travel time index. The region's performance in these metrics is comparable to the average of those peers.

**Analyze Congestion Problems and Needs** – The highway system management measures the Metropolitan Council uses to address congestion problems and needs include expansion efforts, ITS, spot mobility improvements, and bus-on-shoulder facilities. It also includes creation of MnPASS lanes for carpools, transit, and others opting to pay a congestion fee. These are mirrored in the MnDOT congestion report and MnDOT Metropolitan District 20-year Highway Investment Plan. Travel Demand Management (TDM) methods are guided by the 2010 Metropolitan Highway Strategic Investment Study (MHSIS), 2010 MnPASS System Study 2, and 2013 Congestion Management and Safety Plan (CMSP). As noted in the CMP work plan, the Metropolitan Council should improve integration of measurement and monitoring systems with MnDOT, the counties, and the cities. This will make the data accessible to more agencies, improving regional coordination.

**Identify and Assess Strategies** – The CMP is a goal-focused, concept-themed narrative that appears to be more of a work plan for future analyses than a detailed description of strategies to manage congestion. The narrative makes reference to demand reduction, land use, and transit options as concepts for future consideration. It also discusses technical analyses conducted in 2009, 2010, and 2012 that identified strategy options for inclusion in the 2040 TPP. However, these are presented only as concepts and goal areas for later deliberation. The CMP must consider appropriate road and non-road options and document the results of these analyses, which should inform clear, intended, long-term strategies for reducing congestion.

**Program Strategies and Evaluate Effectiveness** – The MTP notes the systematic evaluation made of the congestion and reliability system in the Twin Cities. However, The MTP does not evaluate previously implemented strategies or discuss how those results informed future decisions. Section 23 CFR 450.322(D)(6) calls for a periodic assessment of implemented strategies or projects so decisions can be made on the most effective strategies.

The Metropolitan Council and MnDOT do not evaluate system-wide Vehicle Miles Traveled (VMT) and fuel pricing to reduce the demand for single-occupancy vehicle transport as part of the CMP. The potential benefits could be demonstrated using known elasticities regarding the effects of pricing and land use design on VMT and alternate modes. Documentation should include costs of such strategies and implementation challenges.



### ITS

While ITS deployment is the responsibility of operating transportation agencies, the Metropolitan Council has chosen to adopt the Minnesota ITS statewide architecture. The ITS architecture governs the deployment of ITS and is designed to assure integration and interoperability across jurisdictional and geographic boundaries. MnDOT manages compliance with the deployment of ITS in accordance with 23 CFR 940 on all state funded MnDOT trunk highway (TH) projects and State Aid projects administered by local agencies.

**Recommendation:** A fully-realized CMP shall be developed and operational within two years of this report. Periodic updates on progress should take place. The CMP shall comply with all the requirements of 23 CFR 450.322.

Specific areas for CMP improvement should include:

- Increasing analysis to consider non-freeway principal arterials and minor arterial roadways.
- Using SMART objectives and the inclusion of acceptable level of performance for the region.
- Incorporating greater public transparency of CMP implementation at both system-wide and project levels.
- Documenting the steps to consider, select and dismiss CMP strategies based upon identification and analysis of strategy options, particularly on non-freeway arterials. This should include such approaches as demand reduction, performance-based intersection improvements, corridor management, land use management, and transit service.
- Evaluating previously implemented congestion management strategies and the corresponding impacts. Data should be compiled and analyzed to identify metrics to gauge CMP success.
- Integrating the CMP into the project selection process.
- Evaluating mobility or congestion relief projects against the range of strategies to determine the best benefit/cost strategy for implementation.
- Fully developing the improvement process using facility level data to clearly define the operational problems and the expected performance benefits of the potential solutions.

**Schedule for Process Improvement:** Within two years of this report, with periodic updates.

**Proposed FHWA/FTA Technical Assistance:** T2 funding toward a CMP Peer Exchange. Assistance offered in developing a work plan to meet recommendation improvements.



### 4.18 Performance Based Planning & Programming

**4.18.1 Regulatory Basis:** 23 CFR 450.306(d) calls for the planning process to provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in 23 USC 150(b) and the general purposes described in 49 USC 5301(b). Specifically, MPOs must work cooperatively with state and transit operators serving the metropolitan planning area to establish performance targets that address the performance measures or standards established under 23 CFR part 490 (where applicable), 49 USC 5326(c), and 49 USC 5329(d) to use in tracking progress toward attainment of critical outcomes for the region, each of whom is setting targets for these measures for their systems.

**4.18.2 Current Status and Findings:** Performance management in regional transportation planning and programming is being considered by the Metropolitan Council, MNDOT, and the transit operators through generally separate processes. MnDOT publishes the *Annual Minnesota Transportation Performance Report*, which includes measures and targets for the following: safety (fatalities, serious injuries), highway asset management (pavement condition/service life, bridge conditions), freeway congestion/job accessibility, pedestrian accessibility/sidewalk ADA compliance, bicycle usage, transit ridership (Twin Cities/state), and others.

The performance measures used by MnDOT stem from objectives in the Minnesota GO Statewide Multimodal Transportation Plan. The 2015 document was published in October 2016 and is the seventh annual report. The report acknowledges the FAST Act performance-based planning requirements and attests they will be addressed in future reports. The process for performance measure and target adoption, including public involvement opportunities, is outlined on the MnDOT web site. Challenges noted in the report include sharp increases in fatalities/serious injuries in 2015, expected decreases in pavement condition, anticipated increases in freeway congestion in the Minneapolis-St. Paul area, expected shortfalls in meeting legislatively directed transit ridership levels, and the slow pace of making facilities ADA compliant.

In August 2016, MnDOT gave a presentation during the State MPO Workshop on the FHWA safety performance targets. In November 2016, MnDOT and the MPO directors had a broader discussion on plans for addressing the FHWA metrics. Metro Transit has a team assembled that is working on the transit asset management plan. This includes operators other than Metro Transit as the Metropolitan Council/Metro Transit owns the fleet of these other agencies and provides or funnels capital funding to them. A detailed regional rail/bus fleet policy including useful life parameters already exists to aid planning for replacement vehicles. Metro Transit also has an existing policy for maintaining their park-n-ride facilities. Both policies are used to identify expected costs and needed revenues. Similarly, the Service Improvement Plan of Metro Transit uses a range of performance indicators in screening and ranking proposed improvements in the service area. In addition, the Metropolitan Council utilizes a wide range of freeway performance measures in its Congestion Management Process, which are tracked and documented in the



## Minneapolis-St. Paul TMA Planning Certification Review

Transportation System Performance Evaluation, prepared prior to each MTP update. This document serves to highlight performance issues to be addressed in the Plan update.

However, while these separate activities effectively serve the needs of MNDOT, Metro Transit, and the Metropolitan Council respectively, implementation of a regional performance-based planning and programming process will require a much higher level of interagency communication and coordination. Currently, only preliminary discussion has taken place to forge a coordinated, collaborative framework for the next MTP update using a performance management approach.

Recently, the Metropolitan Council and its planning partners have begun discussions and preparation for adopting a performance management approach to decision-making pursuant to the new requirements. However, activities to date have been limited to work by the state and Metro Transit – separately – to adopt measures and targets for their respective systems and facilities. Little communication and coordination appears to have taken place among them, nor with the Metropolitan Council, to prepare performance targets for these measures that pertain to the region.

**Recommendation:** Per 23 CFR 450.306(d), performance targets for the metropolitan area for national measures must be developed in accordance with regulatory deadlines, which are still evolving and vary across goal areas. However, for that to happen, the Metropolitan Council, all transit operators, and MNDOT must begin collaborative discussion to establish a coordinated, cooperative arrangement for collection of performance measure data, setting performance targets both for system operators and for the metropolitan area, and monitoring conditions for the purpose of tracking progress toward target achievement. In accordance with 23 CFR 450.324(g)(3) and (4)(i), the Metropolitan Council needs to begin work now to collaborate with MnDOT, Metro Transit, and the other transit operators of the region in implementing a performance-based planning and programming process in the region. This will require a cooperative effort to collect performance data, prepare performance targets for the region, track and report progress in achieving those targets (via a system performance report included in the MTP), and to prospectively estimate future progress in target achievement resulting from TIP implementation. Since highway and transit asset management measures have already been developed and target preparation is underway, collaborative work by Metropolitan Council, in cooperation with transit operators and the state should begin as soon as possible.

**Schedule for Process Improvement:** Next MTP update.

**Proposed FHWA/FTA Technical Assistance:** Ongoing.



## APPENDIX A - PARTICIPANTS

The following individuals were involved in the Metropolitan Council MPO on-site review:

- **Federal Highway Administration (FHWA) – Minnesota Division Office**
  - Andrew Emanuele – Community Planner
  - Arlene Kocher – Division Administrator
  - Elizabeth Pitts – Financial Specialist
  - Jim McCarthy – Traffic Operations Engineer
  - Kris Riesenbergs – Technical Services Team Leader
  - Philip Forst – Environmental Specialist
  - William Stein – Safety Engineer
  
- **Federal Highway Administration (FHWA) – Headquarters**
  - Spencer Stevens – Transportation Planner
  
- **Federal Transit Administration (FTA) – Region 5**
  - Reggie Arkell – Community Planner
  
- **Federal Transit Administration (FTA) – Headquarters**
  - Charlie Goodman – Transportation Planner
  
- **Metropolitan Council**
  - Adam Duininck – Metropolitan Council Chair
  - Arleen Schilling – Director, Program Evaluation and Audit
  - Amy Vennewitz – Deputy Director for Planning and Finance, MTS
  - Connie Kozlak – Planning Analyst
  - Cole Hiniker – Planning Analyst
  - Dan Marckel – Planning Analyst
  - Dave Vessel – Senior Planner
  - Elaine Koutsoukos – TAB Coordinator
  - Heidi Schallberg – Senior Planner
  - Joe Barbeau – Senior Planner
  - Jonathan Ehrlich – Planning Analyst
  - Katie White – Senior Planner
  - Luis Morales – Supervisor for Equal Opportunity
  - Mark Filipi – Manager for Technical Services, MTS
  - Michelle Fure – Manager for Public Involvement
  - Nick Thompson – Director, MTS
  - Russ Owen – Senior Planner



## Minneapolis-St. Paul TMA Planning Certification Review

- Steve Peterson – Manager for Transportation Planning, MTS
- Steve Elmer – Planning Analyst
  
- **Minnesota Department of Transportation (MnDOT) – Metro District**
  - Brian Kary – Principal Engineer
  - Karen Scheffing – Principal Transportation Planner
  - Lynne Bly – Transportation Program Director
  - Pat Bursaw – Transportation Operations Manager
  - Paul Czech – Transportation Program Director
  
- **Minnesota Department of Transportation (MnDOT) – Central Office**
  - David Tomporowski – Senior Transportation Planner
  - Roberta Retzlaff – Planning Program Coordinator



## APPENDIX B - STATUS OF FINDINGS FROM LAST REVIEW

A priority for each Certification Review is assessing how well the planning partners have addressed Corrective Actions and Recommendations from the previous Certification Review. This section examines the status of those elements from the 2012 Certification Review.

### 2012 Corrective Actions

**Corrective Actions:** None

### 2012 Recommendations

#### 2012 Recommendation 1: Transportation Policy Plan (MTP) – Fiscal Constraint

The federal review team observed that the Metropolitan Transportation Plan does not contain a Financial Plan or separate section that clearly identifies the revenue forecasts and project expenditures for the 20-year planning horizon. The team also observed that the financial information was spread throughout several sections of the MTP making it difficult to understand how much the region was investing and in what types of projects. The FHWA and FTA recommend that in the next MTP update the Met Council include a Financial Plan containing 20-year revenue forecasts and a corresponding list of investments clearly showing how the revenues will be spent.

#### 2017 Status Update:

Following FHWA and FTA's recommendation, the Metropolitan Council added a *Transportation Finance* chapter to their 2040 MTP, adopted on January 14<sup>th</sup>, 2015. The stand-alone section discusses available and upcoming revenue sources, and presents two potential future scenarios: a "Current Revenue Scenario" and an "Increased Revenue Scenario".

However, as noted above in Section 4.13 (*Financial Plan for Metropolitan Transportation Plan*), the federal review team felt the MTP should identify major capital projects even if they do not include system expansions. The MTP should also illustrate year of expenditure dollars for projects at a minimum of each of the first four years, and subsequent five year bands through the plan horizon. Accordingly, a recommendation is outlined in Section 4.13.

#### 2012 Recommendation 2: Transportation Policy Plan – Listing of Projects

The federal review team observed that it could not locate a comprehensive listing of all modes and types of projects that will be funded during the 20-year horizon of the plan. The project information was scattered throughout the document and contained in many different forms and tables that could not be compared or easily compiled into a comprehensive list. In several cases,



## Minneapolis-St. Paul TMA Planning Certification Review

only broad categories of investment were identified. In other cases, it was difficult to identify what the projects actually consisted of. The federal review team expects that the next update of the MTP contain a clear and comprehensive list of all the investments that will be made over the 20-year planning horizon of the fiscally constrained plan. If “vision” or illustrative projects are to be included, such projects should be clearly labeled as illustrative.

### **2017 Status Update:**

A comprehensive list of Long-Range Highway Capital Projects was included in Appendix C of the 2040 MTP. The document notes this is the first time a comprehensive list has been provided, and was done so at the request of FHWA/FTA. The list includes projects that will be planned or implemented by MnDOT or the Metropolitan Council. It does not include projects on the local highways, as these projects are identified through the local planning process. The list is noted as being exhaustive only for MnPASS, Strategic Capacity Enhancements, Regional Highway Access, and Transitways only. When new projects are identified, they must be amended into the MTP and this corresponding appendix.

Of note, projects are only listed from 2015-2024, not the 20-year horizon of the MTP. The Metropolitan Council states this was done because no major projects are identified or anticipated beyond 2024. The Current Revenue Scenario expects all funding beyond this date to be dedicated to operating, maintaining, and rebuilding the built-out transportation system.

See Section 4.13, *Financial Plan for Metropolitan Transportation Plan*, regarding a recommendation to include non-expansion projects in the MTP.

### **2012 Recommendation 3: Congestion Management Process**

The federal review team observed that the Met Council has done significant valuable work in the area of congestion management, such as the Metropolitan Highway System Investment Study and Congestion Management Planning Studies. This work is documented in several separate reports and the MTP contains several sections of the CMP. However, all of this effort is not compiled and summarized to effectively document the Congestion Management Process that is required in a TMA. The federal review team expects that the next update of the MTP will more comprehensively document the region’s systematic CMP process to address and evaluate congestion.

### **2017 Status Update:**

See Section 4.17, *Congestion Management Process, Management and Operations, and ITS*, for a detailed discussion of the current status of the CMP.

### **2012 Recommendation 4: Operations and Maintenance (O&M)**



## Minneapolis-St. Paul TMA Planning Certification Review

The federal review team noted the TIP did not contain a clear discussion of the O&M costs and revenues used to demonstrate adequate O&M on the federal-aid system. This required information should be included in the next update of the MTP and the next TIP and should represent the costs and revenues from all jurisdictions, although the calculations can be generic in nature.

### **2017 Status Update:**

The 2040 MTP contained a clear discussion of O&M of highway assets in *Chapter 5 - Highway Investment Direction and Plan*. The plan noted the 2040 MTP is the first to identify long-term state highway O&M costs. The costs were based on findings in MnDOT's Highway Systems Operations Plan 2012-2015 (HSOP), which includes the operations and maintenance investment priorities for the state system.

A table with O&M forecasts for the Current Revenue Scenario is also included, broken out in bands: \$0.6 billion from 2015-2024 (10 years), \$.08 billion from 2025-2034 (10 years), and \$0.6 billion from 2035-2040 (6 years). This leaves a total of \$2.0 billion planned for operations and maintenance from 2015-2040, with an additional \$1.0 billion dollars cited for the same years in the accompanying Increased Revenue Scenario.

The most recent TIP (2017-2020) also includes a short discussion of O&M. It references MnDOT's HSOP, and the same \$2.0 billion forecast identified in the 2040 MTP.

The federal review team considers this 2012 recommendation satisfied.

### **2012 Recommendation 5: Freight Transportation Planning**

The FHWA and FTA review team observed a lack of clarity of significant effort or emphasis on freight transportation planning in the Twin Cities MPO. While the Met Council collaborates with MnDOT in its freight planning studies and activities, it undertakes few freight planning studies for the region. The federal review team recommends that the Metropolitan Council continue efforts to better understand the role of freight in the Twin Cities region and initiate efforts to collect data that would be useful to support these planning efforts. Once the appropriate level of data has been obtained, the region should consider identifying "freight significant" corridors and facilities.

### **2017 Status Update:**

Passage of the FAST Act has placed a new and greater emphasis on freight planning at the state and metropolitan level. The Metropolitan Council now participates in MnDOT's Freight Advisory Committee (MFAC), which provided direction on MnDOT's new Statewide Freight System Plan (a FAST Act requirement). There is a freight representative both on the Technical



## Minneapolis-St. Paul TMA Planning Certification Review

Advisory Committee (TAC) and Transportation Advisory Board (TAB). The 2040 MTP also contained a stand-alone chapter on freight investment and freight planning direction by mode.

In 2016, the Metropolitan Council completed the *Regional Truck Freight Corridor Study*, which identified detailed freight movement and travel speeds with respect to urban congestion within the metropolitan region. Using the data results of the study, the intent is to better prioritize investments for freight. The Metropolitan Council, in consultation with MnDOT, will also take the lead designating Critical Urban Freight Corridors (CUFC) in the region, a new FAST Act requirement.

The federal review team considers this 2012 recommendation satisfied.

### **2012 Recommendation 6: Documentation**

The federal review team noted the value of the Implementation Report that the region had prepared in previous years. This report documents the status of the transportation projects solicited by the Transportation Policy Board (TAB) and the Metropolitan Council that are included in the region's TIP. This provides clear and informative information about how well the region implements the federally funded projects in the TIP as well as an indication of how well the policies and strategies contained in the MTP are implemented.

### **2017 Status Update:**

The Metropolitan Council has chosen to not continue the *Implementation Report*. The federal review team notes that, while not required, such a report would hold value. The federal review team considers this 2012 recommendation satisfied.

### **2012 Recommendation 7: Title VI and Environmental Justice**

The federal review team observed a lack of clarity of the identification of minority and low income populations. The review team recommends demographics of these populations be broken out separately by demographic characteristics that will help the region identify specific tools to better reach these populations and to demonstrate how they are making an effort to serve these populations. Also, the team recommends identifying projects in the TIP that provide benefits to these populations and also identify any burdens to minority and/or low income populations that result from the projects the region implements.

### **2017 Status Update:**

Similar to the 2030 MTP completed in 2010, the 2040 MTP continues the practice of mapping minority and low income populations by concentration against transit routes and proposed major capital projects. In March 2014, the Metropolitan Council completed the report *Choice, Place and Opportunity: An Equity Assessment of the Twin Cities Region*. Funding was provided by a



## Minneapolis-St. Paul TMA Planning Certification Review

Sustainable Communities Regional Planning Grant from the U.S. Department of Housing and Urban Development. The report compiles various demographic data and documents analysis showing that the region has some of the nation's largest racial disparities in the areas of income, employment, homeownership and education. The document discusses efforts by the Metropolitan Council to reduce these disparities through the expansion of public transportation and affordable housing across the region. The benefits of closing these gaps are also presented in the report.

See Section 4.9 *Civil Rights* for current FHWA/FTA recommendations.

### **2012 Commendations**

#### **2012 Commendation 1: Public Participation**

The region is commended for its **extensive public outreach** efforts and the innovative tools such as social media that are being used to effectively engage the public in regional transportation planning. The public outreach that is being conducted as part of the numerous transit studies and Alternatives Analysis in the region is particularly commendable.

#### **2012 Commendation 2: Cooperation and Consultation**

The region is commended for its **leadership and cooperative efforts** in carrying out the Metropolitan Planning Process with its partners, in particular the region is recognized for its numerous collaborative and joint transportation planning efforts with the Minnesota Department of Transportation.

#### **2012 Commendation 3: National Leadership**

The region is commended for its national leadership in being the first **MPO to include a Bus Rapid Transit (BRT) Managed Lane** as an alternative to be evaluated as part of the Alternative Analysis (AA) study that is being conducted on the Gateway Corridor.



U.S. Department  
of Transportation

## Minneapolis-St. Paul TMA Planning Certification Review

### **APPENDIX C – FHWA/FTA LETTER RE MPO STRUCTURE**



U.S. Department  
of Transportation

**Federal Transit  
Administration**

**Federal Highway  
Administration**

Headquarters

1200 New Jersey Avenue, SE  
Washington, DC 20590

**FEB 01 2016**

Ms. Ann R. Goering  
Ratwik, Roszak & Maloney, P.A.  
730 Second Avenue South, Suite 300  
Minneapolis, MN 55402

Re: **Metropolitan Council Certification Review**

Dear Ms. Goering:

On behalf of Secretary Foxx, this letter responds to your correspondence dated October 1, 2015, on behalf of a coalition of suburban counties of the Twin Cities metropolitan area (“Suburban Counties”), as well as your January 11, 2016, letter inquiring as to the status of our response. In your October 1 letter, you requested that the Federal Highway Administration (“FHWA”) and Federal Transit Administration (“FTA”) review an earlier determination, reached jointly by the FHWA Minnesota Division office and FTA Region V, that the Minnesota Metropolitan Council (“Metropolitan Council”) complies with the structure requirements of 23 U.S.C. § 134(d)(2)<sup>1</sup> in its role as a metropolitan planning organization (“MPO”). For the reasons set forth below, FHWA and FTA confirm their earlier determination.

## **I. Background**

### **A. Federal Requirements**

Since the 1991 passage of the Intermodal Surface Transportation Efficiency Act (“ISTEA”), Pub. L. 102-240, Federal law has required MPOs serving transportation management areas (TMAs) to include certain structuring of their boards. The current version of the law requires:

Not later than 2 years after the date of enactment of [the Moving Ahead for Progress in the 21st Century Act, Pub. L. 112-141, (“MAP-21”)], each metropolitan planning organization that serves an area designated as a transportation management area shall consist of—

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<sup>1</sup> Substantively similar provisions are codified in 23 U.S.C. § 134 and in 49 U.S.C. § 5303. For clarity, this letter refers only to Title 23.

(A) local elected officials;

(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and

(C) appropriate State officials.

23 U.S.C. § 134(d)(2). The law also includes a “grandfathering” provision, which excludes planning entities established prior to ISTEA from the structuring requirements:

Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities-

(A) to develop the plans and TIPs for adoption by a metropolitan planning organization; and

(B) to develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

23 U.S.C. § 134(d)(4).<sup>2</sup> This grandfathering clause applies to an MPO when: (1) the MPO operates pursuant to a State law that was in effect on or before December 18, 1991; (2) such State law has not been amended after December 18, 1991, with regard to the structure or organization of the MPO; and (3) the MPO has not been designated or re-designated after December 18, 1991. Policy Guidance on Metropolitan Planning Organization (MPO) Representation, 79 Fed. Reg. 31,214, 31,216 (June 2, 2014).

#### **B. The Suburban Counties’ May 8, 2015, letter to FHWA and FTA**

The Metropolitan Council is the designated MPO for the Twin Cities metropolitan area, which is a transportation management area. Minn. Stat. § 473.146, subd. 4(a). It is composed of 17 members, all of whom are appointed by the Governor. *Id.* § 473.123, subds. 3 and 4. For purposes of transportation planning, the Metropolitan Council includes a transportation advisory board (“TAB”) of, *inter alia*, local elected officials, representatives of State agencies, and representatives of public transit, freight transportation, non-motorized transportation, and the Metropolitan Airports Commission. *Id.* § 473.146, subd. 4(b).

Between June 25 and 28, 2012, FHWA and FTA conducted a review of the Metropolitan Council’s compliance with the planning requirements of 23 C.F.R. Part 450. Transporta-

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<sup>2</sup> In previous correspondence on this matter, this section was designated as 23 U.S.C. § 134(d)(3). With the enactment of the Fixing America’s Surface Transportation Act (“FAST Act”), Pub. L. 114-94, § 1201(3), on December 4, 2015, this section became 23 U.S.C. § 134(d)(4).

tion Planning Certification Review Report for the Minneapolis-St. Paul Metropolitan Area (“2012 Report”). The 2012 Report concluded that the Metropolitan Council was the properly constituted MPO for the region and made no recommendations for corrective actions. *Id.* at 9, 10. In reaching this conclusion, the 2012 Report emphasized the role of the TAB in the Metropolitan Council’s planning process. For example, the 2012 Report stated that the “Metropolitan Council in conjunction with the [TAB] is the designated MPO” and that “[t]ogether, the Council and the TAB are responsible for the governance and transportation policy making for the Twin Cities region.” *Id.*

In a May 8, 2015, letter addressed to FHWA’s and FTA’s regional offices, the Suburban Counties asked FHWA and FTA to partially reject the 2012 Report’s findings and hold that the Metropolitan Council does not comply with the membership requirements for MPOs serving TMAs. The Suburban Counties argued that, because Federal law defines an MPO as “the policy board of an organization”, 23 U.S.C. § 134(b)(2), the TAB, which by Minnesota law is merely advisory, should not be considered part of the MPO, and therefore the Metropolitan Council does not have the membership required by 23 U.S.C. § 134(d)(2). The Suburban Counties further argued that the Metropolitan Council is not grandfathered because post-ISTEA amendments to Minnesota law, adopted in 1994, have affected the structure or organization of the Metropolitan Council.

FHWA’s Division and FTA’s Regional office replied on August 3, 2015. The regional offices agreed with the Suburban Counties that the TAB is not part of the MPO, and therefore the Metropolitan Council’s membership does not comply with 23 U.S.C. § 134(d)(2). However, the regional offices disagreed with respect to the application of the grandfathering clause. Considering the changes in Minnesota law identified by the Suburban Counties, the regional offices concluded that “the changes were not ‘substantial’ so as to require a redesignation” under 23 C.F.R. § 450.310(k). The regional offices’ reply went on to discuss situations when an MPO would or would not be required to redesignate.

## **II. The Suburban Counties’ October 1, 2015, letter to FHWA and FTA**

The Suburban Counties sent another letter on October 1, 2015, this time addressed to Secretary Foxx and the Administrators of FHWA and FTA, requesting reconsideration of the conclusions set forth in the August 3, 2015, response. The Suburban Counties urged that we “find the Metropolitan Council is not a properly constituted MPO, and take all other necessary actions consistent with that finding.” This October letter reiterated many of the same arguments put before FHWA and FTA previously, including the suggestion that the grandfathering clause of 23 U.S.C. § 134(d)(4) does not apply to MPOs generally, does not apply to the Metropolitan Council specifically, and does not apply to the membership requirements imposed on MPOs by the same subsection.

With respect to the first argument, as explained in our joint policy guidance, FHWA and FTA have determined that the grandfathering provision does still apply to any MPO that (1) operates pursuant to a State law that was in effect on or before December 18, 1991; (2) such State law has not been amended after December 18, 1991, with regard to the structure or organization of the MPO; and (3) the MPO has not been designated or re-designated after December 18, 1991. 79 Fed. Reg. 31,216. The agencies reiterated that interpretation in a joint Notice of Proposed Rulemaking to implement MAP-21 revisions to Federal metropolitan transportation planning requirements. 79 Fed. Reg. 31,784 (June 2, 2014). Subsequently, Congress enacted the FAST Act, P.L. 114-94, which included amendments to 23 U.S.C. § 134 (FAST Act § 1201) and 49 U.S.C. § 5303 (FAST Act § 3003). The FAST Act clarified requirements relating to an MPO's designation or selection of officials or representatives to an MPO in light of the FHWA/FTA Policy Guidance and NPRM and public comments that the agencies received on these two documents, but *did not* amend the grandfathering provision. Congress' enactment of these statutory changes while leaving the grandfathering provision intact is a strong indication that Congress concurs with the agencies' interpretation of that provision. *See, e.g., Davis v. United States*, 495 U.S. 472, 482 (1990) ("Congress' reenactment of [a statute], using the same language, indicates its apparent satisfaction with the prevailing interpretation of the statute."); *Pierce v. Underwood*, 487 U.S. 552, 566-68 (1988).

Second, the Suburban Counties disagreed with the FHWA and FTA regional offices' conclusion that the State law changes were not substantial enough to "require a redesignation" and so did not require the Metropolitan Council to come into compliance with 23 U.S.C. § 134(d)(2). As addressed in the FHWA/FTA Policy Guidance, an MPO is no longer grandfathered from current Federal board structuring requirements if *either* the MPO redesignates *or* changes in State law affect the structure or organization of the MPO. Bearing in mind this distinction between the standards for the grandfathering provision and redesignation, we conclude that neither of these standards is implicated here.

We reviewed the amendments to the laws governing the Metropolitan Council cited in your October 1, 2015, letter. In summary, the amendments: (1) changed the MPO from a State administrative agency to a public corporation and political subdivision of the State<sup>3</sup>; (2) changed the term length of MPO members<sup>4</sup>; (3) allowed the Metropolitan Council to "hold, use, and dispose of" grant funds without depositing the money into the State Treasury<sup>5</sup>; and (4) changed provisions regarding the Metropolitan Council districts which have changed to represent the population changes from the Federal decennial census, although the number of districts remains the same.<sup>6</sup>

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<sup>3</sup> Minn. Stat. §473.123, subd. 1 (1994); Minn. Laws 1994 c. 628-S.F. No. 2015, Sec. 4.

<sup>4</sup> Minn. Stat. § 473.123, subd. 2a. (1994).

<sup>5</sup> Minn. Stat. § 473.129, subd. 4 (1994); Minn. Laws 1994 c. 628-S.F. No. 2015, Sec. 39.

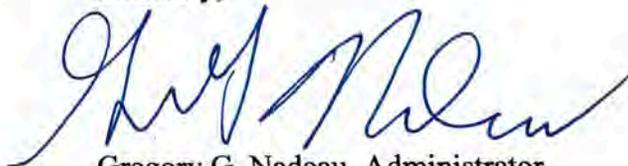
<sup>6</sup> Minn. Stat. § 473.129, subd. 3 (1994).

In our opinion, these amendments would not require the Metropolitan Council to redesignate. Our regulations require redesignation of an MPO whenever the existing MPO proposes to make (1) a substantial change in the representative proportion of voting members, or (2) a substantial change in the decisionmaking authority or responsibility of the MPO, or in decisionmaking procedures established under MPO by-laws. 23 C.F.R. 450.310(k). FHWA and FTA's regulations also identify the changes to an MPO that do not require a redesignation as long as they do not trigger a substantial change as described in 450.310(k). 23 C.F.R. 450.310(l). We find that the regional offices correctly analyzed the amendments under these regulations in determining that the amendments do not substantially change the Metropolitan Council's representation proportions or decisionmaking procedures such that redesignation is necessary.

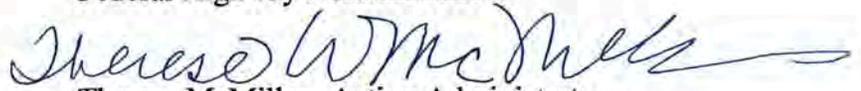
Even if a change in State law would not require redesignation, the MPO no longer would be grandfathered if that change affected the structure or organization of the MPO. We conclude that none of the amendments you cite affect the structure or organization of the Metropolitan Council such that it would no longer be grandfathered from the structure requirements of 23 U.S.C. 134(d)(2). None of these changes, including, (1) changing the terms of the Council's members, (2) characterizing the Council as a public corporation instead of an administrative agency, (3) allowing the Council to "hold, use, and dispose of" grant funds without depositing the money into the State Treasury, and (4) other miscellaneous and minor statutory changes, directly affect in any material way the structure or organization of the Council itself, and they clearly cannot be deemed substantial changes. The core of the Metropolitan Council's structure and organization remains the same as it was in 1991, notwithstanding these minor legislative amendments.

In sum, we concur with the findings in the August 3, 2015, regional offices' response and decline to reverse their decision. If you have further questions, please do not hesitate to contact us.

Sincerely,



Gregory G. Nadeau, Administrator  
Federal Highway Administration



Therese McMillan, Acting Administrator  
Federal Transit Administration



## APPENDIX D - LIST OF ACRONYMS

**ABM:** Activity Based Model  
**ADA:** Americans with Disabilities Act  
**ALOP:** Annual Listing of Obligated Projects  
**BRT:** Bus Rapid Transit  
**CAA:** Clean Air Act  
**CFR:** Code of Federal Regulations  
**CIG:** Capital Investments Grant  
**CMAQ:** Congestion Mitigation and Air Quality Improvement Program  
**CMP:** Congestion Management Process  
**CO:** Carbon Monoxide  
**DOT:** Department of Transportation  
**EJ:** Environmental Justice  
**EPA:** Environmental Protection Agency  
**FAST:** Fixing America's Surface Transportation Act  
**FHWA:** Federal Highway Administration  
**FTA:** Federal Transit Administration  
**FY:** Fiscal Year  
**HSIP:** Highway Safety Improvement Program  
**HSTP:** Human Services Transportation Plan  
**HUD:** Housing and Urban Development  
**ITS:** Intelligent Transportation Systems  
**ISTEA:** Intermodal Surface Transportation Efficiency Act  
**LEP:** Limited-English-Proficiency  
**M&O:** Management and Operations  
**MAP-21:** Moving Ahead for Progress in the 21<sup>st</sup> Century  
**MPA:** Metropolitan Planning Area  
**MPCA:** Minnesota Pollution Control Agency  
**MPO:** Metropolitan Planning Organization  
**MnDOT:** Minnesota Department of Transportation  
**MnSHIP:** Minnesota State Highway Investment Plan  
**MOA:** Memorandum of Agreement  
**MOU:** Memorandum of Understanding  
**MTP:** Metropolitan Transportation Plan (For the Metropolitan Council, the Transportation Policy Plan (TPP) serves as the MTP)  
**M&O:** Maintenance and Operations  
**NAAQS:** National Ambient Air Quality Standards  
**NEPA:** National Environmental Policy Act  
**NO<sub>2</sub>:** Nitrogen Dioxide  
**O<sub>3</sub>:** Ozone  
**PEP:** Public Engagement Plan



## Minneapolis-St. Paul TMA Planning Certification Review

- PPP:** Public Participation Plan
- PM<sub>10</sub> and PM<sub>2.5</sub>:** Particulate Matter
- SHSP:** Strategic Highway Safety Plan
- SIP:** State Improvement Plan
- STIP:** State Transportation Improvement Program
- TDM:** Travel Demand Management
- TAB:** Transportation Advisory Board
- TAC:** Technical Advisory Committee
- TIP:** Transportation Improvement Program
- TMA:** Transportation Management Area
- USC:** United States Code
- UPWP:** Unified Planning Work Program
- USDOT:** United States Department of Transportation
- UZA:** Urbanized Area
- YOE:** Year of Expenditure



## **APPENDIX E – PUBLIC COMMENTS**

## Remarks for November 2 Met Council Hearing

I'd like to thank the DOT for this opportunity to speak about my concerns relating to the SWLRT Project.

My name is Michael Rothman and I own property at 2822 Cedar Lake Parkway, which is 200 feet from the proposed SWLRT track. I'm a retired college professor and have lived at the above address for 25 years.

I have three major concerns.

1) Environmental destruction, including: poor air quality damage to Cedar Lake and to 'grain elevator' condos during construction; tunnel collapse due to poor soil/dried lake bed conditions across Cedar Lake Parkway; and, ultimately, a horrendous loss of life in the half mile 'blast zone' next to the tunnel/track as a result of sparks from the LRT igniting ethanol/propane being hauled by the freight train around the 'pinch point' near the above condos. If this explosion occurs, the Met Council will have blood on its hands.

2) Financial fraud. There is reason to believe that HCCRA has exceeded its 10% funding limit and that the proposed Certificates of Participation may be legally questionable and a fiscally irresponsible means of coming up with the State's portion of the budget, in light of the failure to pass a bonding bill.

3) The lack of accountability on the part of the Met Council as a result it's being an unelected body. This can be illustrated in the Council's unwillingness to release communications to the LPA regarding consideration of alternate route selection, a violation of DOT/EIS rules, necessitating a lawsuit by the LPA which will be heard in September of 2017.

Finally, I would like to say that I'm all for mass transit that makes sense, that is, along a route with higher density, such as going Uptown and proceeding north to the Convention Center, for example. Also, BRT should be a major component of any mass transit system.

Thank you again for your time.

Good Evening and Dear FTA Planners:

My name is Shawn Smith and I live in the Kenwood area of Minneapolis. I am a director on the Kenwood neighborhood board although I am not speaking on behalf of that organization. I only mention it to demonstrate that via that role, I am familiar with the topic of Metropolitan Council's planning process, specifically on Southwest Light Rail.

I'm here exercising civic duty to call attention to The Metropolitan Council's unchecked power. And I care about Kenwood and Southwest Minneapolis, and the financial state of this country. As my example, I'd like to present some facts about the planning process for Southwest Light Rail.

The project is at \$1.9B and climbing. (ad lib I was glad to hear you say that part of your review is to ensure that limited funds are spent wisely – cause it sure doesn't feel like the Met Council recognizes that there are limited funds with this project. ) It is significantly over the original budget and more expensive vs other flexible modes of transit, it doesn't serve transit dependent populations in Minneapolis, only a small number of cars are removed from the highways, and it doesn't reduce carbon emissions, but the train is still coming. What kind of process is this where so much public money can be spent where the results do not show that the basic reasons for transit will not be met?

The Met Council stated that this line would not be built without bipartisan legislative support, but the train is still coming. What kind of process is this when representatives elected by the people have said "no" and they are ignored?

The Met Council chair stated that certificates of participation or county funding would not be used to cover the state's 10% share of the project cost, but the Governor "over ruled him" and the train is still coming. What kind of process is this where one person can have so much influence? And since the state won't pay – the most negatively impacted by this project might now have to pay for it via new taxes?

Numerous Citizen Advisory Committees meetings, where our neighborhood has a representative, have been cancelled – more than have been held. But this train is still coming. What kind of process is it when the council doesn't see the importance of regularly engaging the public at the frequency that was promised?

There is a viable lawsuit, that other Minneapolis routes were not properly considered, that will not be heard in court until September 2017, but this train is still coming. What kind of process is this when hundreds of millions are already being spent but the whole project could be derailed a year from now?

What kind of process is it when representatives of the Met Council arrogantly say they are confident this will be built because "every light rail project dies 1000 deaths before the first rider?"

What kind of process is it when the best argument to build the line is that if we don't, \$900 million of federal funds will go to another city?

We need, and expect, greater accountability here. The Council no doubt has a ready talking point for all of the concerns I've mentioned. But when power is unchecked, and the end justifies the means, you don't get accountability. And that's why this train is still coming. Thank You

Stuart A Chazin  
2615 Burnham Road  
Minneapolis, Minnesota 55416-4335  
[Stuart@chazingroup.com](mailto:Stuart@chazingroup.com)

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VIA FACSIMILE: [reginald.arkell@dot.gov](mailto:reginald.arkell@dot.gov)  
[spencer.stevens@dot.gov](mailto:spencer.stevens@dot.gov)

November 6<sup>th</sup>, 2016

I am writing to offer my experience and overview of the Metropolitan Council in relation to the proposed SWLRT. The irony for many of us is that the Met Council is an un-elected body whom answer only the governor. Consequently, his agenda and theirs, seems to come at the cost to the citizens of this state.

They have proven with this transit project an absolute breach of power, ignoring the DEIS, SDEIS and FEIS, for the greater goal of getting this line built in spite of the environmental damages it will cause.

There has been an overall lack of transparency with this project. The Met Council has consistently ignored public input, choosing a corridor where expensive and damaging tunnels are necessary, only to push through their agenda of getting this train no matter the cost.

### **The Facts About Southwest Light Rail**

All of these facts (along with countless others) were indicated in the above mentioned reports, yet the Met Council is pushing the train forward regardless...

- For many reasons, the Kenilworth Corridor was **NOT** the City's preferred route for the Southwest LRT. Then Mayor R.T. Rybak, Council Member Lisa Goodman, Council Member (now Mayor), Betsy Hodges argued that the LRT should **NOT** bypass dense neighborhoods of South Minneapolis, and that route (3C) had more potential for economic development.
- The **2010** Minneapolis City Council resolution of support agreed with great reluctance to proceed with alignment (3A) through Kenilworth **BUT** with the understanding and promise that freight would be rerouted out of Kenilworth Corridor.
- The DEIS from October 2012 (Section ES-23 to ES-24) evaluated a different plan, that did **not** include running the LRT in a shallow tunnel or co-locating freight trains next to LRT, that is, a plan that is different from the one currently being implemented by the Met Council.
- Importantly, that **DEIS** study from **2012** concluded that co-locating freight and LRT in the Kenilworth Corridor would be **detrimental** to the environment and would **not** adequately preserve or protect the quality of life. The DEIS recommended **against** locating freight and LRT in the same corridor.
- **In 2016**, the Met Council released its Final Environmental Impact Statement (FEIS) on the Southwest Light Rail project. In that report two critical things were noteworthy:

- 1) It admits — for the first time and unequivocally — **that the route it has chosen for Southwest LRT will, indeed, damage the Minneapolis Chain of Lakes.** The executive summary clearly states that the SWLRT **will have adverse effects** on the Grand Rounds Historic District and Kenilworth Lagoon (part of the Chain of Lakes).

This admission is what the citizens of Minnesota along with the Minneapolis Park and Recreation Board have been claiming (thus fighting the route). In spite of this, the Met Council has continually denied these facts and continued to push forward with their agenda.

- 2) **It claims, falsely, that there is no feasible and prudent alternative to the proposed route** that would avoid damaging this precious historic and environmental resource. That is simply not true. (For example, running SWLRT through Uptown, a vibrant commercial and residential district, via the Midtown Greenway.)

Section 4(f) of US Department of Transportation Act of 1966 states that **NO** federal dollars can be spent on a transportation project that impacts parkland unless there is **NO** “feasible and prudent alternative.

The Met Council’s cursory dismissal of alternative routes in the FEIS confirms the legal basis for the Lakes and Parks Alliance (LPA) lawsuit: that the agency failed to give good-faith consideration to less environmentally damaging alternatives — as **REQUIRED** by the Federal Environmental Protection Act.

### Interesting Facts:

#### **Recent derailments in Minnesota include:**

- 2014 Dec 1: 30 train cars derailed in Ottertail County, its oil tankers were empty
- 2014 Dec 2: 2 trains collided near Mankato
- 2014 Sept 21: LRT derailed in downtown St. Paul its overhead electric wires were downed.
- 2014 July 13: North Star freight train derailed in Elk River, cause unknown.
- 2014 Feb 26: LRT was derailed by snow in Bloomington.
- 2013 March 27: 14 car train derailed near Parkers Prairie, spilling 30,000 gallons of crude oil

#### **Destruction of Environment**

- Destruction of 480 significant trees over 12 inches DBH and greater [Per Southwest LRT Project Office](#)
- Destruction of 1,960 trees 6 inch DBH and greater [Per Southwest LRT Project Office](#)
- Destruction of over 75% of vegetation of the 44 acres [Per Southwest LRT Project Office](#)
- Environmental impact still unresolved - Phase II investigation needed [Per Southwest LRT Project Office](#)

**Ridership estimates continue to decline** - The Met Council’s own projections show 8 of the 15 stations **losing** ridership (2030-2040)

The FEIS actually projects that carbon emissions will be higher in 2040 if the LRT project is built than if not. That’s simply incredible, NO reduction in carbon emissions from a mass transit project costing \$1.85 Billion and counting.

The Met Council on numerous occasion stated SWLRT would not be built without legislative support which, they do not have. Instead, the Governor bypassed the Legislators to get the funding needed to fund the states obligation for the project.

And finally, despite the Met Council & Governor Dayton's best efforts to thwart the LPA lawsuit, that suit is moving forward with a trial date scheduled Fall of 2017:

**The Court:**

- ✓ **DENIED** the Met Council's numerous attempts to get the case dismissed;
- ✓ **DENIED** the Met Council's request to stop LPA from obtaining information to support their case;
- ✓ **DENIED** the Met Council's request to rush the timeline.

**The Lakes and Parks Alliance of Minneapolis v. Federal Transit Administration**  
**Signed by Magistrate Judge Steven E. Rau on 8/11/2016**

- Pretrial Scheduling Order: Discovery due by 12/31/2016
- Motions (non-disp) due **May 15, 2017**
- **June 17, 2017** completed all dispositive motions; e.g., summary judgment motions
- **September 17, 2017 date for trial.**

This agency has been anything but transparent, honest and forthcoming with this project. Their agenda is to push this train through no matter what the cost to the people, the environment, and our great state.

Thank you for your time and consideration.

Sincerely,

Stuart A. Chazin

November 6<sup>th</sup>, 2016

The Metropolitan Council in Minnesota is charged with, among other duties, the responsible development and oversight of regional transportation planning. It is not an elected body, serving at the pleasure of the Governor. In the case of the proposed Southwest Light Rail Transit Project this body has been anything but responsible. In fact they have been totally irresponsible, doing end-runs at every turn when it comes to the necessary legal and administrative procedures. At present they are in the process of spending millions of dollars more in local funds (without legislature support) at a time when the FTA has not awarded the necessary matching funds, and with a pending lawsuit which could set this project back for years if not outright end it. The Council is spending this money when the lawsuit in question will not even be heard until September of 2017. This is **HIGHLY** irresponsible behavior particularly since all signs are that the Judge hearing the suit is quite sensitive to the plaintiff's position. (see below)

Here are some facts, adapted from another letter sent to you by Stuart Chazin.

- For many reasons, the Kenilworth Corridor was **NOT** the City's preferred route for the Southwest LRT. Then Mayor R.T. Rybak, Council Member Lisa Goodman, Council Member (now Mayor), Betsy Hodges argued that the LRT should **NOT** bypass dense neighborhoods of South Minneapolis, and that route (3C) had more potential for economic development.
- The **2010** Minneapolis City Council resolution of support agreed with great reluctance to proceed with alignment (3A) through Kenilworth **BUT** with the understanding and promise that freight would be rerouted out of Kenilworth Corridor.
- The DEIS from October 2012 (Section ES-23 to ES-24) evaluated a different plan, that did **not** include running the LRT in a shallow tunnel or co-locating freight trains next to LRT, that is, a plan that is different from the one currently being implemented by the Met Council.
- Importantly, that **DEIS** study from **2012** concluded that co-locating freight and LRT in the Kenilworth Corridor would be **detrimental** to the environment and would **not** adequately preserve or protect the quality of life. The DEIS recommended **against** locating freight and LRT in the same corridor.
- **In 2016**, the Met Council released its Final Environmental Impact Statement (FEIS) on the Southwest Light Rail project. In that report two critical things were noteworthy:
  - 1) It admits — for the first time and unequivocally — **that the route it has chosen for Southwest LRT will, indeed, damage the Minneapolis Chain of Lakes.** The executive summary clearly states that the SWLRT **will have adverse effects** on the Grand Rounds Historic District and Kenilworth Lagoon (part of the Chain of Lakes).

This admission is what the citizens of Minnesota along with the Minneapolis Park and Recreation

Board have been claiming (thus fighting the route). In spite of this, the Met Council has continually denied these facts and continued to push forward with their agenda.

- 2) **It claims, falsely, that there is no feasible and prudent alternative to the proposed route** that would avoid damaging this precious historic and environmental resource. That is simply not true. (For example, running SWLRT through Uptown, a vibrant commercial and residential district, via the Midtown Greenway.)

**Section 4(f) of US Department of Transportation Act of 1966 states that NO federal dollars can be spent on a transportation project that impacts parkland unless there is NO “feasible and prudent alternative.**

The Met Council’s cursory dismissal of alternative routes in the FEIS confirms the legal basis for the lawsuit filed by the.Lakes and Parks Alliance (LPA) : that the agency failed to give good-faith consideration to less environmentally damaging alternatives — as **REQUIRED** by the Federal Environmental Protection Act.

**Interesting Facts:**

Environmental Impact:

<b>Destruction of Environment</b>	
Destruction of 480 significant trees over 12 inches DBH and greater	<a href="#">Per Southwest LRT Project Office</a>
Destruction of 1,960 trees 6 inch DBH and greater	<a href="#">Per Southwest LRT Project Office</a>
Destruction of over 75% of vegetation of the 44 acres	<a href="#">Per Southwest LRT Project Office</a>
Environmental impact still unresolved - Phase II investigation needed	<a href="#">Per Southwest LRT Project Office</a>

In addition to acknowledging significant damage to the local environment, the FEIS actually projects that carbon emissions will be higher in 2040 if the LRT project is built than if not. That’s simply incredible, NO reduction in carbon emissions from a mass transit project costing \$1.85 Billion and counting. And this in the face of one of the chief proposed reasons to build this line, reduced Carbon emissions. And remember, this is with current automative technology and standards. With increased use of lower-emission vehicles, hybrids and the like the excess carbon cost may be much, Much higher if the electricity used to power LRT continues to be derived from fossil fuels.

Safety: The current plan situates electrical infrastructure and trains less than 12 feet from freight Carrying flammable cargo, and also cargo which is spilled could destroy a fragile local Watershed. This is essentially ignored in the FEIS, based on the DEIS which as noted above Was based specifically on a plan which had NO co-location of freight and LRT. And FYI..

<b>Recent derailments in Minnesota include:</b>	
2014 Dec 1:	30 train cars derailed in Ottertail County, its oil tankers were empty
2014 Dec 2:	2 trains collided near Mankato
2014 Sept 21:	LRT derailed in downtown St. Paul its overhead electric wires were downed.
2014 July 13:	North Star freight train derailed in Elk River, cause unknown.
2014 Feb 26:	LRT was derailed by snow in Bloomington.
2013 March 27:	14 car train derailed near Parkers Prairie, spilling 30,000 gallons of crude oil

Procedural Honesty: A project like this should have legislative approval. The Met Council on numerous occasion stated SWLRT would not be built without legislative support. They could not get it, so instead the Governor bypassed the Legislators to get the funding needed to fund the states obligation for the project. While technically legal in MN, this is a betrayal of democratic values when it comes to deciding

on projects worthy of massive resources.

**Legal Status: Despite the Met Council & Governor Dayton's best efforts to thwart the LPA lawsuit, that suit is moving forward with a trial date scheduled Fall of 2017:**

**The Court:**

- ✓ **DENIED** the Met Council's numerous attempts to get the case dismissed;
- ✓ **DENIED** the Met Council's request to stop LPA from obtaining information to support their case;
- ✓ **DENIED** the Met Council's request to rush the timeline.

**The Lakes and Parks Alliance of Minneapolis v. Federal Transit Administration  
Signed by Magistrate Judge Steven E. Rau on 8/11/2016**

- Pretrial Scheduling Order: Discovery due by 12/31/2016
- Motions (non-disp) due **May 15, 2017**
- **June 17, 2017** completed all dispositive motions; e.g., summary judgment motions

**September 17, 2017 date for trial.**

**Finally and Critically: Ridership estimates continue to decline** - The Met Council's own projections show 8 of the 15 stations **losing** ridership (2030-2040) This failure to provide updated and accurate assessment of a cost/ridership ratio that is favorable should automatically trigger re-review of the entire project regardless of any other factors. The Met Council has not provided such estimates. It is worth noting that in a similar situation in Maryland, a Federal Judge stopped work on a similar project, despite it being further along in planning and implantation than this one.

It is sad to report, but any objective or quasi-objective review would conclude that the Met Council has been anything but transparent, honest and forthcoming with this project. Their agenda seems to be to push this train through in this alignment no matter what the cost to the people, the environment, and our great state.

Thank you for your time and consideration.

Sincerely,

Steven Goldsmith  
2216 Kenwood Parkway  
Minneapolis, MN 55405

Sally Rouse  
620 Oliver Avenue South  
Minneapolis, MN 55405

[reginald.arkell@dot.gov](mailto:reginald.arkell@dot.gov)  
[spencer.stevens@dot.gov](mailto:spencer.stevens@dot.gov)

November 7<sup>th</sup>, 2016

I am writing to alert the FTA to the many flaws in the SWLRT plan, from behavior of the unelected Met Council to the bullying Governor of Minnesota, and the many unheard voices of reason in between.

For the record, I have been following this project for over 12 years. I do not live in the contested area presently but I did previously. I am in favor of mass transit, having used it all of my life in other cities and countries. As a single mother with a daughter who is dependent upon mass transit (legally blind, she will never be able to drive a car) I am especially attuned to LRT and BRT and wait with interest for whatever automated vehicle technology may deliver.

That said, the SWLRT plan makes no sense. It is too expensive, taking much needed resources away from better, more sustainable transit solutions for Minnesota; dangerous, in that colocating with ethanol carrying freight on outdated tracks has proven lethal; damaging to the environment — both in RAISING Co2 emissions and harming groundsoil, water, trees, air; and it simply FAILS TO SERVE THE COMMUNITIES THAT NEED TRANSIT. There are no positives.

Transit-oriented development has driven this route and it is an abomination to those of us who need it. The Bottineau Line, though also not perfect, should take precedence over SWLRT. It is a much more needed line that is more class and race equitable.

There has been an absolute breach of power, ignoring the DEIS, SDEIS and FEIS, for the greater goal of getting this SWLRT line built.

### **Background Facts About Southwest Light Rail**

- For many reasons, the Kenilworth Corridor was **NOT** the City's preferred route for the Southwest LRT. Mayor R.T. Rybak, Council Member Lisa Goodman, Council Member (now Mayor), Betsy Hodges argued that the LRT should **NOT** bypass dense neighborhoods of South Minneapolis, and that route (3C) had more potential for economic development.
- The **2010** Minneapolis City Council resolution of support agreed with great reluctance (over 45 “whereas” statements qualifying their begrudged support) to proceed with alignment (3A) through Kenilworth **BUT** with the understanding and (now broken) promise that freight

would be rerouted out of Kenilworth Corridor.

- The DEIS from October 2012 (Section ES-23 to ES-24) evaluated a different plan, that did **not** include running the LRT in a shallow tunnel or co-locating freight trains next to LRT, that is, a plan that is different from the one currently being implemented by the Met Council.
- Importantly, that **DEIS** study from **2012** concluded that co-locating freight and LRT in the Kenilworth Corridor would be **detrimental** to the environment and would **not** adequately preserve or protect the quality of life. The DEIS recommended **against** locating freight and LRT in the same corridor.
- **In 2016**, the Met Council released its Final Environmental Impact Statement (FEIS) on the Southwest Light Rail project. In that report two critical things were noteworthy:
  - 1) It admits — for the first time and unequivocally — **that the route it chose for Southwest LRT will, indeed, damage the Minneapolis Chain of Lakes**. The executive summary clearly states that the SWLRT **will have adverse effects** on the Grand Rounds Historic District and Kenilworth Lagoon and Cedar Lake (part of the Chain of Lakes).

This admission is what the citizens of Minnesota along with the Minneapolis Park and Recreation Board have been claiming (thus fighting the route). In spite of this, the Met Council has continually denied or ignored these facts and continued to push forward with their agenda.

- 2) **It claims, falsely, that there is no feasible and prudent alternative to the proposed route that would avoid damaging this precious historic and environmental resource. That is simply not true. (For example, running SWLRT through Uptown, a vibrant commercial and residential district, via the Midtown Greenway, or simply routing to the NORTH of Cedar Lake, rejoining at Brownie Lake, the Beltline, or West End would allow the valuable Chain of Lakes area to thrive LEGALLY and according to FTA's own rules).**

Section 4(f) of US Department of Transportation Act of 1966 states that **NO** federal dollars can be spent on a transportation project that impacts parkland unless there is **NO** “feasible and prudent alternative. The Met Council’s cursory dismissal of alternative routes in the FEIS follows that the agency failed to give good-faith consideration to less environmentally damaging

alternatives — as **REQUIRED** by the Federal Environmental Protection Act.

Additionally, the Met Council on numerous occasions stated SWLRT would not be built without legislative support which, they have pursued and been denied twice in major bills during the two recent MN legislative sessions. Instead, the Governor bypassed the Legislators to get the funding needed to fund the state's obligation for the project through local county means. The Governor himself has been facing impeachment cries and comparisons to other bullying politicians, even by his previous supporters.

As I look at other cities and their transit plights, specifically Washington D.C., Maryland, Seattle, Denver, Los Angeles, Houston, I see warning signs that LRT is being rubber-stamped by the FTA, that you are not doing due diligence in reviewing the safety and sustainability of these projects. We are counting on the FTA to turn this bad project around.

At the very least, I hope you will:

1. Deny funding SWLRT
2. Fund **other transit projects** that are much better planned and needed, like the Bottineau Line or the Orange BRT.

Thank you for your time and consideration.

Sincerely,

Sally Rousse

**Michael O. Kerr  
Vicky J. Hill-Rickey  
2404 Thomas Lane  
Minneapolis, MN 55405**

Office of Planning and Environment  
Federal Transit Administration  
1200 New Jersey Avenue SE  
Washington, DC 20590

VIA FACSIMILE: [reginald.arkell@dot.gov](mailto:reginald.arkell@dot.gov)  
[spencer.stevens@dot.gov](mailto:spencer.stevens@dot.gov)

November 12, 2016

RE: Certification Review of the Metropolitan Council

We are writing to express our concern that the Metropolitan Council (MPO) has chosen to directly or indirectly disregard Federal Statute relating to the planning of a Federally funded transportation project. Specifically, the Southwest Light Rail Transit project. The Met Council is an un-elected body whom answer only to the Governor. Consequently, his agenda and theirs, comes at a cost to the citizens of this State. We will discuss their relationship and the indirect assault on Federal Statute later.

The Metropolitan Council has proven with this transit project an absolute disregard for 49 U.S.C. §303 and 23 U.S.C. §138 as as implemented through 23 CFR 774, ignoring the DEIS, SDEIS and FEIS, for the greater goal of getting this line built in spite of locally preferred routing and the environmental damages it will cause. Furthermore, The Governor has threatened the budget of the Minneapolis Park Board as it attempted to fulfill its obligation to protect park land under Federal Statute.

The route chosen through the Kenilworth Corridor was not the City's preferred route for the Southwest LRT. Then Mayor R.T. Rybak, Council Member Lisa Goodman, Council Member (now Mayor), Betsy Hodges argued that the LRT should not bypass dense neighborhoods of South Minneapolis, and that route (3C) had more potential for economic development. The 2010 Minneapolis City Council resolution of support agreed with great reluctance to proceed with alignment (3A) through Kenilworth, but with the understanding and promise that freight would be rerouted out of Kenilworth Corridor.

The DEIS from October 2012 (Section ES-23 to ES-24) evaluated a different plan, that did not include running the LRT in a shallow tunnel or co-locating freight trains next to LRT, that is, a plan that is different from the one currently being implemented by the Met Council. That DEIS study from 2012 concluded that co-locating freight and LRT in the Kenilworth Corridor would be detrimental to the environment and would not adequately preserve or protect the quality of life. The DEIS recommended against locating freight and LRT in the same corridor.

In 2016, the Met Council released its Final Environmental Impact Statement (FEIS) on the Southwest Light Rail project. In that report two critical things were noteworthy:

- 1) It admits — for the first time and unequivocally — that the route it has chosen for Southwest LRT

will, indeed, damage the Minneapolis Chain of Lakes. The executive summary clearly states that the SWLRT will have adverse effects on the Grand Rounds Historic District and Kenilworth Lagoon (part of the Chain of Lakes).

This admission is what the citizens of Minnesota along with the Minneapolis Park and Recreation Board have been claiming (thus fighting the route). In spite of this, the Met Council has continually denied these facts and continued to push forward with their agenda.

- 2) It claims, falsely, that there is no feasible and prudent alternative to the proposed route that would avoid damaging this precious historic and environmental resource. That is simply not true. Running SWLRT through Uptown, a vibrant commercial and residential district, via the Midtown Greenway. This was the Greenway/Nicollet alignment (route 3C). And, the preferred route of the City of Minneapolis prior to the 2010 resolution.

Finally, the Governor's direct intimidation of the Minneapolis Park Board (MPB) and indirect assault on the administration of Federal Statute. The Metropolitan Council's DEIS from 2012 acknowledges that the alignment chosen could have multiple Section 4(f) implications. In attempting to fulfill its obligations under Federal Statute the MPB, during the summer of 2014 contracted with a law firm to determine its obligations under Federal Statute. Because the spot where the trail and tracks cross over the channel between Cedar Lake and Lake of the Isle is not only clearly parkland but it is historic as part of the Grand Rounds National Scenic Byway the MPB adopted a resolution which states, in part, "... its determination that the project as currently proposed to bridge LRT over the Kenilworth Channel is likely not the most feasible and prudent alternative and therefore the Minneapolis Park & Recreation Board will not grant project consent under Section 4(f) ... until greater analysis occurs and project plans are modified."

Enter the Governor. In January 2015 the Governor held a press conference to announce his budget proposal for the next biennium. At this press conference he recommended cutting \$3.77 million from the MPB. He stated that he wanted to cut funding "due to the board's continuing efforts to obstruct progress on the Southwest Light Rail Transit project." Furthermore, he recommended that the board not be eligible for funding through the Metropolitan Council parks fund and the state natural resources fund. Also, he said, "I don't think they should be paid by the taxpayers of Minnesota to cause this kind of mayhem." The MPB finally succumb to the Governor's bully tactics and withdrew their objections under Section 4(f).

While the Governor and the Metropolitan Council have been able to fend off the MPB, they have not been able to successfully derail citizens. There is pending litigation concerning this issue.

Thank you for your time and consideration.

Sincerely,

Michael O. Kerr

Vicky Hill-Rickey

## Arkell, Reginald (FTA)

---

**From:** George Puzak <greenparks@comcast.net>  
**Sent:** Monday, November 21, 2016 12:09 PM  
**To:** Arkell, Reginald (FTA); Goodman, Charles (FTA)  
**Cc:** Emanuele, Andrew (FHWA); Stevens, Spencer (FHWA)  
**Subject:** Comments on MN Metropolitan Council Certification Hearing & SWLRT, Nov. 2, 2016  
**Attachments:** SW LRT Scoping Process Comment Letter Nov 7, 2008, from George Puzak.pdf; Comments SW LRT DEIS Dec 30 2012 from Catherine & George Puzak.pdf; Comments on SWLRT SDEIS July 21 2015.pdf; SWLRT Funding and Met Council Mission Creep, Aug 26 2016.pdf; Comments to FTA & FHA @ Met Council Chambers 11-2-16.pdf

Dear Mr. Arkell and Mr. Goodman,

Thank you for coming to Saint Paul on November 2, 2016, for a certification review hearing on the Metropolitan Council. As we discussed after the meeting, I would like you to consider and add the attached comments to the record.

When we spoke, I mentioned that the proposed Southwest Light Rail Transit (SWLRT) route uses more than 7 miles of freight rail corridor and avoids the region's most dense, diverse and high-transit use neighborhoods. Mr. Arkell replied that this project is unlike any you had seen when compared to Denver and Seattle and that SWLRT poses many issues with freight rail. The attached documents show that my concerns about the flaws in SWLRT scoping date back to 2008. I have also testified about scoping flaws at multiple public hearings in Saint Paul (Met Council), Minneapolis, Saint Louis Park, and Eden Prairie.

Please see below for a succinct summary of SWLRT's flawed scoping process. Thank you for your consideration.

George Puzak  
[greenparks@comcast.net](mailto:greenparks@comcast.net)  
mobile 612.250.6846  
1780 Girard Ave. S.  
Minneapolis, MN 55403

Comments to FTA and FHA at Met Council Chambers, 11-2-16

Good evening, I'm George Puzak. I'm speaking on my own behalf about the Met Council's actions on SWLRT.

As you may know, the Met Council faces a federal lawsuit on SW Light Rail. The court **denied** the Met Council's motion to dismiss, and the case is now in discovery and scheduled for trial September 2017. Problems with SWLRT were triggered in January 2009, when Hennepin County **excluded** freight rail from the project's scoping report. (See the top of page 18 in the 2009 Scoping Report). This is the first step in how the government improperly chose the route for SWLRT independent from freight rail.

In April 2010, Hennepin County and the cities approved **Route 3A** as the locally preferred alternative. Route 3A relocated freight rail out of Kenilworth and put light rail in it.

In September 2011, the FTA required Hennepin County to include freight rail in the SWLRT project. Including freight rail fundamentally **changed the scope** of SWLRT. Yet Hennepin County **never re-opened the SWLRT scoping report to include freight rail**.

In 2013, the Met Council took over authority for SWLRT from Hennepin County. Rather than adding freight rail by reopening scoping, the Met Council added freight rail to the project **using a back-door means**.

The Met Council

- 1.) used municipal consent,
- 2.) expanded the LPA beyond Route 3A, and
- 3.) created **Route 3A-1**, in which LRT and hazardous freight rail are co-located in the Kenilworth Corridor.

The Met Council improperly added freight rail through municipal consent, rather than through the **legally required National Environmental Policy Act (NEPA) scoping process**. As a result, the Met Council has violated federal law in how it has planned and executed SWLRT.

Now, the Met Council faces **a new problem** with freight rail. It's called the Canadian Pacific SWAP (CP Swap). Canadian Pacific wants the Met Council to buy about 3.5 miles of freight rail right of way that CP owns, but LRT will not use. This 3.5-mile segment from Highway 169 to west of 494 is not even along the LRT route. And it was **not included in the scoping or in any environmental impact studies and never discussed**.

SWLRT faces too many unanswered questions and it's premature for the FTA to fund it.

**The FTA should order the Met Council to re-open scoping**. 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**.

**George Puzak**  
1780 Girard Avenue South  
Minneapolis, Minnesota 55403-2941  
work cell (612) 250-6846, home (612) 374-3624, fax (612) 374-9363  
[greenparks@comcast.net](mailto:greenparks@comcast.net)

November 7, 2008

Katie Walker  
SW Corridor-Hennepin County Transit  
417 North Fifth Street  
Minneapolis, MN 55401  
via e-mail to [swcorridor@co.hennepin.mn.us](mailto:swcorridor@co.hennepin.mn.us)

Re: Scoping Process Comments for Southwest Light Rail Transit

Dear Ms. Walker:

Please accept the following comments on proposed alignments for Southwest Light Rail Transit (LRT). This letter supplements my testimony at the public hearings in Saint Louis Park on October 14, 2008, and in Eden Prairie on October 23, 2008. This letter also supplements the transit map that I submitted during my statement at the Eden Prairie hearing.

The Hennepin County Regional Rail Authority (HCCRA) has recommended three LRT alternatives for further study in a Draft Environmental Impact Statement (DEIS). The three alternatives are routes 1A, 3A, and 3C. Routes 1A and 3A would pass through low-density neighborhoods and along Cedar Lake Park in the Kenilworth Corridor. Route 3C would pass through several high density neighborhoods and commercial districts. It would also permit the greatest flexibility for future growth in the regional LRT system. Based on population and commercial density, Route 3C's proximity to Uptown and Minneapolis' core business district, and future growth of regional LRT, HCCRA should select Route 3C.

**Route 3C would promote the most efficient future growth of regional LRT.**

Route 3C would be flexible and efficient. It would be the best fit when planning for the future growth of regional LRT. According to many experts, the metropolitan region would be best served by five or six LRT lines. The Fifth Street Transit Mall in downtown Minneapolis (not the Intermodal Station) has the capacity to serve four LRT lines: two from the east and two from the west. Hiawatha and Central Corridor LRT will use the east access. The Northwest/Bottineau Boulevard LRT will use one of Transit Mall's west access points. If SW LRT selects route 1A/3A, it would take the last Transit Mall access point. The Fifth Street Transit Mall would be at capacity. The county would be unable to add any future LRT lines. This result would preclude future LRT lines serving western Hennepin County, including Golden Valley, Plymouth, and Medina or Minnetonka, Wayzata, and Orono. Taxpayers in all of these communities are paying the ¼ cent transit sales tax. They deserve direct access to the regional LRT system.

Unlike Route 1A/3A, Route 3C would not use the Fifth Street Transit Mall. It would use a north/south artery through downtown Minneapolis, possibly the Nicollet Mall. By selecting Route 3C, the Fifth Street Transit Mall would be able to serve a future LRT line from western Hennepin County.

Route 3C has additional benefits. It could interline with future LRT routes serving northeast Minneapolis, Roseville and neighboring communities. The Kenilworth Corridor could continue to serve existing freight trains, thus avoiding the tens of million dollar cost of relocating Kenilworth freight trains to Saint Louis Park or to tracks farther west. In addition, this approach would preserve Kenilworth for potential commuter rail from the downtown intermodal station through Hennepin County to Belle Plaine (Carver County) and points west.

### **Route 3C (Uptown) would serve high density and diverse neighborhoods.**

Ridership projections are a key factor in selecting an LRT route. Current projections appear to underestimate ridership from the diverse and high density neighborhoods adjoining Route 3C in Minneapolis. New ridership estimates will be available in early 2009. This new information will require careful review.

Route 3C (Uptown) would travel through neighborhoods with higher population densities and potential transit ridership than that in the neighborhoods adjoining Route 1A/3A (Kenilworth). Route 3C would pass through the Cedar-Isles-Dean, East Isles, Lowry Hill East, Whittier, Stevens Square and Loring Park neighborhoods. Route 1A/3A would only pass through Cedar Isles Dean and Kenwood neighborhoods, areas containing mostly single family homes. Route 3C neighborhoods have significantly higher population density, visitors, and potential transit riders than Route 1A/3A neighborhoods.

### **Route 3C through Uptown would link high trip-generating locations.**

Route 3C is the best route to link the southwest suburbs to downtown Minneapolis because it would connect several high trip-generating locations. These locations include The Chain of Lakes Regional Park, Minneapolis' Uptown neighborhoods, The Minneapolis Institute of Arts, and the Minneapolis Convention Center.

All world-class cities have efficient regional mass transit that connects these types of high trip generators. For example, Pittsburgh and Dallas are connecting their convention centers to their regional LRT networks. Hennepin County should do the same. Unlike Route 3C, Routes 1A/3A through Kenilworth would not connect high trip generating locations.

### **Route 3C would directly serve the Minneapolis downtown business district.**

Unlike Route 1A/3A, Route 3C would directly serve the core business district. LRT trains would stop at the Convention Center, IDS Center, and the financial district. This route would also re-enforce Nicollet Mall as a premier destination. By contrast, Route A travels the outer, northern edge of the downtown core. It provides only indirect access to the downtown core.

### **Route 3C (Uptown) would promote private commercial investment.**

Route 3C through Uptown would promote economic development in an urban corridor that already contains significant residential, commercial, and retail investments. The Uptown/Lyn-Lake area has 1.2 million square feet of office-retail space. Much of this space is owned by small, independent businesses. Small businesses are leading job-creators.

The Minneapolis Streetcar Feasibility Study found that the Uptown/Lake Street corridor west of I-35W has high development potential. These commercial corridors include Lake Street, Hennepin Avenue, Lyndale Avenue South, and Nicollet Avenue. LRT would promote their current and future economic development.

Some supporters of Route 1A/3A are promoting the Bassett's Creek Valley Development at the Minneapolis Impound Lot-Linden Yards. This development is only a proposal. It is contingent on meeting several major challenges. It depends on relocating the Minneapolis Impound Lot and a gravel/concrete recycling operation. The developer must obtain financing and multiple public approvals, and remediate a highly toxic site. As a result, the economic potential of this project is speculative and premature. This proposal along Route 1A/3A should receive little weight when compared to the existing development along Route 3C.

Route 3C (Uptown) is also superior to Route 1A/3A (Kenilworth) because it would use existing infrastructure. This infrastructure includes the Uptown Transfer Station and the established commercial nodes of Hennepin, Lyndale and Nicollet. Route 3C would support the County's investment in Lake Street, a Hennepin County asset.

### **Route 3C (Uptown) should stop at the Chain of Lakes Regional Park.**

Hennepin County should engage the Minneapolis Park and Recreation Board to discuss locating an LRT stop at the Chain of Lakes Regional Park. The stop could be located between Lake Calhoun and Lake of the Isles. The Chain of Lakes attracts approximately 3 million visitors annually. A Chain of Lakes LRT stop would improve access to this regional asset. There is a precedent for LRT stops at regional parks. The Hiawatha LRT stops at Minnehaha Falls Regional Park.

A Chain of Lakes LRT station could be located on parkland or on the vacant privately-owned parcel at Lake Street and Thomas Avenue South. This area was identified in a mid-1990's Chain of Lakes Master Plan. The stop should open to Lake Street, Lake Calhoun, and the high-density housing west of Thomas Avenue. This stop should not connect to the dead-end street at West Lake of the Isles Parkway.

After the Chain of Lakes Station, subsequent stops on Route 3C (Uptown) should be spaced at one-mile intervals. This distance would permit LRT trains to maintain sufficiently high average speeds. Two stops could include Dupont Circle (combining Uptown and Lyn-Lake), and Nicollet Avenue at 28<sup>th</sup> Street. Dupont Avenue at 29<sup>th</sup> Street contains several underutilized land parcels.

A potential name for an Uptown-based LRT route is the Southwest Green Line. This name would incorporate two main features of this route: southwest Hennepin County and green space along the lakes and Midtown Greenway. Names of transit lines commonly include color and direction indicators. The Southwest Green Line would appropriately describe the route's landscape. It could also help "brand" Hennepin County as the most beautiful urban county in the nation.

**Route 3C (Uptown) should use at-grade tracks into downtown Minneapolis.**

Under current proposals, Route 3C would include a 1-mile tunnel under Nicollet Avenue from 29<sup>th</sup> Street to Franklin Avenue in south Minneapolis. The tunnel cost is estimated between \$60-\$80 million. The cost is due in part to the expense of digging and moving the underground utilities concentrated in this urban corridor. Tunneling under Nicollet Avenue would also severely disrupt local businesses.

A less expensive plan might be at-grade routes or one-way pairs. At-grade tracks could be located on Blaisdell, Nicollet, First, Stevens or Third avenues. Another possibility would be to link Route 3C (Uptown) to the I-35W right-of-way. Connecting to I-35W would directly link Southwest LRT to future Bus Rapid Transit (BRT) routes on I-35W. The result would be an integrated and networked multi-modal system of regional transit.

**Route 3C (Uptown) has greater potential to reduce the use of private autos.**

One of the primary goals of public transit is to reduce the use of private automobiles. The Uptown, Whittier, Stevens Square, and Loring Park neighborhoods have high automobile counts. The affected Kenilworth neighborhoods have lower automobile counts. Routing LRT through Uptown would have greater potential to reduce private car use than would be achieved by routing it through Kenilworth.

**The Kenilworth Corridor, used in Route 1A/3A, connects two of Minnesota's most important urban parks.**

Route 1A/3A is inferior to Route 3C because Route 1A/3A would use the Kenilworth Corridor. The Kenilworth Corridor is a greenbelt. It is the vital link connecting two of Minnesota's most important urban parks: The Chain of Lakes Regional Park and Cedar Lake Park Wildlife and Nature Preserve. The Chain of Lakes Regional Park encompasses five city lakes, two canals, and acres of surrounding parklands. It attracts over 3 million visitors annually. Cedar Lake Park Wildlife and Nature Preserve is a 200-acre park of meadows, marshes, woodlands and prairie. In 1991, it was the largest single addition to the Minneapolis Park System in 100 years. Cedar Lake is part of the Chain of Lakes Regional Park.

The Kenilworth Corridor is the sole natural greenspace connecting the northern and southern parts of the Chain of Lakes Regional Park. It is also the sole natural greenspace connecting the Chain of Lakes Regional Park to Cedar Lake Park Wildlife and Nature Preserve. Considered together, these three amenities compare to the Mississippi River Gorge, Minnehaha Falls and Theodore Wirth Park in their importance to Minneapolis and to Minnesota. They provide immense natural beauty, wildlife, and quiet to the urban environment. Any plan to route LRT through Kenilworth must be viewed as similar to routing it in the Mississippi River Gorge, along Minnehaha Falls, or through Theodore Wirth Park.

### **The Kenilworth Greenbelt possesses unique natural amenities.**

The Kenilworth Greenbelt possesses unique natural amenities. I know this because I lived adjacent to the corridor's freight rail line from 1986-2001. I still own property there. Foxes, hawks, pheasants, deer, migratory birds and many other wildlife species inhabit the area. Although located three short miles from the Central Business District, the Kenilworth and East Cedar Lake area feel, sound and look like northern Minnesota.

The Kenilworth rail line crosses over the Kenilworth Canal, a tranquil and shallow waterway linking Lake of the Isles to Cedar Lake. The canal was created about 100 years ago. It was created when the channel was dredged to drain Cedar Lake and fill Lake of the Isles. The Kenilworth tracks also pass a popular children's tot-lot park, Park Siding Park.

Other Kenilworth amenities include the Kenilworth bike and walking trails. These trails link the Midtown Greenway to the Cedar Lake Bike Trail. The Cedar Lake Bike Trail was the first bicycle highway in the nation. The Midtown Greenway stretches from the Mississippi River to the Chain of Lakes, and connects to trails in southwest Hennepin County. Both are highly used commuter bike and walking trails. The Kenilworth Greenbelt is the only western link connecting them.

The City of Minneapolis recognizes Kenilworth's parkland status. It has classified the entire corridor Park and Open Space. In future years, Kenilworth's open space could link south Minneapolis to north Minneapolis through Bryn Mawr Meadows and Bassett's Creek.

In short, the Kenilworth Greenbelt is a regional crown jewel and state-wide resource. It must be protected and enhanced for future generations. Operating a high-frequency LRT route through this unique urban corridor would irreparably harm it.

### **Route 1A/3A would severely impact Kenilworth's greenspace & waterways.**

Under current proposals, LRT trains would travel through the Kenilworth Corridor at speeds of **30 or more miles per hour, every three and one-half minutes**. High-speed and high-frequency trains would severely impact Kenilworth's natural amenities. One set of impacts would be visual. LRT trains would visually blight the corridor's parkland and greenspace. In addition, LRT's high speed would probably require fencing parallel to the tracks. Fencing would be another visual blight.

Fencing would also obstruct the free movement of people and wildlife through the corridor. Another set of impacts would be noise and sound. LRT engine noise, bells, and vibrations would destroy the corridor's peaceful atmosphere.

**Cedar Lake Parkway, which crosses Kenilworth, is a National Scenic Byway.**

The unique park status of the Kenilworth area is indicated by Cedar Lake Parkway. This parkway has received national recognition. It is designated a **National Scenic Byway**. Cedar Lake Parkway is the only parkway linking Lake Calhoun and Lake of the Isles to Cedar Lake, Brownie Lake and Theodore Wirth Parkway.

Like Cedar Lake Parkway, Minnehaha Parkway is a National Scenic Byway and part of Minneapolis' Grand Rounds park system. The Hiawatha LRT crosses Minnehaha Parkway at Hiawatha Avenue. The Hiawatha LRT is grade separated from the National Scenic Byway at this intersection. LRT goes under the National Scenic Byway and does not cross it at grade.

Cedar Lake Parkway's national designation should give it special protection from LRT trains. Any LRT in the Kenilworth Corridor must defer to Cedar Lake Parkway's status as a **National Scenic Byway**.

**Kenilworth has low-density neighborhoods and stable property tax base.**

The Kenilworth corridor adjoins some of the most stable residential real estate and property tax base in Hennepin County. In addition, some homes are located extremely close to the corridor's tracks, especially the Cedar Lake Shores Town Homes along Saint Paul and Saint Louis avenues in Minneapolis. The townhomes' foundations are located approximately 18 feet from the property line (split rail fence) and approximately 28 feet from the center line of the tracks. The corridor width is 62 feet at this location. These townhomes were built in the 1980's, when the Kenilworth tracks were abandoned and Hennepin County sold some of the corridor. The tracks stood abandoned for eight years.

In the early 1990's, two elected officials representing the Kenilworth area, a Hennepin County Commissioner and a State Representative, both stated that Kenilworth would never see rail traffic again. Despite these comments, freight rail traffic resumed in the 1990's. Currently, there are six to eight freight trains per day. The trains run day and night and usually observe a 10 m.p.h. speed limit. This LRT proposal exceeds the scope and intensity of any rail traffic ever anticipated in the corridor. Fast and frequent LRT trains would severely impact the quiet stable neighborhoods adjoining Kenilworth.

### **The Kenilworth Corridor has traffic choke-points.**

The Kenilworth Corridor is already a traffic choke-point. There is only one at-grade rail crossing for through traffic in the approximately 1.5 miles between Lake Street and the I-394 Frontage Road/Wayzata Boulevard. This crossing is at Cedar Lake Parkway. Thousands of area residents rely on Cedar Lake Parkway for their daily trips.

Currently, four to six freight trains pass through the corridor each day. When trains cross Cedar Lake Parkway, traffic is stopped for blocks in each direction, polluting air, wasting residents' time, and impairing public safety at Cedar Lake's south beach and on the Kenilworth bike and walking trails. The trains even block auto traffic on Dean Parkway. For example, when freight trains are crossing Cedar Lake Parkway, vehicles that are attempting to proceed south on Dean Parkway are often blocked by vehicles that are stacked on Dean Parkway and the steep hill on Cedar Lake Parkway waiting for trains to pass.

These bottlenecks are caused by only a few daily freight trains. LRT's proposed schedule shows trains crossing Cedar Lake Parkway at-grade every three and one-half minutes during morning and evening rush hours. Such high frequency LRT trains would impede emergency vehicles. The traffic stoppage, circulation confusion and safety concerns caused by high frequency LRT would be unacceptable for residents, commuters and regional park users.

The Hiawatha LRT has shown that LRT street crossings need careful evaluation for timing, turning and traffic stacking. Unlike the Kenilworth Corridor, cars crossing the Hiawatha LRT have many crossing options. On the Hiawatha line, street-grade crossings occur approximately every .5 miles. Similarly, Route 3C through Uptown would offer frequent grade or bridge crossings. In Kenilworth, by contrast, vehicle traffic would have far fewer crossing options. LRT trains would severely impede vehicle access to Kenilworth's surrounding area.

Kenilworth's other street-grade crossing, West 21<sup>st</sup> Street, serves a one-block residential street. West 21<sup>st</sup> Street is also a key access to Cedar Lake Park Wildlife and Nature Preserve and lake beaches. It is the only vehicle egress for homes in the 2000 block of Upton Avenue South. West 21<sup>st</sup> Street is also the sole access for emergency vehicles servicing Upton Avenue's 2000 block, Cedar Lake Park, and popular lake beaches.

### **If Kenilworth were chosen, substantial and meaningful mitigation would be required.**

Given Kenilworth's value as a critical greenspace and waterway connector and its traffic choke-points, meaningful and substantial mitigation would be required if it were selected as an LRT route. Minneapolis has a history of mitigating the impacts of rail traffic through city corridors. More recently, Minneapolis and other cities have built tunnels for new rail service. These factors should apply to any LRT routing through the Kenilworth Greenbelt.

### **Minneapolis has a history of mitigating the impacts of rail traffic.**

In 1916, the Chicago Milwaukee (CM) and St. Paul (SP) railroads completed a 2.8-mile depressed rail trench one block north of Lake Street, from Hennepin Avenue to Cedar Avenue. The trench was called the CM and SP Grade Separation. The trench provided for uninterrupted east-west rail traffic. The trench is approximately 22 feet deep. Twenty-eight street bridges were built to complete the urban street grid for streetcars, vehicles, bicycles and pedestrians. Other prominent features of the Midtown Trench include iron picket fences and granite and limestone bridge abutments. From 2000 through 2004, the Midtown Greenway bicycle and pedestrian trails were completed in the trench. In 2005, the trench was listed on the National Register of Historic Places as a Historic District. The Midtown Trench (CM and SP Grade Separation) is one example of how Minneapolis has mitigated rail impacts.

### **Minneapolis and other cities have built tunnels for new rail service.**

In recent years, Minneapolis and other cities have built or are building tunnels for new rail service. In Minneapolis, a tunnel was built under the Minneapolis-St. Paul International Airport for the Hiawatha LRT line. Pittsburgh, Pennsylvania is constructing two LRT tunnels. A tunnel under the Allegheny River to Pittsburgh's North Shore area will help preserve natural amenities and vistas. A second tunnel will extend LRT service to Pittsburgh's Convention Center. Denver, Colorado built three LRT tunnels as part of its I-25 T-REX Project. Dallas, Texas is digging a three mile tunnel under the central freeway. Portland, Oregon is tunneling three miles on its west side extension. Seattle, Washington is extending a tunnel under Pine Street. Minneapolis should study these examples.

### **Mitigation in the Kenilworth Greenbelt should include a rail tunnel from Lake Street to Franklin Avenue or to I-394.**

If the Kenilworth Greenbelt were selected for LRT service, one component of the mitigation should include a rail tunnel from Lake Street to Franklin Avenue or to I-394. The length would be approximately one mile. The tunnel would go under Cedar Lake Parkway, the Kenilworth Canal, and West 21<sup>st</sup> Street. The water depth of the Kenilworth Canal is approximately four feet. The tunnel would resurface in the open space below Kenwood Hill and the historic water tower.

A Kenilworth tunnel for Routes 1A/3A would likely cost less than the Nicollet Avenue tunnel in Route 3C. One expert estimated the incremental cost of a Kenilworth tunnel at \$50-\$60 million dollars. The Nicollet tunnel is estimated at \$60-\$80 million. A Kenilworth tunnel would probably cost less than Nicollet because Kenilworth contains fewer underground utility networks and less street infrastructure.

A tunnel in Kenilworth is essential to mitigate the impacts of LRT trains in this sensitive corridor. A tunnel would follow Minneapolis' century-old precedent of rail trenching. It would minimize traffic congestion at Cedar Lake Parkway, a **National Scenic Byway**, and at West 21<sup>st</sup> Street. Most importantly, the tunnel would help preserve natural assets of regional and state-wide significance—The Kenilworth Greenbelt, the Minneapolis Chain of Lakes Regional Park, and Cedar Lake Park Wildlife and Nature Preserve.

**All bike and walking trails should be preserved.**

Both proposed LRT routes, Route 1A/3A (Kenilworth) and Route 3C (Uptown), contain highly used commuter bike and walking trails. These trails must remain open for use during the construction and subsequent operation of any LRT line.

**Selecting an LRT Route is a 100-year decision.**

Selecting an LRT route to connect southwest Hennepin County to downtown Minneapolis is a 100-year decision. The environmental impacts of LRT service must be carefully considered, and substantial and meaningful mitigation must be included in any recommended route.

Please reconsider placing advertising on LRT cars. Many cars on the Hiawatha Line contain unsightly advertising--for alcohol and other products. The Hiawatha Line has been a success by several measures, especially by increasing transit ridership and stimulating private development. Car-covered advertising is a visual blight. It depersonalizes transit and reflects poorly on our civic pride. More importantly, it reduces safety because it blocks viewing into the trains. If anything, please promote Minnesota landmarks and features on LRT cars, not commercial products.

Thank you for your thoughtful consideration of these issues.

Sincerely,

George Puzak

1780 Girard Avenue South  
Minneapolis, MN 55403-2941  
tel 612-250-6846  
[greenparks@comcast.net](mailto:greenparks@comcast.net)

Here is a copy of an email that I sent to all Minnesota state representatives and senators on August 26, 2016. The theme is Met Council mission creep.

Dear Representative (or Senator),

Here are some key details about how the Met Council (MC) plans to build Southwest Light Rail Transit (SWLRT) and freight rail alignments, especially in St Louis Park and Hopkins. This information should cause you to suspend funding for SWLRT. If SWLRT proceeds as designed, the Met Council's mission will expand into **freight** rail.

Although the MC, Hennepin County, and SWLRT supporters may call it “**the CP swap**,” it's really “**the CP buyout**”--**the Met Council will buy a duplicate right-of-way, build FREIGHT rail tracks on government property, and potentially assume liability for FREIGHT rail operations on right-of-way that Hennepin County originally purchased for LRT.** (“CP” means Canadian Pacific Railroad).

Here are the details:

Hennepin County owns a dedicated LRT right-of-way in St Louis Park and Hopkins. The LRT right of way is parallel and adjacent to Canadian Pacific right-of way. Even though Hennepin County already owns an LRT right-of-way, the Met Council must buy CP's right-of-way to honor agreements that Hennepin County and Met Council made in the Supplemental DEIS (especially with St Louis Park and with Hopkins).

If MC buys CP's right-of-way, SWLRT will NOT use Hennepin County's dedicated LRT right-of-way. The MC will build SWLRT on the current CP freight right-of-way, AND it will build new **freight** tracks and connections for Canadian Pacific on Hennepin County's **LRT** right-of-way. The Met Council will have to get federal approval from the Surface Transportation Board (STB) to purchase the CP right of way and is expected to seek approval this fall. **The government will own and operate TWO rights-of-way.**

**The cost of this plan?** The Met Council is expected to pay \$30 -\$50 million for CP's right-of-way, and then pay \$70 million more in freight rail capital improvements, such as trackage, connections, and bridges. The Met Council will face ongoing costs too. It will have to create a new division to own, operate, and maintain the freight right-of-way. It's likely that the public will retain liability for freight rail operating on the public right-of-way. The Met Council's SWLRT documents allocate \$260 million for FREIGHT right-of-way acquisitions, alignment shifts, and capacity upgrades.

SWLRT differs in an important way from Bottineau LRT and Northstar Commuter Rail. On these lines, the Burlington Northern Santa Fe (BNSF) owns and operates the right-of-

way. The Met Council leases access for the Northstar line from BNSF and is negotiating a lease for Bottineau LRT.

**If MC builds the current plan, the government will own two rights of way--one for SWLRT and the other for freight rail. The Met Council's plan for duplicative rights of way shows the complicated and expensive details buried in the SWLRT project. The CP buyout expands the Met Council's mission to owning, operating, maintaining, and assuming liability for a FREIGHT rail right of way. Is this appropriate?**

This problem was triggered in 2009. Hennepin County failed to include freight rail in the 2009 SWLRT Scoping Report (see top of page 18). In 2011, the Federal Transit Administration ordered Hennepin County to add freight rail to the project. Rather than re-opening scoping, as required by law, Hennepin County pushed forward and added freight rail on top of the Route 3A Kenilworth LRT alignment.

There are two ways to fix SWLRT.

1. Move freight rail out of Kenilworth and build the 2010 SWLRT Locally Preferred Alternative; or
2. Add freight rail to the SWLRT scoping process before the LRT alignment is selected, so freight rail impacts and costs are publicly identified and analyzed and better understood.

**As of now, funding SWLRT is premature. The project faces an active federal lawsuit scheduled for trial in September 2017, excessive costs for the benefit of private freight rail companies, and unknown liability for co-location of LRT and freight rail.**

Catherine and George Puzak  
1780 Girard Ave. S.  
Minneapolis, MN 55403  
cell 612-250-6846, h 612-374-3624  
[greenparks@comcast.net](mailto:greenparks@comcast.net)

December 30, 2012

Hennepin County  
Housing, Community Works & Transit  
ATTN: Southwest Transitway  
701 Fourth Avenue South, Suite 400  
Minneapolis, MN 55415  
via US mail and email to [swcorridor@co.hennepin.mn.us](mailto:swcorridor@co.hennepin.mn.us)

Re: Comments on the Southwest Transitway Draft Environmental Impact Statement

Dear Project Manager:

Please accept these comments on the Draft Environmental Impact Statement (DEIS) for the Southwest Transitway (LRT) project. The comments first address freight rail and LRT track siting issues. Subsequent comments discuss specific Minneapolis locations within the corridor.

Consistent with the DEIS recommendation, freight rail should be rerouted from the Kenilworth Corridor to a different freight rail corridor. Operating both freight and light rail in the Kenilworth Corridor would irreparably harm natural green space. It would destroy sixty homes. It would also eliminate highly used non-motorized recreational and commuter trails. By rerouting freight rail, the outcome of preserving this tranquil, park-like corridor and water channel may be achieved.

**Outcomes of LRT track siting:** LRT tracks should be placed to preserve as much open space as possible for people, wildlife, and nature. LRT tracks should also allow as much space as possible for mitigation on both sides of the LRT line, especially where residential properties are on both sides of the corridor. These outcomes produce two recommendations.

First, north of Franklin Avenue and below the Kenwood water tower, LRT tracks should hug the base of Kenwood bluff. This design places the tracks on the east side of the corridor. It makes trails and paths into a continuous loop around Cedar Lake without rail obstruction. This "cutting the corner" design would shorten the route and travel time to downtown Minneapolis. The base of Kenwood bluff would absorb noise and vibrations. Most importantly, it would achieve the outcome of preserving open space ("Conservancy") between the SW LRT, the north-east corner of Cedar Lake and the Burlington Northern rail line for people, wildlife, and nature.

Second, between Franklin Avenue west and west Lake Street, LRT tracks should be sited in the center of the corridor. This placement would allow space for mitigation on both sides of the SW LRT line, where it is in closest proximity to peoples' homes.

## **Comments on Specific Minneapolis Locations**

### **1. Cedar Lake Regional Trail and SWLRT Crossing Area**

**Outcome:** The Cedar Lake Regional Trail, Kenilworth Trail and Cedar Lake pathway should provide a continuous uninterrupted loop around Cedar Lake similar to the loop trails around Lake of the Isles, Lake Calhoun, and Lake Harriet. If the Kenilworth Trail remains east of the LRT tracks, trail users will be forced to cross tracks where 250 LRT trains/day will be passing. Trail users circulating Cedar Lake should have the same safe, efficient, and pleasant experience offered by the regional paths around the other three lakes in the regional trail system. If the Cedar Lake or Kenilworth trails cross the SW LRT line, the trails should be grade-separated from the LRT line.

### **2. Intersection of West 21<sup>st</sup> Street and SW LRT tracks**

**Outcomes:** Uninterrupted access to east Cedar Lake beach and to homes on the 2000 block of Upton Avenue South. Station design should enhance safety for Cedar Lake Park users and local residents. Cedar Lake Park and the surrounding corridor should maintain their “up-north” feel. They are quiet spaces with multiple layers of vegetation—grasses, bushes, and trees. An estimated 250 LRT trains/day will mar the tranquil, green setting of this area. Tunneling or trenching LRT tracks and land bridging over them would best mitigate the visual and noise pollution caused by LRT service in this area.

### **3. Kenilworth Channel and Bridge**

Dredging the Kenilworth Channel helped form the Chain of Lakes as a historic and regional amenity. **Outcome:** People and wildlife that are experiencing this area should enjoy naturally occurring lights and sounds. **This location is unique in its lack of artificial light.** No street-grid lighting is located here, due to the expanse of lake water, park land, and open space. Headlights from LRT trains during dark hours would forever change the character and night sky experience of this unique urban space.

### **4. Cedar Lake Parkway-Grand Rounds**

**Outcome:** Preserve the integrity of the Grand Rounds National Scenic Byway by maintaining the ambiance, views, and park experience at south end of Cedar Lake and Beach. An LRT bridge of Cedar Lake parkway is insufficient. It would spread noise and block views. It would also be visually jarring and inconsistent with the park setting. Tunneling or trenching LRT under Cedar Lake Parkway would minimize the adverse effects at this unique intersection.

**Outcome:** Provide a continuous, safe, and pleasant trail experience for Kenilworth Trail users at Cedar Lake Parkway. The Kenilworth Trail should be grade-separated from traffic on Cedar Lake Parkway-Grand Rounds. If the trail is on the west side of the LRT tracks, it could directly connect to the South Cedar Beach and provide a continuous trail loop onto the Cedar Lake Pathway at South Cedar Beach. Going south after crossing Cedar Lake Parkway, the trail could use a landbridge to ramp over a depressed LRT line. The Kenilworth Trail would switch to the east side of the LRT tracks, providing access to Park Siding Park and then continue south to intersect with the Midtown Greenway.

### **Conclusion**

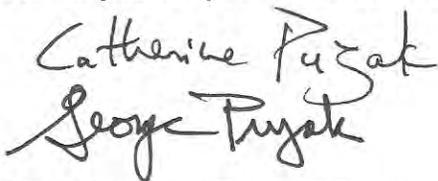
Given the Kenilworth Corridor's value as a critical greenspace and waterway connector and as a non-motorized recreational and commuter pathway, LRT impacts must be substantially mitigated. Minneapolis has a history of mitigating impacts from rail traffic. A nearby example is the 2.8 mile east-west depressed rail trench from Cedar to Hennepin avenues. More recently, Minneapolis built a tunnel for new LRT service at the airport. These examples should apply to any LRT routing through Kenilworth.

One component of the mitigation should include a rail tunnel from Lake Street to Franklin Avenue or to I-394. The length would be approximately one mile. The tunnel would go under Cedar Lake Parkway, the Kenilworth Channel, and West 21<sup>st</sup> Street. The tunnel would resurface in the open space below Kenwood Hill and the historic water tower.

A tunnel in Kenilworth is essential to mitigate the impacts of 250 daily LRT trains in this sensitive corridor. A tunnel would follow Minneapolis' precedent of rail trenching. It would minimize traffic congestion at Cedar Lake Parkway, a **National Scenic Byway**, and at West 21<sup>st</sup> Street. Most importantly, the tunnel would help preserve natural assets of regional and state significance—the Kenilworth greenspace, the Minneapolis Chain of Lakes Regional Park, and Cedar Lake Park Wildlife and Nature Preserve.

An LRT route connecting Minneapolis to southwest Hennepin County is a 100-year decision. The environmental impacts of LRT service must be carefully considered. Substantial and meaningful mitigation must be designed, funded, and implemented for the SW LRT line to achieve its full potential.

Thank you for your consideration.

The image shows two handwritten signatures in black ink. The top signature is 'Catherine Puzak' and the bottom signature is 'George Puzak'. Both are written in a cursive, flowing style.

Catherine and George Puzak

Good evening, I'm George Puzak. I'm speaking on my own behalf about the Met Council's actions on SWLRT.

As you may know, the Met Council faces a federal lawsuit on SW Light Rail. The court **denied** the Met Council's motion to dismiss, and the case is now in discovery and scheduled for trial September 2017.

Problems with SWLRT were triggered in January 2009, when Hennepin County **excluded** freight rail from the project's scoping report. (See the top of page 18 in the 2009 Scoping Report). This is the first step in how the government improperly chose the route for SWLRT independent from freight rail.

In April 2010, Hennepin County and the cities approved **Route 3A** as the locally preferred alternative. Route 3A relocated freight rail out of Kenilworth and put light rail in it.

In September 2011, the FTA required Hennepin County to include freight rail in the SWLRT project. Including freight rail fundamentally **changed the scope** of SWLRT. Yet Hennepin County **never re-opened the SWLRT scoping report to include freight rail**.

In 2013, the Met Council took over authority for SWLRT from Hennepin County. Rather than adding freight rail by reopening scoping, the Met Council added freight rail to the project **using a back-door means**.

The Met Council

- 1.) used municipal consent,
- 2.) expanded the LPA beyond Route 3A, and
- 3.) created Route **3A-1**, in which LRT and hazardous freight rail are co-located in the Kenilworth Corridor.

The Met Council improperly added freight rail through municipal consent, rather than through the **legally required National Environmental Policy Act (NEPA) scoping process**. As a result, the Met Council has violated federal law in how it has planned and executed SWLRT.

Now, the Met Council faces **a new problem** with freight rail. It's called the Canadian Pacific SWAP (CP Swap). Canadian Pacific wants the Met Council to buy about 3.5 miles of freight rail right of way that CP owns, but LRT will not use. This 3.5-mile segment from Highway 169 to west of 494 is not even along the LRT route. And it was **not included in the scoping or in any environmental impact studies and never discussed**.

SWLRT faces too many unanswered questions and it's premature for the FTA to fund it.

**The FTA should order the Met Council to re-open scoping**. 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**.

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.

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

## Arkell, Reginald (FTA)

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**From:** Sara Brenner <saraibrenner@gmail.com>  
**Sent:** Sunday, November 27, 2016 2:28 AM  
**To:** Arkell, Reginald (FTA); andrew.emanuele@got.gov  
**Subject:** MET Council Review

To FHTA/FWA reviewers

I am writing to give testimony regarding actions taken by the MET Council to meet compliance of federal protocols around community engagement. Southwest Light Rail Transit (SWLRT), by all accounts was prejudiced by a process that from the beginning had a predetermined favored route through the Kenilworth Corridor. Many of us, who faithfully went to community engagement meetings felt that these were never designed to get input from the community, but rather to check off a box on a required checklist of federal requirements. Most of us feel that our opinion never really mattered. Instead, we felt early on that Kennilworth was a foregone routed conclusion long ago decided by the MET Council and Peter Maclaughlin of Hennepin County. Most of us in the community were resigned until in 2013 colocation of freight rail and the LRT became a reality. At that point, many of us chose to take up the fight as the community had been promised that LRT would be routed only after the freight was removed. The early prejudice for route 3A for SWLRT through Kennilworth had been pre-decided. The early prejudice for this route caused all the subsequent problems so that the community engagement felt like a farce. Throughout, we have been told by people in the community who support housing and transportation organizations like Transit for Livable Communities, that they were regularly offered transportation by the Met Council to come to these community engagement meetings to testify in favor of SWLRT. It is interesting that many of these organizations got/get funding from grants through the MET Council. It felt like we had been set up, even though all of those testifying regarding against the colocation of freight and rail through Kenilworth were actually community members, and many of those who testified for colocation through Kenilworth were members of organizations who got grant funding from the MET Council.

The MET Council has expanded its power base since its inception growing its original mandate from transportation and water/sewer to housing and development. These are often at odds with each other as decisions are made that favors expanded development over developing transit that actually serves an existing population in order to continually grow and ever expanded need for a tax base. This certainly happened with SWLRT where after the West Lake station, the ridership through Minneapolis is minimal. The hope to grow development near Penn, Van White and Royalston as well as stations farther west takes precedence over putting this line through populous areas where housing already exists.

The Met Council and its deep community unpopularity is born out of their own extreme hubris and belief that they know what's best for the community. Community engagement goes as far as the federal check off form that is sent to the FTA to meet their obligation for checking off those boxes (e.g. certain number of meetings, certain number of reports, ...) but that engagement is truly meaningless and feels to most community members that it for show only. They are deeply disliked across all party lines - including Republicans, Democrats and Green Party members as well as Independents. They are appointed and not elected and therefore have no accountability to voters and clearly reflect that in their decision-making process. The process by which they chose the route through Kenilworth with colocation is an example of their own bias toward a route while ignoring others and then when the freight did not move, they have tried to bully their way into colocation. By all accounts, the city of Minneapolis did not want this route but most believe and some in the know confirm that their was bullying and threats made against the City of Minneapolis which was threatened with the loss of other monies if they did not agree to colocation and give municipal consent. Currently, there is a lawsuit that will show that the process by which the MET Council chose the route was biased and predetermined. Judge Tunheim has already made public statements that it appears as if their was a bias toward 3A from early on which violates NEPA laws. The Met Council needs reigning in and I hope that you will see that their processes are deeply flawed.

Sincerely,  
S Brenner



## **Arkell, Reginald (FTA)**

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**From:** Marion Collins <colli090@umn.edu>  
**Sent:** Tuesday, November 29, 2016 7:26 AM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA)  
**Subject:** Met Council should not be recertified

I encourage you, as a citizen of Minneapolis, not to recertify the Met Council. This council is made up of unelected officials that does not follow proper regulations or show interest in citizens' concerns, but rather is in the back pocket of the governor. Please see a list of regulations the Met Council has chosen to ignore to serve the governor's interests at the expensive of what is best for our city:

1. Organization (see Part 2-1 of regulations)

The Met Council is improperly comprised of unelected people appointed by the governor, instead of elected officials, officials of public transportation agencies, and other state officials.

Several Met Council members have a conflict of interest regarding SWLRT. For example, Jennifer Mundt, Edward Reynoso and Harry Melander are union officials. Also, the Minnehaha Creek Watershed District vouched for the project while speculatively purchasing nearby property.

2. Funding (Part 2-7)

The Met Council has ignored the state legislature's refusal to sanction or fund the project, and is currently pursuing a course to override the legislature's intent.

3. Public outreach - (Part 2-10)

The Met Council cancelled 26 of 36 SWLRT Citizen Advisory Committee meetings. It also purged the CAC of opponents to the route - then presented the CAC's work as representing a consensus.

The Met Council failed to reach out to members of the public to tell them of the Nov. 2 certification meeting. It removed the notice of recertification - as well as the opportunity to file comments until Dec. 2 - immediately after the meeting.

4. Environmental mitigation ((Section 2-15)

The Met Council determined the route of SWLRT before completing the Final Environmental Impact Statement required by federal law; this issue is currently being litigated by the Lakes and Parks Alliance of Minneapolis.

In the SWLRT's Final Environmental Impact Statement, the Met Council ignored or gave only cursory responses to public concerns about ethanol-train safety, sound and vibration mitigation, and

destruction of what may be Minneapolis's largest urban forest; it implausibly claims that digging a tunnel within 2 feet of the walls of a residential high rise poses no significant risk to the building.

5. Safety (Part 2-18)

The Met Council ignored public concerns about LRT adjacency to ethanol unit freight trains - concerns also expressed by the Chief of the Minneapolis Fire Department.

6. Threatening other public agencies with elected officials:

Failure to base alignment on good transit principles, basing them instead on politics. Public agencies, notably the City of Minneapolis and the Minneapolis Park and Recreation Board, were forced into agreement by threats of budget cuts, including threats from Governor Dayton. This abuse of government authority is a mockery of the process, and should not be sanctioned and supported by the federal government.

7. Touting incorrect figures to support faulty claims at the expense of what is best for the city and its unique Chain of Lakes and Park System

The Met Council continues to tout faulty figures on ridership to benefit itself and the governor's point of view, when there is absolutely no evidence that SW LRT would even come close to supporting those numbers (as evidenced by current ridership on buses throughout the corridor).

Please do not recertify this group of unelected officials in the back pocket of the governor, as they continuously ignore or mock regulations at the expense of the city and citizens they should be serving. Our government is supposed to be representative democracy, where we elect officials who represent what is important to the citizens and city, and who are committed to protecting our city's wonderful resources.

Sincerely,  
Marion Collins

## **Arkell, Reginald (FTA)**

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**From:** Cindy Docteur-White <cdocteurwhite@gmail.com>  
**Sent:** Tuesday, November 29, 2016 8:25 AM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA)  
**Subject:** Non-Compliance to Regulations to account for SWLRT

Dear Mr. Arkell and Mr. Stevens,

I'm writing to bring to your attention the poor approach and lack of compliance to Federal Regulations that the MET Council has followed in pushing through the SWLRT. There have multiple federal regulations that have not been compliant and therefor the Met Council should be held accountable. Just a couple of non-compliant regulations the MET followed in approving the SWLRT include (but sadly not limited to):

### **- Organization (Part 2-1 of regulations):**

The Met Council is improperly comprised of unelected people appointed by the governor, instead of elected officials, officials of public transportation agencies, and other state officials.

Several Met Council members have a conflict of interest regarding SWLRT. For example, Jennifer Mundt, Edward Reynoso and Harry Melander are union officials. Also, the Minnehaha Creek Watershed District vouched for the project while speculatively purchasing nearby property.

### **-Funding (Part 2-7)**

The Met Council has ignored the state legislature's refusal to sanction or fund the project, and is currently pursuing a course to override the legislature's intent.

### **- Environmental mitigation ((Section 2-15)**

The Met Council determined the route of SWLRT before completing the Final Environmental Impact Statement required by federal law; this issue is currently being litigated by the Lakes and Parks Alliance of Minneapolis. The proposed route is through invaluable urban green space that should have had a full FEIS before MET approved it.

In the SWLRT's Final Environmental Impact Statement, the Met Council ignored or gave only cursory responses to public concerns about ethanol-train safety, sound and vibration mitigation, and destruction of what may be Minneapolis's largest urban forest; it implausibly claims that digging a tunnel within 2 feet of the walls of a residential high rise poses no significant risk to the building. Not to mention all the other impacts on the watershed in the area.

### **-Safety (Part 2-18)**

The Met Council ignored public concerns about LRT adjacency to ethanol unit freight trains - concerns also expressed by the Chief of the Minneapolis Fire Department. This is very concerning giving the growing number of freight accidents and collisions in urban areas of the last couple of years. The MET council should acknowledge these concerns and enlist experts to plan accordingly not cut back on the funding available and reduce the infrastructure and preventative means to ensure the local community along the route is safe and secure.

Please hold the Met Council accountable for their lack of compliance to the regulations above and many of the other Federal Regulations as well. The SWLRT should not be a decision made lightly nor too quickly. All the

Federal Regulations are in place to ensure such rail projects are done in the most safe and secure way possible without compromising the community, human lives & safety and the environment of our City. Minneapolis is one of the greatest cities in the US. Lets make sure it stays that way by making sure the MET Council follows the appropriate Federal Regulations in place to keep it that way.

Thanks for your time,

Cindy Docteur-White  
2416 W 24th Street  
Minneapolis, MN  
55405

## **Arkell, Reginald (FTA)**

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**From:** Kendall King <kendall@umn.edu>  
**Sent:** Tuesday, November 29, 2016 8:16 AM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA)

Dear DOT:

As I resident of the City of Minneapolis, I'm writing to object to the Met Council's violation of federal regulations. My primary concerns are that the Met Council determined the route of SWLRT before completing the Final Environmental Impact Statement required by federal law.

Furthermore, in the SWLRT's Final Environmental Impact Statement, the Met Council ignored or gave only cursory responses to public concerns about ethanol-train safety, sound and vibration mitigation, and destruction of what might be Minneapolis's largest urban forest.

Both of these issues need to be full addressed and suggest substantial deviations from normal process.

Thank you, Kendall King (2121 Newton Ave. S.)

Kendall A. King, *Professor (University of Minnesota)*  
<http://www.cehd.umn.edu/CI/People/profiles/King.html>

NEW: [Native Language Literacy Assessment](#) released (Oct 2016)

## Arkell, Reginald (FTA)

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**From:** Kirkham, James MD <jkirkham@subrad.com>  
**Sent:** Tuesday, November 29, 2016 7:45 AM  
**To:** Arkell, Reginald (FTA)  
**Subject:** re: southwest LRT

Dear Sir:

There are a number of issues that you should use in determining not to allow SWLRT.

The two that I believe stand out as the strongest reasons to reject the build are:

1. This is supposed to be mass transit—yet the route was not planned thru densely populated areas in Minneapolis. Instead they selected a route thru parkland simply because it was the easiest to build even though no people live there. Please take time to go personally along the route as it leaves the area of the Twins Stadium. There is a bike and walking path the entire way so this is an easy assignment for you. It will become apparent immediately why this should not be the route selected. The route was picked without serious consideration of the routes that would have proceeded thru areas of dense population.
2. There should be no immediate co-location of freight rail lines carrying volatile liquids like ethanol and light rail. The poorly selected route was picked with the promise to move freight out of the light rail corridor. That promise was not kept and a catastrophe is waiting if they are allowed to run immediately next to each other.

Thank you.

James Kirkham M.D.

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## Arkell, Reginald (FTA)

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**From:** Stevens, Spencer (FHWA)  
**Sent:** Tuesday, November 29, 2016 7:53 AM  
**To:** Goodman, Charles (FTA); Arkell, Reginald (FTA); Emanuele, Andrew (FHWA); Riesenber, Kris (FHWA)  
**Subject:** FW: S.W.L.R.T.

Since this is project specific, not related to TMA Cert review – I think we should just forward it along to FTA for consideration.

-Spencer

### Spencer Stevens

FHWA Office of Planning Oversight & Stewardship  
HEPP-10, Room E72-111  
1200 New Jersey Avenue, SE  
Washington DC 20590  
(Phone) **Harrisburg office 717/221-4512 TODAY**  
DC office 202/366-0149  
(Fax No.) 717/221-3494  
[spencer.stevens@dot.gov](mailto:spencer.stevens@dot.gov)

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**From:** Kirkham, James MD [<mailto:jkirkham@subrad.com>]  
**Sent:** Tuesday, November 29, 2016 8:45 AM  
**To:** Stevens, Spencer (FHWA)  
**Subject:** S.W.L.R.T.

Dear Sir:

There are a number of issues that you should use in determining not to allow SWLRT.

The two that I believe stand out as the strongest reasons to reject the build are:

1. This is supposed to be mass transit—yet the route was not planned thru densely populated areas in Minneapolis. Instead they selected a route thru parkland simply because it was the easiest to build even though no people live there. Please take time to go personally along the route as it leaves the area of the Twins Stadium. There is a bike and walking path the entire way so this is an easy assignment for you. It will become apparent immediately why this should not be the route selected. The route was picked without serious consideration of the routes that would have proceeded thru areas of dense population.
2. There should be no immediate co-location of freight rail lines carrying volatile liquids like ethanol and light rail. The poorly selected route was picked with the promise to move freight out of the light rail corridor. That promise was not kept and a catastrophe is waiting if they are allowed to run immediately next to each other.

Thank you.

James Kirkham M.D.  
Minneapolis, MN

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## **Arkell, Reginald (FTA)**

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**From:** Julia <julia@writeworks.net>  
**Sent:** Tuesday, November 29, 2016 8:33 AM  
**To:** Arkell, Reginald (FTA)  
**Subject:** in support of SWLRT

I am writing in support of Met Council and all the work they are doing, have done to make SWLRT a go.

Thank you, Met Council, for seeing the bigger, and better picture.

Julia Singer

**Arkell, Reginald (FTA)**

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**From:** mdl9945@aol.com  
**Sent:** Tuesday, November 29, 2016 10:49 AM  
**To:** Arkell, Reginald (FTA); spencer.stevens@dot.goc  
**Cc:** Done Right Lrt  
**Subject:** Met Council Certification Review

Regarding Met Council Certification:

To whom it may concern,

I won't bother to recite the long list of well-documented failures of the Met Council in terms of analytical prowess, leadership skill, or process excellence while guiding the SWLRT initiative over the past several years. I'll summarize instead:

**The Met Council Has No Credibility**

The measure of an organization is usually taken on both the quality of the decisions it produces and the manner in which they're produced. Unfortunately, the Met Council fails miserably on both dimensions - with poor decisions reflecting glaring gaps in analytical and leadership abilities, and a governing process lacking any semblance of integrity or principles of good civic leadership. In fact, the SWLRT episode is not only a stupefying illustration of both failures, but its close resemblance to the rampant incompetence, dishonesty and corruption more commonly found in the third world, should concern every citizen. Any suggestion to the contrary would be nothing short outrageous and indeed, preposterous. As a society, we need to do a lot better going forward. At the very least, let's not certify any more major mistakes and bad behavior.

It's also critically important to remember that these Met Council failures have nothing to do with the question of light rail transit in general, and that this much needed critical assessment should not be misconstrued as a lack of support for intelligent public transportation initiatives.

Finally, I'd like to share a letter I sent to the leaders of the Minnesota House and Senate earlier this year, expressing the concerned perspective that many Minnesotans share regarding the Met Council's behavior and the SWLRT initiative:

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Dear Minnesota Senate and House Leaders,

I'm neither a Democrat or Republican and I have no business or property stake in the SWLRT issue. Further, I live in Edina, far from its direct physical impact. However, as a concerned citizen, I'd like to briefly share a perspective that many educated Minnesotans share on SWLRT.

First, while being heralded as the biggest project in Minnesota history, many of us also believe it's been the *most intellectually dishonest one as well*. If many of us understand the proposal correctly, the state is being asked to approve a \$1.8 billion dollar project (largely federally funded) to deliver a SWLRT system that:

### **FAILS TO ANSWER THE MASS TRANSIT CHALLENGE AND OPPORTUNITY**

- Provides *negligible capacity to create meaningful incremental mass transit usage* to either reducing metropolitan road congestion or improving air quality
- Deploys infrastructure (lines and stations) that is *fundamentally misaligned to the demographic realities* of the metro mass transit challenge

### **THREATENS QUALITY OF LIFE, THE ENVIRONMENT AND RESIDENTIAL SAFETY**

- Imposes a transit route that *significantly reduces livability and quality of life* in adjacent long-standing residential neighborhoods
- Requires tunneling through the Minneapolis lakes water table risking *potentially disastrous environmental consequences*, disturbing one of the metropolitan community's greatest assets
- Establishes co-location of heavy rail with light rail through residential areas in tight quarters *creating significant safety risks* to adjacent populations

### **FAILS TO MEET BASIC TRANSPORTATION COST/BENEFIT TEST**

- Provides an economic justification on transportation economics *too ludicrous to merit discussion*
- Provides *no assurance of project completion at \$1.8 billion*; has anyone in Minnesota ever heard of the "Big Dig" in Boston?
- Takes *badly needed funding* from what MnDOT says is a looming Minnesota road infrastructure crises

This is supposed to be the "brain state", but this is a layup for the old saw, "I could've whittled you a better looking baby, than the one you got." Suffice it to say, many of us are left wondering how this initiative has continued to survive. No doubt, there are those who want monuments to themselves, but you'd think they'd be a bit more discerning.

Second, for many of us, the path that got us here is perhaps even more troubling. Without a doubt there is plenty of blame to go around in terms of both the bureaucratic missteps and the tremendous leadership gap exposed here, but many of us also feel that the Met Council has made the gang that couldn't shoot straight, look like expert marksmen. Whether by design or omission, it's been readily apparent to many of us that the disingenuous process applied here falls far short of the fair and credible assessment that complex challenges in multi-stakeholder environments require, and the public deserves. This isn't rocket science, but apparently

foreign to this initiative in every respect. Further, I'm sure you'd quickly agree that deceit and condescension should have no place in the public sector and offers a poor leadership model.

Surely we can do better than this. It's time to do the first sensible thing in this sad saga and put an end to this SWLRT initiative.

Best Regards,

Michael Lang  
Edina, Mn

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Thank you for your time and consideration in this matter.

Best Regards,

Michael Lang  
Edina, Mn

## **Arkell, Reginald (FTA)**

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**From:** Georgianna Ludcke <Ggday@aol.com>  
**Sent:** Tuesday, November 29, 2016 10:50 AM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA)  
**Subject:** SWLRT-Minneapolis, MN

Dear Mr. Arkell and Mr. Stevens:

I am writing as a resident of Minneapolis, MN and because I want to make sure my comments concerning the Metropolitan Council are heard by the DOT. I have many concerns about the Met Council but will restrict them to just three:

- 1) The Met Council practiced obstruction to public outreach by not announcing the Nov 2 certification meeting and it removed the notice of recertification—as well as the opportunity to file comments until Dec. 2—as soon as the meeting was over.
- 2) The Met Council cancelled 26 of 36 SWLRT Citizen Advisory Committee meetings as well as removing comments opposed to the route and then stated the conclusion of the CAC as being one of consensus for the project.
- 3) In the final environmental impact statement for the SWLRT, the Met Council ignored or gave only simplistic responses to public concern about ethanol-train safety, sound and vibration litigation and destruction of Minneapolis's significant urban forest. This in addition to claiming that digging a tunnel within 2 feet of the walls of a condominium high rise is of no real risk to the building.

These are only some examples of the debasing of the process as it is meant to be carried out on an enormous project such as SWLRT is. The Met Council is a government authority made up of non-elected officials who have power to ignore citizens and public agencies such as the Minneapolis Park and Recreation Board and act on behalf of other interests such as politicians and, by proxy, developers.

Please consider the federal regulations ignored by the Met Council when deciding on recertification.

Sincerely,

Georgianna Ludcke  
2805 Chowen Ave. So.  
Minneapolis, MN 55416

## **Arkell, Reginald (FTA)**

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**From:** Nora Whiteman <Nora@Rushs.com>  
**Sent:** Tuesday, November 29, 2016 12:41 PM  
**To:** Arkell, Reginald (FTA)  
**Subject:** Met Council in Hennepin County - NOT IN COMPLIANCE

**Importance:** High

Please accept my thoughts on the Met Council and how they conduct business for the citizens of MN and the USA

Several Met Council members have a conflict of interest. For example Jennifer Mundt, Edward Reynoso and Harry Melander are union officials. Also, the Minnehaha Creek Watershed District vouched for the project while speculatively purchasing nearby property.

The Met Council has ignored elected officials refusal to sanction or fund the project. They are trying to do an end run around us.

The public outreach has been less than lacking. They have purged the Citizens Advisory Committee of opponents to the route. Then misrepresented their work as a consensus.

They failed to reach out to the public to tell them of the Nov 2 certification meeting.

The forecasting of ridership is very faulty and is the weak base for this project.

The most alarming problems involve them determining the route prior to Final Environment Impact Statement required by federal law. They ignored or gave only cursory responses to public concerns about ethanol train safety, sound and vibration mitigation and destruction of a region urban forest. Lake quality was not fully addressed. And that they are proposing building with in 2 feet of a residential high-rise while cleaning their is no significant risk to the building.

I went to several "community meetings" over the years on this project. Each time walking away knowing that they had just shown up to check off a box. They did not truly listen to the people of Minneapolis and St. Louis Park.

Please step in and stop the abuse of government authority. This should not be supported by the federal government.

Thank you for your time  
Nora Whiteman  
Minneapolis MN

## Arkell, Reginald (FTA)

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**From:** Thad Spencer <thad@ascheandspencer.com>  
**Sent:** Tuesday, November 29, 2016 12:54 PM  
**To:** Arkell, Reginald (FTA)  
**Subject:** Met Council and the SWLRT

My Name is Thad Spencer. My wife and I have lived in Kenwood for the past 25 years. We have lived our lives and raised our three boys in this neighborhood. We consider Minneapolis one of the greatest places to live in the entire united states. I am writing today to voice our extreme dissatisfaction with the Met Council's handling of the Southwest Light Rail (SWLRT) project.

I want to put before you several points that not only concern me but in fact truly worry me about how, in this day and age, a Met Council that is funded by the people and for the people does not care about or listen TO the people.

·The Met Council is improperly comprised of unelected people appointed by the governor. Several Met Council members have a conflict of interest regarding SWLRT. For example, Jennifer Mundt, Edward Reynoso and Harry Melander are union officials.

·The Met Council has ignored the state legislature's refusal to sanction or fund the project, and is currently pursuing a course to override the legislature's intent.

·The Met Council cancelled 26 of 36 SWLRT Citizen Advisory Committee meetings. They also failed to reach out the public to tell them of the November 2nd certification meeting. It removed the notice of recertification - as well as the opportunity to file comments until December 2nd-immediately after the meeting.

·The Met Council determined the route of SWLRT before completing the environmental impact statement required by the federal law. There obvious rush to ram this plan through is nothing more then a careless shortsighted attempt at grabbing federal money without proper planning, careful study, and listening to the opinions and ideas of the people who live in the city.

·In the SWLRT's Final Environmental Impact Statement, the Met Council ignored or gave little response to public concerns about ethanol-train safely, sound and vibration mitigation, and destruction of our amazing urban water and green-space. It wrongfully claims that digging a tunnel within two feet of the walls of a residential building will pose no significant risk to the building, or the people living in it.

·The Met Council ignored public concerns about LRT adjacency to ethanol unit freight trains-concerns also expressed by the chief of the Minneapolis Fire Department

·Failure to re-route the SWLRT after knowing that the current freight train will not be relocated is both reckless and an obvious indicator of the misjudgment of the Met Council.

·The Met Council has failed to base alignment on good transit principles, basing them instead on politics. Public agencies, notably the City of Minneapolis and the Minneapolis Park and Recreation Board, were forced into agreement by threats of budget cuts, including threats from our own governor. This abuse of government authority is a mockery of the process, and should not be sanctioned and supported by the federal government.

Thank you for taking the time to hear my thoughts.

Regards,

Thad & Sheila Spencer

## Arkell, Reginald (FTA)

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**From:** Kristine Vitale <kristinevitale@yahoo.com>  
**Sent:** Tuesday, November 29, 2016 1:56 PM  
**To:** Arkell, Reginald (FTA)  
**Subject:** November 2 Department of Transportation/FTA Meeting - Comments

Good afternoon -- I was unable to attend the November 2 hearing regarding whether the Met Council should be recertified based on compliance with federal regulations. I have the following comments that I would like to share with you. I am completely against the SWLRT and the proposed route. I understand this hearing wasn't about that, but about how the Met Council has done a horrible job in choosing the route and the unethical (including conflict-of-interest) way they have conducted business.

1. Organization (see Part 2-1 of regulations)

The Met Council is improperly comprised of unelected people appointed by the governor, instead of elected officials, officials of public transportation agencies, and other state officials.

Several Met Council members have a conflict of interest regarding SWLRT. For example, Jennifer Mundt, Edward Reynoso and Harry Melander are union officials. Also, the Minnehaha Creek Watershed District vouched for the project while speculatively purchasing nearby property.

2. Funding (Part 2-7)

The Met Council has ignored the state legislature's refusal to sanction or fund the project, and is currently pursuing a course to override the legislature's intent.

3. Public outreach - (Part 2-10)

The Met Council cancelled 26 of 36 SWLRT Citizen Advisory Committee meetings. It also purged the CAC of opponents to the route - then presented the CAC's work as representing a consensus.

The Met Council failed to reach out to members of the public to tell them of the Nov. 2 certification meeting. It removed the notice of recertification - as well as the opportunity to file comments until Dec. 2 - immediately after the meeting.

4. Environmental mitigation ((Section 2-15)

The Met Council determined the route of SWLRT before completing the Final Environmental Impact Statement required by federal law; this issue is currently being litigated by the Lakes and Parks Alliance of Minneapolis.

In the SWLRT's Final Environmental Impact Statement, the Met Council ignored or gave only cursory responses to public concerns about ethanol-train safety, sound and vibration mitigation, and destruction of what may be Minneapolis's largest urban forest; it implausibly claims that digging a tunnel within 2 feet of the walls of a residential high rise poses no significant risk to the building.

5. Safety (Part 2-18)

The Met Council ignored public concerns about LRT adjacency to ethanol unit freight trains - concerns also expressed by the Chief of the Minneapolis Fire Department.

I would also like to point out some broader issues below:

- Failure to re-scope the project when it changed significantly to include freight rail.
- Faulty travel demand modeling and forecasting
- Failure to base alignment on good transit principles, basing them instead on politics. Public agencies, notably the City of Minneapolis and the Minneapolis Park and Recreation Board, were forced into agreement by threats of budget cuts, including threats from Governor Dayton. This abuse of government authority is a mockery of the process, and should not be sanctioned and supported by the federal government.

Please note all of these issues when making your decision. Thank you!

Sincerely,

Kristine Vitale  
1071 Antoinette Avenue  
Minneapolis, MN 55405  
612-730-9111

## **Arkell, Reginald (FTA)**

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**From:** arthur higinbotham <ahiginbotham@msn.com>  
**Sent:** Tuesday, November 29, 2016 5:02 PM  
**To:** Goodman, Charles (FTA); Arkell, Reginald (FTA)  
**Cc:** Emanuele, Andrew (FHWA); spencer.stevens@dot.go  
**Subject:** Fw: Commentar on Performance of Metropolitan Council

Gentlemen:

The following letter evaluating the Twin Cities Metropolitan Council was misaddressed. I hope I now have your correct e-mail addresses and that my comments go into the record before tomorrow's deadline.

Art Higinbotham

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**From:** arthur higinbotham <[ahiginbotham@msn.com](mailto:ahiginbotham@msn.com)>  
**Sent:** Saturday, November 26, 2016 11:33 PM  
**To:** [charles.goodman@mdot.gov](mailto:charles.goodman@mdot.gov)  
**Cc:** STUART CHAZIN; George Puzak  
**Subject:** Commentar on Performance of Metropolitan Council

The Metropolitan Council has not been acting as a body independent of the entities providing SWLRT project input. Among the members is Gail Dorfman, who, as a former Hennepin County Commissioner, was the chair of the Southwest Alternatives Analysis Committee. Her resignation as Commissioner and subsequent appointment by Governor Mark Dayton to the Met Council resulted in her voting to endorse the work of her committee, making the Met Council's approval of the colocated freight rail and light rail on the Kenilworth Corridor not an independent judgment.

Furthermore, the actions of Hennepin County Commissioner Peter McLaughlin's efforts to lobby the Met Council as Commissioner, Chair of the Hennepin County Regional Railroad Authority and as Chair of the County Transportation Board, which partially funds the SWLRT project, have seriously tainted the decision of the Met Council to approve the project as an independent entity; Mr. McLaughlin was frequently holding private conversations with Met Council members in public meetings.

To avoid these improprieties, the Met Council should no longer have its members appointed by the Governor; instead, they should be selected for their expertise and independence by a select committee appointed by the Minnesota Legislature. They should not be elected by district, as they would be subject to political influence and tampering that is evident with the current appointment process.

Arthur E. Higinbotham  
612-226-3025  
Unit 417, 1800 Graham Av., St. Paul 55116

## Arkell, Reginald (FTA)

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**From:** Angie & Sandeep <angie\_sandeep@yahoo.com>  
**Sent:** Tuesday, November 29, 2016 10:31 PM  
**To:** Emanuele, Andrew (FHWA)  
**Cc:** Arkell, Reginald (FTA)  
**Subject:** MET Council, Minneapolis resident's opinion

Dear FTA and FTWA Representatives,

I am a pediatrician and I do a lot of volunteer community work for the Minneapolis Public Schools and my neighborhood association. I just wanted to offer a few words about the MET Council.

After going to at least 20 meetings about the SWLRT, I became disgusted by the process and I felt like a pawn. I felt like I was going to a meeting to make them look good. They had a plan they intended to follow and were not taking citizen suggestions seriously. They were spending big bucks to put their teams out there in the public to answer questions, but they did not quantify our concerns in any meaningful way. For instance, in this day and age they could have used a computerized system to poll us or a survey monkey but instead they had us go to these meetings with giant maps and asked us to put little yellow post its on the maps to write comments. I am pretty sure our comments went nowhere. We have brilliant, totally brilliant and well informed citizens trying to engage in a meaningful way with the MET council, writing beautiful summaries, pouring over documents...but the MET Council just seems corrupted and unable to listen. Their jobs and future personal opportunities are dependent on making this SWLRT project look good. They want federal money so they are pushing a bad plan and not listening to reasoned arguments.

Other issues I have seen- the MET Council co-opts the equity organizations and enlists them as the face of their program with promises of jobs and side benefits, inflating the value of the SWLRT project to minorities. They ignore the fact that the route skirts poor neighborhoods and will not benefit areas that need jobs as much as it could if a more efficient route had been chosen. Also there was an issue of holding back on some funds to save the money for SWLRT, ignoring pressing needs.

I have been reading about how bus shelters are being used for drug dealers and pimps without regard to the public safety and that there is no way for citizens to complain or file reports because the shelters are not considered MET Council property (?). Not sure of these details but it sounds like a dire situation in the Ventura Village neighborhood. Overall, the politicians and MET Council bullies are treating environmental stewardship and financial responsibility like "business as usual" allowing a very compromised and inefficient route that endangers the environment because they are so invested, it is too big to fail. We can not afford "business as usual" in this day and age.

Spend public funds wisely and probably elsewhere. The MET Council should be an accountable elected body. At this point it seems to be doing the dirty work of the Governor. In that way it is a corrupt body.

I do not live close enough to the LRT line to use it, hear it or see it. I just care about the nearby woods and do not want to risk ethanol spills in the lakes.

Angela Erdrich, MD

Sent by Angie Erdrich  
[angie\\_sandeep@yahoo.com](mailto:angie_sandeep@yahoo.com)

## Arkell, Reginald (FTA)

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**From:** Palma, Russell L <russell.palma@mnsu.edu>  
**Sent:** Wednesday, November 30, 2016 4:43 AM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Subject:** certification review for the MN Metropolitan Council

November 30, 2016

Mr. Andrew Emanuele  
Federal Highway Administration

Mr. Reginald Arkell  
Federal Transit Administration

Dear Mr. Emanuele and Mr. Arkell,

My wife Marcia and I are residents of Minneapolis, and I am writing in response to the Certification Review of the Minnesota Metropolitan Council (Met Council). Our home for the past 5 years has been a condominium in a historic grain silo conversion at the narrowest point of the Southwest Light Rail Transit line (SWLRT) being proposed by the Met Council.

Due to the SWLRT proximity (the tunnel for the proposed line comes within 6 inches of the parking structure for our building and within 3 feet of the building itself), we have been actively involved in regularly attending Met Council planning and informational meetings. We have become extremely disillusioned by the process. All of the meetings have seemed more a “pro forma” exercise to satisfy legal requirements than actual opportunities to hear citizen feedback and improve the proposed transit line. There has been absolutely no indication that any of the citizen input has altered the project one iota. In addition, the project has represented a moving target, with fundamental changes, such as co-locating freight and passenger rail service, occurring after being assured that such changes would not take place.

The transportation landscape is changing, yet the Met Council seems oblivious to the rapid pace of these changes, wedded to a project that was designed and planned many years ago, has reached a cost that makes no financial sense, is of less and less utility with decreasing ridership projections, is destructive to parkland and urban green space, is inflexible in design and route, and actually contributes more carbon emissions than it removes. In short, somehow the process has become unhinged from reality, existing only due to inertia and a desire to “bring home the bacon” to Minnesota, regardless of the cost/benefit analysis.

The flawed process is clearly seen legislatively, where Governor Dayton bullied the Hennepin County Park Board by threatening to eliminate their funding if they didn’t rescind their objections to a bridge crossing park land. If the Park Board can’t even do what it is mandated to do (protect parks) without potential loss of funding, how can the process be considered appropriate? When the State Legislature declined to provide funding for the state’s share of the project, Governor Dayton again unilaterally overrode the will of the people’s representatives to jury-rig a backdoor funding scheme. It seems as though the deck is stacked against those of us who oppose the project as is and would like to see changes that would provide a more commonsense route that is shorter, cheaper, and actually serves denser population centers that would welcome the train.

In conclusion, my wife and I have been dismayed by the Met Council and the process by which the SWLRT has reached its current state. If the review you are heading up is “to provide advice and guidance to a Transportation Management Area for enhancing the planning process and improving the quality of transportation investment decisions”, then I submit that the Met Council and SWLRT are textbook examples of what is wrong with the system. This ill-conceived transit project is a monumental waste of taxpayer money and a testament to those in power ignoring the will of the people.

Sincerely,

Dr. and Mrs. Russell and Marcia Palma  
3141 Dean Court #1004  
Minneapolis, MN 55416

## Arkell, Reginald (FTA)

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**From:** J Meath <meath@umn.edu>  
**Sent:** Wednesday, November 30, 2016 10:04 AM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA)  
**Subject:** Recertification of MN Met Council

Dear sirs Arkell and Stevens,

I write to provide input on the question of recertification for Met Council in Minnesota. I am gravely concerned that the Met Council is failing to meet minimum requirements of the federal Transportation Planning Capacity Building Program.

Specifically, regarding funding for a large light rail project, the Southwest Light Rail Transit (SWLRT) project, the Met Council has ignored the Minnesota State Legislature's legitimate concerns over SWLRT, *concerns so grave that the democratically elected legislature has refused to fund the project.*

Specifically, regarding environmental mitigation, the Met Council settled on the route for SWLRT *before completing the Final Environmental Impact Statement (FEIS) required by federal law.* Further, in the FEIS, the Met Council failed to adequately address legitimate and serious public concerns about the safety of SWLRT's running light rail next to ethanol freight trains.

These are only a couple ways that the Met Council has been derelict in its duty to responsibly plan transportation for the Minneapolis-St. Paul metro region. Please take these concerns into account as you consider the recertification of the Met Council for the federal Transportation Planning Capacity Building Program.

Thank you, and sincerely,

Judy L. Meath  
2700 Kenilworth Place  
Minneapolis, MN 55405  
[meath@umn.edu](mailto:meath@umn.edu)

## Arkell, Reginald (FTA)

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**From:** Constantini, Peter MD <pconstantini@subrad.com>  
**Sent:** Wednesday, November 30, 2016 10:15 PM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA)  
**Subject:** Minneapolis Met Council Recertification

Dear Mr. Arkell and Mr. Stevens:

I am writing to protest the recertification of the Met Council in Minnesota as a regional planning organization, particularly in connection with the costly \$1.9 billion (and rising) Southwest Light Rail project. This unelected body has totally avoided seeking "genuine" public input and instead has made their decisions in secret without any transparency whatsoever.

From the very beginning they have ignored other alternative routes and have selected a route that does not serve the transit-dependent people who need its services the most. Figures they have released regarding ridership numbers have been distorted and over-stated. They have little regard for the environment or the safety of the riders and adjacent neighbors living near the planned co-located 100 car freight trains carrying ethanol and the electrically run light rail cars carrying passengers. They have pushed ahead with the project in complete disregard of these issues along with many others and are doing so in spite of the fact the Minnesota State Legislature had such legitimate concerns over SWLRT that they refused to fund the 10% required by our state.

The Met Council is improperly comprised of **unelected** persons appointed by the governor, rather than elected officials, officials of public transportation agencies, and other state officials. This group was prejudiced by a process that from the very beginning had a predetermined favored route through the Kenilworth Corridor. They even determined the route of SWLRT before ever completing the Final Environmental Impact Statement required by federal law. This issue is currently being litigated by the Lakes and Parks Alliance of Minneapolis. The viable lawsuit contends that routes other than just the Kenilworth Corridor were never properly considered. The lawsuit will not be heard in court until September 2017, but the Met Council arrogantly continues to proceed on the project as though there were no lawsuit.

The Met Council's chosen route is not based on good transit principles, rather instead it is based on politics. Public agencies were forced into agreement to proceed with the SWLRT route by threats of budget cuts for their upcoming projects, even including threats from the governor of our state, Gov. Mark Dayton. This abuse of government authority should not be sanctioned and supported by the federal government. The cost of SWLRT is currently at \$1.9 billion, significantly over budget,

and still climbing. It is far more expensive than other more flexible modes of transit. It doesn't serve transit dependent populations in Minneapolis. It removes only a small number of cars from the highways, and it doesn't reduce carbon emissions.

The Met Council has become a very powerful group in Minnesota, accountable to no one except the Governor who appointed them. During this process they have trumped the authority of municipalities, counties, and our MN state legislature itself. In the current litigation case they have attempted to even evade the orders by the federal court judge to share documents requested in discovery. This arrogant group attempts to operate above the law.

Please take these concerns into account as you consider the recertification of the Met Council for the federal Transportation Planning Capacity Building Program and deny this recertification.

Thank you for your consideration.

Sincerely,  
[Peter Constantini](#)  
2800 Dean Parkway  
Minneapolis, MN 55416

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## Arkell, Reginald (FTA)

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**From:** Phillip Johnson <philj2@mac.com>  
**Sent:** Wednesday, November 30, 2016 4:44 PM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA)  
**Subject:** Question of the recertification of the Metropolitan Council

Gentlemen:

There are a number of objections to the work and workings of the Metropolitan Council. In the specific case of the Council's handling of the SWLTR, I wish to stress two things.

First, as a functioning light rail it's final section makes no practical sense because it runs through territory where there will be few riders. Because of the environmental hazards and the degrading of the lakes and parks along its route, practical considerations for good service need to be *overwhelming* not *lacking* to justify the necessity of the route planned. That justification is entirely absent.

It is reported that two thousand trees must be removed for the right-of-way. Two thousand trees! It was recently reported in the *Star Tribune* that Minneapolis is already short of trees in relation to air quality. How can the Governor and the Metropolitan Council who are responsible for the health and welfare of Minneapolis, Saint Paul and suburban areas justify that? They are failing in their responsibility.

Second, we cannot overlook the nature of the Council with all members appointed by the Governor, nor can we overlook the high-handed methods of the Governor and the Council in circumventing the Minnesota legislature by creating a funding device that gives the people even less say in the matter—no say.

There are a host of other issues and problems. I'm confident others will be writing to bring them to your attention so I will limit myself to these. I do wish to make it known that I do not live in the affected neighborhood but anything that degrades a neighborhood degrades the whole city, a city that I love.

Sincerely,  
Phillip D Johnson  
3232 47th Avenue South  
Minneapolis, Minnesota 55406  
612-670-2047

## **Arkell, Reginald (FTA)**

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**From:** Larson, Sandi <slarson@subrad.com>  
**Sent:** Wednesday, November 30, 2016 6:39 PM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA)  
**Subject:** Minneapolis Met Council Recertification

Dear Mr. Arkell and Mr. Stevens:

I am writing to protest the recertification of the Met Council in Minnesota as a regional planning organization, particularly in connection with the costly \$1.9 billion (and rising) Southwest Light Rail project. This unelected body has totally avoided seeking "genuine" public input and instead has made their decisions in secret without any transparency whatsoever.

From the very beginning they have ignored other alternative routes and have selected a route that does not serve the transit-dependent people who need its services the most. Figures they have released regarding ridership numbers have been distorted and over-stated. They have little regard for the environment or the safety of the riders and adjacent neighbors living near the planned co-located 100 car freight trains carrying ethanol and the electrically run light rail cars carrying passengers. They have pushed ahead with the project in complete disregard of these issues along with many others and are doing so in spite of the fact the Minnesota State Legislature had such legitimate concerns over SWLRT that they refused to fund the 10% required by our state.

The Met Council is improperly comprised of **unelected** persons appointed by the governor, rather than elected officials, officials of public transportation agencies, and other state officials. This group was prejudiced by a process that from the very beginning had a predetermined favored route through the Kenilworth Corridor. They even determined the route of SWLRT before ever completing the Final Environmental Impact Statement required by federal law. This issue is currently being litigated by the Lakes and Parks Alliance of Minneapolis. The viable lawsuit contends that routes other than just the Kenilworth Corridor were never properly considered. The lawsuit will not be heard in court until September 2017, but the Met Council arrogantly continues to proceed on the project as though there were no lawsuit.

The Met Council's chosen route is not based on good transit principles, rather instead it is based on politics. Public agencies were forced into agreement to proceed with the SWLRT route by threats of budget cuts for their upcoming projects, even including threats from the governor of our state, Gov. Mark Dayton. This abuse of government authority should not be sanctioned and supported by the federal government. The cost of SWLRT is currently at \$1.9 billion, significantly over budget, and still climbing. It is far more expensive than other more flexible modes of transit. It doesn't serve transit dependent populations in Minneapolis. It

removes only a small number of cars from the highways, and it doesn't reduce carbon emissions.

The Met Council has become a very powerful group in Minnesota, accountable to no one except the Governor who appointed them. During this process they have trumped the authority of municipalities, counties, and our MN state legislature itself. In the current litigation case they have attempted to even evade the orders by the federal court judge to share documents requested in discovery. This arrogant group attempts to operate above the law.

Please take these concerns into account as you consider the recertification of the Met Council for the federal Transportation Planning Capacity Building Program and deny this recertification.

Thank you for your consideration.

Sincerely,  
Sandra Larson  
2800 Dean Parkway  
Minneapolis, MN 55416

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## Arkell, Reginald (FTA)

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**From:** Mary Pattock <patto017@umn.edu>  
**Sent:** Wednesday, November 30, 2016 2:54 PM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA)  
**Subject:** Recertification of the Met Council as a Regional Planning Agency

Dear Mssrs. Arkell and Stevens:

I am writing to protest the recertification of the Met Council in Minnesota as a regional planning organization.

My experience with the agency over the last several years has been in connection with the Southwest Light Rail project. I have come to realize that the agency is culturally arrogant, insincere in seeking public input, and prefers operating in secrecy; that it habitually distorts facts to meet its needs; that it operates without sincere regard for civic values including concern for the environment and the needs of the very people who need its services the most.

Here are some of the ways it has violated the criteria set forth in the Transportation Management Area Planning Certification Review Primer:

1. Organization (Part 2-1)
  - a. The Met Council is improperly comprised of unelected people appointed by the governor, instead of elected officials, officials of public transportation agencies, and other state officials.
  - b. Several Met Council members have a conflict of interest regarding SWLRT. For example, Jennifer Mundt, Edward Reynoso and Harry Melander are union officials. Also, the Minnehaha Creek Watershed District vouched for the project while speculatively purchasing nearby property.
2. Funding (Part 2-7)
  - a. The Met Council has ignored the state legislature's refusal to sanction or fund SWLRT, and is currently pursuing a course to override the legislature's intent. If it succeeded, it would commit the State of Minnesota — against its will — to funding millions of dollars in annual operating expenses forever into the future. Legislators became so concerned about the agency's arrogant use of power that in the last session the House established a Subcommittee on Met Council Transparency and Accountability.
3. Public outreach — (Part 2-10)

- a. The Met Council cancelled 26 of 36 SWLRT Citizen Advisory Committee meetings. It also purged the CAC of opponents to the route — then presented the CAC’s work as representing a consensus.
- b. The Met Council failed to reach out to members of the public to tell them of the recent (Nov. 2, 2016) TMA certification meeting. It removed the notice of recertification immediately after the meeting, in the process removing information about how the public can continue to submit comments on recertification until December 2.

#### 4. Environmental mitigation (Part 2-15)

- a. The Met Council determined the route of SWLRT before completing the Final Environmental Impact Statement required by federal law; this issue is currently being litigated by the Lakes and Parks Alliance of Minneapolis.
- b. In the SWLRT’s Final Environmental Impact Statement, the Met Council ignored or gave only cursory responses to public concerns about ethanol-train safety, sound and vibration mitigation, and destruction of what may be Minneapolis’s largest urban forest; it implausibly claims that digging a tunnel within 2 feet of the walls of a residential high rise poses no significant risk to the building.

#### 5. Safety (Part 2-18)

- a. The Met Council ignored public concerns about LRT adjacency to ethanol unit freight trains — concerns expressed publicly and privately by Minneapolis Fire Department Chief John Freutel.

In addition:

- It misrepresented facts in its FEIS, including providing faulty travel demand modeling and forecasting figures, the long-term effect of which will be to serve the wealthy and deprive low-income areas of Minneapolis of service. Also in the FEIS it absurdly claims that digging a tunnel less than two feet from a residential high-rise will have only minimal effect on it. In an effort to protect the building, the high-rise association has hired an engineering firm and legal counsel. If you would like more examples of Met Council errors and misrepresentations in the FEIS, I can send you the responses to that document filed by several neighborhood and advocacy organizations.
- It failed to base SWLRT’s alignment on good transit principles, basing it instead on politics. Public agencies, notably the City of Minneapolis and the Minneapolis Park and Recreation Board, were forced into agreement by threats of budget cuts, including threats by Governor Dayton. This abuse of government authority makes a mockery of the process, and should not be sanctioned and supported by the federal government.

- It made controversial Memorandums of Agreement with the City of Minneapolis, Minneapolis Park and Recreation Board and the City of St. Louis Park that were at the time understood by all to be binding, but later testified before a judge that they are not binding. We have documentation to prove this.

I am not an anti-government nutcase. Instead, I am a life-long liberal who supports the concept of regional cooperation and the sharing of resources across jurisdictional lines where it makes sense for the common good.

But I have come to see that the Met Council has become a super-agency in Minnesota, accountable to no one except the very governor who has appointed them. They trump the authority of municipalities, counties — and even the legislature itself. In court, fighting the Lakes and Parks Alliance SWLRT lawsuit, they attempted three times to evade the orders of federal court Judge Tunheim to share documents requested in discovery. They think they are above the law.

Please do what you can to rein in this rogue agency.

Thank you for your consideration.

Mary Pattock  
612-922-7609

## **Arkell, Reginald (FTA)**

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**From:** Patty Schmitz <pschmitz2806@gmail.com>  
**Sent:** Wednesday, November 30, 2016 8:01 PM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA); Patty Schmitz  
**Subject:** Recertification of Metropolitan Council in Minnesota

November 30, 2016

Dear Mssrs Arkell and Stevens,

I am writing to provide input on recertification for the Metropolitan Council in Minnesota. I've observed the Met Council's actions over the past several years through the lens of the SWLRT Project and I urge you to consider the concerns below.

### **Overall Project Management Skills**

- Through either faulty planning or negligence, the Met Council failed to deliver on the single most significant requirement to allow for safe right of way in Minneapolis – namely the relocation of freight. It was known and assumed that the freight (which was temporary) would move out of the corridor.
- This failure resulted in delays in the building of the project of more than 3 years, and a controversial and environmentally risky tunnel, which added upwards of \$400 million (conservatively) to the cost of the project
- The change was significant enough to require a re-scope of the project – I would expect the Met Council to take this step, but instead they used a broad brush to “sweep it under the rug”

### **Failure to Focus on Serving the Needs of Transit and Economic Equity**

- Marketed by the planners as a line that would serve the needs of transit dependent riders and economically challenged neighborhoods, the reality backed up by ridership estimates does not support this. The very alignment skirts (or avoids) those neighborhoods that need reliable transit, while providing single seat DT rides to “choice” riders in the suburbs.
- In fact, in the past two years, egregious disparities in the availability of bus shelters in transit dependent and economically challenged neighborhoods was called into question – and only then did the Met Council commit to allotting future funds to build those very basic amenities that exist in abundance in more affluent city neighborhoods.
- For 1.8 billion dollars, a transit project such as this should offer true transit equity

## Transparency and Public Outreach

- The Met Council did not share with the public that they had not resolved the freight re-route issue in Minneapolis until late in the advanced planning phase. When re-routing freight (which was part of the original alignment selected – 3A) became politically unfeasible, the Met Council said “it’s just too late” to come up with a new alignment. Even when they knew for years that the freight re-route had not been resolved.
- Public outreach meetings were conducted in a way that the “box was checked” to fulfill the meeting requirement, but lacking formal Q&A so that information could be shared with the larger group of attendees. In fact several of the meetings used “post it notes” to gather citizens opinions with no report out later, leaving citizens wondering if the meeting was lip service and the post it notes discarded?
- The Met Council cancelled more than 70% of the SWLRT Citizen Advisory Committee meetings (26 of 36). In fact, they disbanded the Citizen Advisory Committee midstream – when the committee was reinstated, some of the members who were long standing and therefore with deep knowledge of the project, were not invited to be part of the committee. It gave the appearance that this was directly related to them being critical of components of the project, thus eliminating those voices.
- The Met Council repeatedly warned that a decision must be made by date X or the Federal funds would be lost. Those “deadline” dates included Summer 2013, Fall 2013, Winter 2014 and so on. Each deadline came and went, and the threat of loss of funds did not materialize.
- The Met Council threatened Minneapolis officials with the withholding of support on future projects if they did not fall in line with the demands related to the alignment of the SWLRT. Ultimately, our mayor and council caved to those threats.

While you may consider the SWLRT to be just one project, and not something that we should extrapolate to the whole of the Met Council, consider this. If a project with this amount of visibility is managed this way, what would you find if you looked into the projects that don’t face the public scrutiny?

Thank you for considering my views.

Kind regards,

Patty Schmitz

2806 Dean Parkway

Minneapolis, MN 55416

[pschmitz2806@gmail.com](mailto:pschmitz2806@gmail.com)

## Arkell, Reginald (FTA)

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**From:** Emanuele, Andrew (FHWA)  
**Sent:** Thursday, December 01, 2016 8:48 AM  
**To:** Irving Smith  
**Cc:** Arkell, Reginald (FTA)  
**Subject:** RE: SWLRT planning process

Dear Nancy and Irving Smith,

Thank you for your comments. They will help inform our review of the Met Council's overall planning process. I am also forwarding your comments on to Reggie Arkell with the Federal Transit Administration (FTA), who is my counterpart for this review.

Thank you,

Andrew Emanuele  
Community Planner  
FHWA - Minnesota Division  
380 Jackson Street, Suite 500  
St. Paul, MN 55101  
651.291.6124

-----Original Message-----

From: Irving Smith [<mailto:ioxsmith@comcast.net>]  
Sent: Wednesday, November 30, 2016 5:34 PM  
To: Emanuele, Andrew (FHWA)  
Subject: SWLRT planning process

Andrew Emanuele  
FHWA Administration  
Minneapolis, MN

Mr Emanuele,

This email concerns the SWLTR Project. Our family and neighbors have opposed the Light Rail Project from the outset. I am sure you are familiar with the opposition surrounding this project. The 2 Billion dollars and counting (cost overruns, continual upkeep, security, and other issues) are not what we want or need and the whole fiasco is well documented in press, e.g., Hill and Lake Press. We believe that the MN metropolitan planning process has not been transparent and decisions made are not in the best interest of the entire community. It is possible that the planning process has NOT been carried out in accordance with the federal statutes and regulations. I do not know and many of our neighbors do not know what certification needs to transpire and what corrective action needs to happen, e.g., cancelling the SWLRT Project. For sure, BRT is a fraction of the cost and it is mobile. Rail is not. The SWLRT is obsolete as a mode of transportation...14 miles for never ending spending. Creating havoc with the environment and ecology. Who is driving this project and why? An audit surely is in order and a review of all facts and data needs to be on the table. Furthermore, our understanding is there is a huge disagreement concerning the engineering of the project construction and the subsequent damage to the Calhoun Isles complex caused by vibration issues. And, there is the disastrous possibility of long-term and permanent damage to the water systems in this area.

Thank you for your investigative work.

Nancy and Irving Smith  
3141 Dean Court  
Mpls., MN 55416

612 922-6517

## **Arkell, Reginald (FTA)**

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**From:** peter stegner <peterstegner@msn.com>  
**Sent:** Thursday, December 01, 2016 10:19 AM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Cc:** Barbara Dorset; Bruce Battaglia; Carol Shorrock; Cherie; diane traxler - primary address; Lori Quinlivan; Mark Haller; Nick Shuraleff; Nina Katzun; Paul Olson; Paul Petzschke; Russell Palma; shorrock@visi.com; trentwaite@yahoo.com; chris hayhoe - LRT  
**Subject:** Certification review for the MN Metropolitan Council - CICA's Comments (with attachment)  
**Attachments:** FTA & FHA Certification Comments (CICA) 12-01-2016.docx

*Calhoun Isles Condominium Association  
3141 Dean Court  
Minneapolis, MN 55416*

December 1, 2016

Mr. Andrew Emanuele  
Federal Highway Administration  
andrew.emanuele@dot.gov

Mr. Reninald Arkell  
Federal Transit Administration  
reginald.arkell@dot.gov

Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)  
Gentlemen;

We are the Board of Directors representing the Calhoun Isles Condominium Association (CICA). We are writing in response to the Certification Review of the Minnesota Metropolitan Council (Met Council). Please consider our comments for the Certification Review for the SWLRT.

### **OVERVIEW:**

CICA is comprised of 143 residential units and 220 residents. CICA's property includes three types of building structures: A highrise, a parking ramp, and townhouses. The highrise is a 12 story structure converted from 90 year old grain silos. The highrise and the parking ramp are located at the narrowest point on the SWLRT route; this area is commonly called the "pinch-point". 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.

### **OUR CONCERNS:**

Due to the close proximity to our property, we are concerned about how the construction and operations of SWLRT will impact our property and livability. The proposed tunnel comes within six inches of the parking ramp footings, two feet of the highrise footings, and within 43 feet of the townhouses. Our concern is valid because we recently experienced \$30,000 in property damages from the vibrations from a different construction project that was 160 feet away from our property. This deeply concerns us because insurance

will not cover damages that are not sudden and accidental, and, the Met Council has not demonstrated a sufficient means for mitigating the potential for damages from vibrations. Due to our concerns, we hired an attorney and an engineering firm to assist us in reviewing our risks.

**RISKS TO OUR PROPERTY AND LIVABILITY:**

From Construction:

1. Structural damage to the highrise from soil movement (deformations)
2. Parking ramp becomes unusable due to deformations, vibrations, or damage from construction equipment
3. Exterior protective membrane (stucco) damage due to vibratory impacts
4. Dust, vibrations, and noise (engines, backup alarms) become intolerable
5. Interior cosmetic damage due to low level vibratory impacts
6. Street damage, impaired traffic flow and lost parking on Dean Court

From Operations:

7. Livability impaired from excessive vibrations from LR Train every 7 minutes

As noted in our concerns above, CICA recently incurred property damage from a construction project that was 160 feet away (versus 6 inches away). The damages were resultant from construction impact with a PPV of .185 inches per second. The Met Council, based on FTA standards, will specify the monitoring vibration limit at a PPV of 0.5 inches per second. This is a giant safety risk because CICA properties will incur serious damage long before the monitoring alarms are activated.

**MEETING WITH THE MET COUNCIL:**

On September 1st 2016 the Met Council met with us, our attorney and our engineers. Our engineers explained how the Met Council's design plans underestimate the potential for vibratory damages. Two significant errors our engineers pointed out were a 43' vs 20' distance error in the Met Council's diagrams and an insufficient depth in the boring site needed for proper investigation.

The Met Council informed us that they have no plans for: relocation funding, a susceptibility study, pre and post construction monitoring, or reimbursement for our engineering costs. Since the time of the meeting we also learned that we have less than one year to act based upon the Met Council's schedule.

The Met Council requested another meeting with our engineers to discuss vibration attenuation and transmission given our engineers calculations and analysis. To this day the Met Council has not provided us with a date for a meeting despite our repeated follow-up attempts.

**OUR REQUESTS TO THE MET COUNCIL:**

1. Conduct susceptibility study prior to construction
2. Set monitoring limits to be established based on susceptibility study
3. Conduct ambient condition monitoring (minimum of 6 months prior to construction)
4. Provide relocation benefits for CICA residents, if necessary
5. Conduct post-construction and operational monitoring
6. Provide reimbursement for engineering expenses (\$40K to date)
7. Develop a simple and responsive damage claims process

**IN CONCLUSION:**

CICA is dismayed by the Met Council's empathy and the process by which the SWLRT has reached its current state. If the review you are heading up is *"to provide advice and guidance"*, then the CICA Board of Directors recommends that you inform the Met Council to comply with our seven requests noted above. Your consideration is appreciated.

Respectfully,

*Cherie Hamilton*

President CICA Board of Directors

*Peter Stegner*

Vice President CICA Board of Directors and CICA SWLRT Committee Chair

Cc: Calhoun Isles Board of Directors and CICA SWLRT Committee

Enc: Word doc of CICA's Comments

## **Arkell, Reginald (FTA)**

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**From:** Jeanette Colby <jmcolby@earthlink.net>  
**Sent:** Thursday, December 01, 2016 11:39 AM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA)  
**Subject:** Re-certification of Minnesota Metropolitan Council

Dear Mr. Arkell and Mr. Stevens,

It is with some regret that I write to you about the re-certification of Minnesota's Metropolitan Council, with a request that you use your oversight authority to encourage reform. I support the concept of a metro-area planning agency, but believe that our Met Council has become both excessively powerful and overly political.

As you know, the 16 members of the Met Council serve at the pleasure of the Governor. They are no doubt accomplished and capable people, but they are political appointees. They make decisions that have enormous impacts on communities, yet generally have little technical expertise in the fields they oversee and may have little incentive to acquire it. Most are fully employed in other capacities and can spend little time understanding the complexities of the expensive and impactful decisions for which they are responsible. The full-time, well-compensated chair (along with other vested interests) can push an agenda, and like-minded appointees seem to make little room for public dissent or debate.

Unfortunately, the Met Council controls significant resources needed by other bodies that are (1) democratically elected and (2) closer to their constituents. This power inhibits elected bodies from making decisions or even taking positions that Met Council leaders might disagree with. In the case of the proposed Southwest Light Rail project (SWLRT), for example, the Met Council and the Governor openly used this power to force decisions they wanted in areas unrelated to the area the Met Council directly funds. While the planners at the Met Council certainly have a role in presenting arguments in favor of their proposals, this form of blackmail is clearly undemocratic and undermines the legitimacy of both the elected bodies and the planning body.

I know you've heard from other Minnesota residents about the many specific instances in which the Met Council has abused public processes in the case of the proposed Southwest Light Rail project. As the former co-chair of the SWLRT Community Advisory Committee, I can attest to this very serious problem and provide more details should you be interested.

I don't have the solution to how to reform our state's regional planning process, but my experience with the Met Council shows that reform clearly needs to happen. I hope you will find a way to promote this change.

Thank you very much.

Best regards,

Jeanette Colby

## **Arkell, Reginald (FTA)**

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**From:** TR, Centurylink <tjrush@centurylink.net>  
**Sent:** Thursday, December 01, 2016 1:01 PM  
**To:** Arkell, Reginald (FTA)  
**Subject:** Hennepin County Metropolitan Council's Unethical and Reprehensible Behavior

Dear Sir:

I would like to go on record regarding the actions of the Metropolitan Council. I have great concerns over the ethics and morality of how they do their job.

1. The Met Council ignored elected officials refusal to fund the Minnehaha Creek Watershed District project. It's reprehensible how the Met Council tries to get around what us, the citizens who pay the taxes, want to do.
2. The public outreach has been abysmal. They misrepresented their work as a consensus. Then they purged the Citizens Advisory Committee of opponents to the Southwest Light Rail route.
3. The November 2nd certification meeting was done without proper notice to the public. Again, reprehensible.

NOTE: The forecasting of ridership forecasts are both faulty and incompetently ascertained.

**4. The most alarming problem was how they determined the Southwest Light Rail route prior to seeing Final Environment Impact Statement which were required by federal law.** Met Council virtually ignored public concerns about:

- A. ethanol train safety
- B. sound and vibration mitigation
- C. destruction of a regional urban forest
- D. impact on lake quality
- E. their proposal to build within TWO FEET of a residential high-rise while claiming no significant risk to the building.

5. Several Met Council members have a conflict of interest in the Southwest Light Rail project. Jennifer Mundt, Edward Reynoso and Harry Melander are union officials. Also, the Minnehaha Creek Watershed District vouched for the project while speculatively purchasing nearby property.

I went to several "community meetings" over the years on this project. Each time I left knowing they were just going through the motions. It was unconscionable how they failed to listen to the Minneapolis members that attended.

I give the Met Council a grade of 'F' in these matters. I have lost a tremendous amount of faith in how our democracy is supposed to work. I have lost all respect for the Met Council. I am hopeful you will stop this type of governmental abuse. The federal government should not be supporting this disastrous project in any way.

Yours very truly,

Thomas J Rush  
Attorney at Law  
Minneapolis, MN 55416

## **Arkell, Reginald (FTA)**

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**From:** Dropbox <abbot013@umn.edu>  
**Sent:** Thursday, December 01, 2016 6:57 PM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Subject:** SWLRT

I echo and wholeheartedly support completely the comments made in the letter below.

Dean Abbott

Homeowner: Calhoun Isles Condominiums

3151 Dean Ct. Minneapolis, MN 55416

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Mr. Andrew Emanuele

Federal Highway Administration

andrew.emanuele@dot.gov

Mr. Reninald Arkell

Federal Transit Administration

reginald.arkell@dot.gov

Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Gentlemen;

I am a resident of Calhoun Isles Condominium Association (CICA). I am writing in response to the Certification Review of the Minnesota Metropolitan Council SWLRT Project. Please consider the following comments prepared by the CICA Board of Directors.

### **OVERVIEW:**

CICA is comprised of 143 residential units and 220 residents. CICA's property includes three types of building structures: A highrise, a parking ramp, and townhouses. The highrise is a 12 story structure converted from 90 year old grain silos. The highrise and the parking ramp are located at the narrowest point on the SWLRT route; this area is commonly called the "pinch-point". 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.

### **OUR CONCERNS:**

Due to the close proximity to our property, we are concerned about how the construction and operations of SWLRT will impact our property and livability. The proposed tunnel comes within six inches of the parking ramp footings, two feet of the highrise footings, and within 43 feet of the townhouses. Our concern is valid because we recently experienced \$30,000 in

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**RISKS TO OUR PROPERTY AND LIVABILITY:**

From SWLRT Construction:

1. Structural damage to the highrise from soil movement (deformations)
2. Parking ramp becomes unusable due to deformations, vibrations, or damage from construction equipment
3. Exterior protective membrane (stucco) damage due to vibratory impacts
4. Dust, vibrations, and noise (engines, backup alarms) become intolerable
5. Interior cosmetic damage due to low level vibratory impacts
6. Street damage, impaired traffic flow and lost parking on Dean Court From SWLRT

Operations:

7. Livability impaired from excessive vibrations from LR Train every 7 minutes

As noted in our concerns above, CICA recently incurred property damage from a construction project that was 160 feet away (versus 6 inches away). The damages were resultant from construction impact with a PPV of .185 inches per second. The Met Council, based on FTA standards, will specify the monitoring vibration limit at a PPV of 0.5 inches per second. This is a giant safety risk because CICA properties will incur serious damage long before the monitoring alarms are activated.

**MEETING WITH THE MET COUNCIL:**

On September 1st 2016 the Met Council met with us, our attorney and our engineers. Our engineers explained how the Met Council's design plans underestimate the potential for vibratory damages. Two significant errors our engineers pointed out were a 43' vs 20' distance error in the Met Council's diagrams and an insufficient depth in the boring site needed for proper investigation.

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6. Provide reimbursement for engineering expenses (\$40K to date)
7. Develop a simple and responsive damage claims process

**IN CONCLUSION:**

CICA is dismayed by the Met Council's empathy and the process by which the SWLRT has reached its current state. If the review you are heading up is "*to provide advice and guidance*", then the CICA Board of Directors recommends that you inform the Met Council to comply with our seven requests noted above. Your consideration is appreciated.

Respectfully,

Resident of Calhoun Isles Condominium Association

3141 Dean Court (Management Office)

Minneapolis, MN 55416

## **Arkell, Reginald (FTA)**

---

**From:** Alberto Benvenuti <benvenut09@gmail.com>  
**Sent:** Thursday, December 01, 2016 9:35 PM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Cc:** Alberto Benvenuti; Rita Benvenuti  
**Subject:** CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)  
**Attachments:** FHA&FTA\_Letter\_signed.pdf

Gentlemen,  
please find in attachment our comments for the Certification Review for the MN Metropolitan Council (SWLRT).  
With Best regards,  
Alberto Benvenuti  
Rita Benvenuti

Mr. Andrew Emanuele  
Federal Highway Administration  
[andrew.emanuele@dot.gov](mailto:andrew.emanuele@dot.gov)

Mr. Reninald Arkell  
Federal Transit Administration  
[reginald.arkell@dot.gov](mailto:reginald.arkell@dot.gov)

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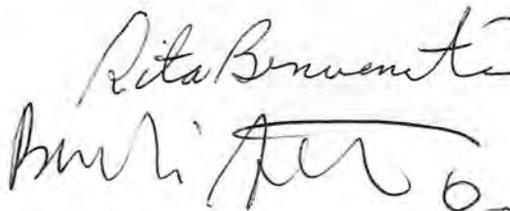
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Respectfully,

Rita Kolodji Benvenuti

Alberto Benvenuti



Residents of Calhoun Isles Condominium Association  
3145 Dean Court Apt#804  
Minneapolis, MN 55416

## **Arkell, Reginald (FTA)**

---

**From:** Sarah Brandel <sarah.brandel@gmail.com>  
**Sent:** Thursday, December 01, 2016 6:55 PM  
**To:** Arkell, Reginald (FTA)  
**Subject:** Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Mr. Arkell,

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Respectfully,

Sarah Brandel

Resident of Calhoun Isles Condominium Association

3141 Dean Court (Management Office)

Minneapolis, MN 55416

## **Arkell, Reginald (FTA)**

---

**From:** peter stegner <peterstegner@msn.com>  
**Sent:** Thursday, December 01, 2016 10:19 AM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Cc:** Barbara Dorset; Bruce Battaglia; Carol Shorrock; Cherie; diane traxler - primary address; Lori Quinlivan; Mark Haller; Nick Shuraleff; Nina Katzun; Paul Olson; Paul Petzschke; Russell Palma; shorrock@visi.com; trentwaite@yahoo.com; chris hayhoe - LRT  
**Subject:** Certification review for the MN Metropolitan Council - CICA's Comments (with attachment)  
**Attachments:** FTA & FHA Certification Comments (CICA) 12-01-2016.docx

*Calhoun Isles Condominium Association  
3141 Dean Court  
Minneapolis, MN 55416*

December 1, 2016

Mr. Andrew Emanuele  
Federal Highway Administration  
andrew.emanuele@dot.gov

Mr. Reninald Arkell  
Federal Transit Administration  
reginald.arkell@dot.gov

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Respectfully,

*Cherie Hamilton*

President CICA Board of Directors

*Peter Stegner*

Vice President CICA Board of Directors and CICA SWLRT Committee Chair

Cc: Calhoun Isles Board of Directors and CICA SWLRT Committee

Enc: Word doc of CICA's Comments

Calhoun Isles Condominium Association  
3141 Dean Court  
Minneapolis, MN 55416

December 1, 2016

Mr. Andrew Emanuele  
Federal Highway Administration  
andrew.emanuele@dot.gov

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Peter Stegner  
Vice President CICA Board of Directors and CICA SWLRT Committee Chair

## **Arkell, Reginald (FTA)**

---

**From:** Jake Fishman <fishman.jake@gmail.com>  
**Sent:** Thursday, December 01, 2016 4:31 PM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Subject:** CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

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Jake Fishman and Kim Lear

Residents of Calhoun Isles Condominium Association

3110 Dean Court

Minneapolis, MN 55416

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---

**From:** Judy Gavisser <jgavisser@gmail.com>  
**Sent:** Thursday, December 01, 2016 8:23 PM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Subject:** CICA's comments for Certification Review for the MN Met Council (SWLRT)

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Federal Highway Administration

andrew.emanuele@dot.gov

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4. Dust, vibrations, and noise (engines, backup alarms) become intolerable
5. Interior cosmetic damage due to low level vibratory impacts
6. Street damage, impaired traffic flow and lost parking on Dean Court

From SWLRT Operations:

7. Livability impaired from excessive vibrations from LR Train every 7 minutes

As noted in our concerns above, CICA recently incurred property damage from a construction project that was 160 feet away (versus 6 inches away). The damages were resultant from construction impact with a PPV of .185 inches per second. The Met Council, based on FTA standards, will specify the monitoring vibration limit at a PPV of 0.5 inches per second. This is a giant safety risk because CICA properties will incur serious damage long before the monitoring alarms are activated.

#### **MEETING WITH THE MET COUNCIL:**

On September 1st 2016 the Met Council met with us, our attorney and our engineers. Our engineers explained how the Met Council's design plans underestimate the potential for vibratory damages. Two significant errors our engineers pointed out were a 43' vs 20' distance error in the Met Council's diagrams and an insufficient depth in the boring site needed for proper investigation.

The Met Council informed us that they have no plans for: relocation funding, a susceptibility study, pre and post construction monitoring, or reimbursement for our engineering costs. Since the time of the meeting we also learned that we have less than one year to act based upon the Met Council's schedule.

The Met Council requested another meeting with our engineers to discuss vibration attenuation and transmission given our engineers calculations and analysis. To this day the Met Council has not provided us with a date for a meeting despite our repeated follow-up attempts.

**OUR REQUESTS TO THE MET COUNCIL:**

1. Conduct susceptibility study prior to construction
2. Set monitoring limits to be established based on susceptibility study
3. Conduct ambient condition monitoring (minimum of 6 months prior to construction)
4. Provide relocation benefits for CICA residents, if necessary
5. Conduct post-construction and operational monitoring
6. Provide reimbursement for engineering expenses (\$40K to date)
7. Develop a simple and responsive damage claims process

**IN CONCLUSION:**

CICA is dismayed by the Met Council's empathy and the process by which the SWLRT has reached its current state. If the review you are heading up is *"to provide advice and guidance"*, then the CICA Board of Directors recommends that you inform the Met Council to comply with our seven requests noted above. Your consideration is appreciated.

Respectfully,

Judy Gavisar

Resident of Calhoun Isles Condominium Association

3141 Dean Court (Management Office)

Minneapolis, MN 55416

## Arkell, Reginald (FTA)

---

**From:** Becky Gorman <becgorman@hotmail.com>  
**Sent:** Thursday, December 01, 2016 5:04 PM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Cc:** roxanne.landon@fsresidential.com  
**Subject:** CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

**Importance:** High

Mr. Andrew Emanuele  
Federal Highway Administration  
andrew.emanuele@dot.gov

Mr. Reninald Arkell  
Federal Transit Administration  
reginald.arkell@dot.gov

Dear Gentlemen,

I am a resident of Calhoun Isles Condominium Association. I'm writing to share my concerns about the SWLRT. My concerns about the SWLRT Construction are well-described in the letter (below) from our Calhoun Isles Association. I won't repeat all of them here, but will say that I am in agreement with all of the 7 concerns listed.

I want to add my personal experience as to why these concerns regarding our property are extremely important.

As described in the formal Calhoun Isles Association letter below, we have a large apartment construction currently going on. It's directly outside my window. My condo property has suffered numerous cracks and other damage due to the vibrational impact of that construction project. These damages have been confirmed by the insurance in connection to that construction project. Mine was one of many that suffered damage. I'm sure you are aware of this construction project's issues and that they had to stop the process at one point due to the impact on our property and other surrounding properties.

I will say, having experienced this, and as close as that construction project is to this building (160 feet), the distance of the potential SWLRT from our building is far, far closer. We've sustained damage from the construction property 160 feet away -- so, with the potential SWLRT inches from our Calhoun Isles Condo property, there is no question there will be short term and long term damage to Calhoun Isles Condo property due to the SWLRT.

Please recommend that the Met Council comply with our 7 requests noted below.

Your consideration to our concerns is appreciated.

Respectfully,

Rebecca Gorman

Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Gentlemen;

I am a resident of Calhoun Isles Condominium Association (CICA). I am writing in response to the Certification Review of the Minnesota Metropolitan Council SWLRT Project. Please consider the following comments prepared by the CICA Board of Directors.

**OVERVIEW:**

CICA is comprised of 143 residential units and 220 residents. CICA's property includes three types of building structures: A highrise, a parking ramp, and townhouses. The highrise is a 12 story structure converted from 90 year old grain silos. The highrise and the parking ramp are located at the narrowest point on the SWLRT route; this area is commonly called the "pinch-point". 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.

**OUR CONCERNS:**

Due to the close proximity to our property, we are concerned about how the construction and operations of SWLRT will impact our property and livability. The proposed tunnel comes within six inches of the parking ramp footings, two feet of the highrise footings, and within 43 feet of the townhouses. Our concern is valid because we recently experienced \$30,000 in property damages from the vibrations from a different construction project that was 160 feet away from our property. This deeply concerns us because insurance will not cover damages that are not sudden and accidental, and, the Met Council has not demonstrated a sufficient means for mitigating the potential for damages from vibrations. Due to our concerns, we hired an attorney and an engineering firm to assist us in reviewing our risks.

**RISKS TO OUR PROPERTY AND LIVABILITY:**

From SWLRT Construction:

1. Structural damage to the highrise from soil movement (deformations)
2. Parking ramp becomes unusable due to deformations, vibrations, or damage from construction equipment
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6. Street damage, impaired traffic flow and lost parking on Dean Court

From SWLRT Operations:

7. Livability impaired from excessive vibrations from LR Train every 7 minutes

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**MEETING WITH THE MET COUNCIL:**

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The Met Council requested another meeting with our engineers to discuss vibration attenuation and transmission given our engineers calculations and analysis. To this day the Met Council has not provided us with a date for a meeting despite our repeated follow-up attempts.

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4. Provide relocation benefits for CICA residents, if necessary
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6. Provide reimbursement for engineering expenses (\$40K to date)
7. Develop a simple and responsive damage claims process

**IN CONCLUSION:**

CICA is dismayed by the Met Council’s empathy and the process by which the SWLRT has reached its current state. If the review you are heading up is “*to provide advice and guidance*”, then the CICA Board of Directors recommends that you inform the Met Council to comply with our seven requests noted above. Your consideration is appreciated.

Respectfully,

Resident of Calhoun Isles Condominium Association  
3141 Dean Court (Management Office)  
Minneapolis, MN 55416



1801 American Boulevard East | Suite 21 | Bloomington, MN 55425  
Office 612-925-4224 | Main 952-277-2700 | Fax 952-277-2739  
[www.fsresidential.com](http://www.fsresidential.com)  
FirstService Residential Minnesota is an AAMC



## **Arkell, Reginald (FTA)**

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**From:** Stephen Kaufman <srkaufman7@gmail.com>  
**Sent:** Thursday, December 01, 2016 10:49 PM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Subject:** Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Mr. Andrew Emanuele

Federal Highway Administration

andrew.emanuele@dot.gov

Mr. Reginald Arkell

Federal Transit Administration

reginald.arkell@dot.gov

Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Gentlemen;

I am a resident of Calhoun Isles Condominium Association (CICA). I am writing in response to the Certification Review of the Minnesota Metropolitan Council SWLRT Project. Please consider the following comments prepared by the CICA Board of Directors.

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**IN CONCLUSION:**

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Respectfully,

Stephen Kaufman

Resident of Calhoun Isles Condominium Association

3141 Dean Court (Management Office)

Minneapolis, MN 55416

## **Arkell, Reginald (FTA)**

---

**From:** Kulm <kulm@yahoo.com>  
**Sent:** Thursday, December 01, 2016 6:11 PM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Subject:** CICA Resident comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Mr. Andrew Emanuele

Federal Highway Administration

[andrew.emanuele@dot.gov](mailto:andrew.emanuele@dot.gov)

Mr. Reninald Arkell

Federal Transit Administration

[reginald.arkell@dot.gov](mailto:reginald.arkell@dot.gov)

Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Gentlemen;

I am a resident of Calhoun Isles Condominium Association (CICA). I am writing in response to the Certification Review of the Minnesota Metropolitan Council SWLRT Project. Please consider the following comments prepared by the CICA Board of Directors.

### **OVERVIEW:**

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## **RISKS TO OUR PROPERTY AND LIVABILITY:**

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#### **IN CONCLUSION:**

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Respectfully,

David and Susan Kulm

3104 Dean Court

Minneapolis, MN 55416

## **Arkell, Reginald (FTA)**

---

**From:** Jon Marshalla <jon.marshalla@gmail.com>  
**Sent:** Thursday, December 01, 2016 4:41 PM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Subject:** Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Gentlemen;

I am a resident of Calhoun Isles Condominium Association (CICA). I am writing in response to the Certification Review of the Minnesota Metropolitan Council SWLRT Project. Please consider the following comments prepared by the CICA Board of Directors.

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**IN CONCLUSION:**

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Respectfully,

Jon Marshalla

Resident of Calhoun Isles Condominium Association

3151 Dean Court, Apt 104

3141 Dean Court (Management Office)

Minneapolis, MN 55416

Jon Marshalla

952.334.5282

[jon.marshalla@gmail.com](mailto:jon.marshalla@gmail.com)

## **Arkell, Reginald (FTA)**

---

**From:** Paul Petzschke <paulptz@elitemail.org>  
**Sent:** Thursday, December 01, 2016 11:00 PM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Subject:** Certification review for the MN Metropolitan Council - additional related Calhoun Isles Comments (with attachment)  
**Attachments:** FTA Certification Comments...Petzschke...12-1-2016.docx

To: Mr. Andrew Emanuele, Federal Highway Administration  
([andrew.emanuele@dot.gov](mailto:andrew.emanuele@dot.gov))

Mr. Reginald Arkell, Federal Transit Administration ([reginald.arkell@dot.gov](mailto:reginald.arkell@dot.gov))

### **Subject: Comments to Certification Review for the Southwest Light Rail Transit (SWLRT) route**

I live in the Calhoun-Isles Condominium Association and have served on its Southwest Light Rail Transit Committee since its inception. The Met Council has failed to take into account the concerns that our committee has repeatedly raised about the sensitivity of our High Rise buildings to vibrations; they continue to insist that the assumptions they have made are valid, despite hard evidence to contrary; and now, for the past three months, they are now ignoring their own recommendation to meet with our engineering consultant, Itasca Consulting Group, to resolve these vital issues. Meanwhile, the Met Council is pursuing efforts to complete its submittal application for nearly \$1 billion in funding for this project by the end of 2016.

Simply put, the Met Council's actions are jeopardizing the safety of the 150 residents who live in the High Rise Buildings. Given the errors of judgement that the Met Council has made and the very serious consequences of these errors, it is respectfully requested the FTA to withhold certification of the SWLRT project until the necessary follow up meetings are held with Itasca and the SWLRT Project Office consultants; until a Met Council sponsored susceptibility study is conducted to determine the proper building category for the High Rise structures; and until a comprehensive monitoring plan with scientifically derived threshold limits is established, so that our residents and their residences are no longer at risk.

Please review to the attached word document. The discussion section provides evidence supporting the comments I've made herein.

Sincerely Yours,

Paul M Petzschke

--

Paul Petzschke  
[paulptz@elitemail.org](mailto:paulptz@elitemail.org)

## **Arkell, Reginald (FTA)**

---

**From:** Quinlivan, Stephen <stephen.quinlivan@stinson.com>  
**Sent:** Thursday, December 01, 2016 4:06 PM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Cc:** Lori Lewis (lewquin@comcast.net); 'squinlivan@comcast.net'  
**Subject:** Southwest Light Rail Transit - Calhoun Isles Condominium Association

Mr. Andrew Emanuele  
Federal Highway Administration  
andrew.emanuele@dot.gov

Mr. Reninald Arkell  
Federal Transit Administration  
reginald.arkell@dot.gov

Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Gentlemen;

My wife Lori Quinlivan and I are residents of Calhoun Isles Condominium Association (CICA). We are writing in response to the Certification Review of the Minnesota Metropolitan Council SWLRT Project. Please consider the following comments prepared by the CICA Board of Directors.

### OVERVIEW:

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IN CONCLUSION:

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**Stephen M. Quinlivan** | Partner | Stinson Leonard Street LLP

150 South Fifth Street, Suite 2300 | Minneapolis, MN 55402

T: 612.335.7076 | M: 612.741.5608 | F: 612.335.1657

stephen.quinlivan@stinson.com | [www.stinson.com](http://www.stinson.com)

Legal Administrative Assistant: LAAteam@stinson.com | 612.335.1874

This communication (including any attachments) is from a law firm and may contain confidential and/or privileged information. If it has been sent to you in error, please contact the sender for instructions concerning return or destruction, and do not use or disclose the contents to others.

## **Arkell, Reginald (FTA)**

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**From:** Judy takkunen <jtakkunen1@comcast.net>  
**Sent:** Thursday, December 01, 2016 7:01 PM  
**To:** Arkell, Reginald (FTA)  
**Subject:** Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Mr. Reginald Arkell

Sir:

I am a resident of Calhoun Isles Condominium Association (CICA). I am writing in response to the Certification Review of the Minnesota Metropolitan Council SWLRT Project. Please consider the following comments prepared by the CICA Board of Directors.

### **OVERVIEW:**

CICA is comprised of 143 residential units and 220 residents. CICA's property includes three types of building structures: A highrise, a parking ramp, and townhouses. The highrise is a 12 story structure converted from 90 year old grain silos. The highrise and the parking ramp are located at the narrowest point on the SWLRT route; this area is commonly called the "pinch-point". 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.

### **OUR CONCERNS:**

Due to the close proximity to our property, we are concerned about how the construction and operations of SWLRT will impact our property and livability. The proposed tunnel comes within six inches of the parking ramp footings, two feet of the highrise footings, and within 43 feet of the townhouses. Our concern is valid because we recently experienced \$30,000 in property damages from the vibrations from a different construction project that was 160 feet away from our property. This deeply concerns us because insurance will not cover damages that are not sudden and accidental, and, the Met Council has not demonstrated a sufficient means for mitigating the potential for damages from vibrations. Due to our concerns, we hired an attorney and an engineering firm to assist us in reviewing our risks.

### **RISKS TO OUR PROPERTY AND LIVABILITY:**

From SWLRT Construction:

1. Structural damage to the highrise from soil movement (deformations)

2. Parking ramp becomes unusable due to deformations, vibrations, or damage from construction equipment
3. Exterior protective membrane (stucco) damage due to vibratory impacts
4. Dust, vibrations, and noise (engines, backup alarms) become intolerable
5. Interior cosmetic damage due to low level vibratory impacts
6. Street damage, impaired traffic flow and lost parking on Dean Court

From SWLRT Operations:

7. Livability impaired from excessive vibrations from LR Train every 7 minutes

As noted in our concerns above, CICA recently incurred property damage from a construction project that was 160 feet away (versus 6 inches away). The damages were resultant from construction impact with a PPV of .185 inches per second. The Met Council, based on FTA standards, will specify the monitoring vibration limit at a PPV of 0.5 inches per second. This is a giant safety risk because CICA properties will incur serious damage long before the monitoring alarms are activated.

#### **MEETING WITH THE MET COUNCIL:**

On September 1st 2016 the Met Council met with us, our attorney and our engineers. Our engineers explained how the Met Council's design plans underestimate the potential for vibratory damages. Two significant errors our engineers pointed out were a 43' vs 20' distance error in the Met Council's diagrams and an insufficient depth in the boring site needed for proper investigation.

The Met Council informed us that they have no plans for: relocation funding, a susceptibility study, pre and post construction monitoring, or reimbursement for our engineering costs. Since the time of the meeting we also learned that we have less than one year to act based upon the Met Council's schedule.

The Met Council requested another meeting with our engineers to discuss vibration attenuation and transmission given our engineers calculations and analysis. To this day the Met Council has not provided us with a date for a meeting despite our repeated follow-up attempts.

#### **OUR REQUESTS TO THE MET COUNCIL:**

1. Conduct susceptibility study prior to construction

2. Set monitoring limits to be established based on susceptibility study
3. Conduct ambient condition monitoring (minimum of 6 months prior to construction)
4. Provide relocation benefits for CICA residents, if necessary
5. Conduct post-construction and operational monitoring
6. Provide reimbursement for engineering expenses (\$40K to date)
7. Develop a simple and responsive damage claims process

**IN CONCLUSION:**

CICA is dismayed by the Met Council's empathy and the process by which the SWLRT has reached its current state. If the review you are heading up is "*to provide advice and guidance*", then the CICA Board of Directors recommends that you inform the Met Council to comply with our seven requests noted above. Your consideration is appreciated.

Respectfully,

Judith P. Takkunen

Resident of Calhoun Isles Condominium Association

[3141 Dean Court #703](#)

[Minneapolis, MN 55416](#)

Sent from my iPad

Sent from my iPad

## **Arkell, Reginald (FTA)**

---

**From:** Drew Terwilliger <drewterwilliger@gmail.com>  
**Sent:** Thursday, December 01, 2016 4:12 PM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Subject:** CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Mr. Andrew Emanuele & Mr. Reninald Arkell,

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4. Dust, vibrations, and noise (engines, backup alarms) become intolerable
5. Interior cosmetic damage due to low level vibratory impacts
6. Street damage, impaired traffic flow and lost parking on Dean Court

#### **From SWLRT Operations:**

7. Livability impaired from excessive vibrations from LR Train every 7 minutes (My bedroom is about 45 feet from the proposed line)

As noted in our concerns above, CICA recently incurred property damage from a construction project that was 160 feet away (versus 6 inches away). The damages were resultant from construction impact with a PPV of .185 inches per second. The Met Council, based on FTA standards, will specify the monitoring vibration limit at a PPV of 0.5 inches per second. This is a giant safety risk because CICA properties will incur serious damage long before the

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Respectfully,

Drew Terwilliger

Resident of Calhoun Isles Condominium Association, 3168 Dean Ct  
3141 Dean Court (Management Office)  
Minneapolis, MN 55416

## Arkell, Reginald (FTA)

---

**From:** roxanne.landon@fsresidential.com  
**Sent:** Thursday, December 01, 2016 3:55 PM  
**To:** mary.berg15@gmail.com  
**Subject:** "SWLRT - Your Action Requested".

Mary Berg | 3141 Dean Court #301  
Calhoun Isles High  
Community Website: <http://minnesota.fsrconnect.com/CalhounIsles>

To: All Homeowners

RE: SWLRT - Your Action Requested

Dear Fellow Members of Calhoun Isles;

I present this email to you on behalf of our Association's SWLRT Committee. The Federal Highway Administration (FHA) and Federal Transit Administration (FTA) will be conducting a certification review of the Metropolitan Council's SWLRT Project. The FTA and FHA will consider comments about SWLRT from the public received by Dec 2nd. Your Board of Directors and SWLRT Committee emailed a statement of their comments to the FHA and FTA earlier today. Copied below is a letter very similar to that statement.

If you read the letter below, you will learn the seven issues that our association has with the Met Council's effort with the mitigation for possible damages resultant from SWLRT. You will also learn of the seven risks to our property and livability damages. These matters are deep concerns of your Board of Directors and SWLRT Committee because our association's insurance will not cover damages that are not sudden and accidental; our fear is the damages from vibrations will occur overtime, not suddenly. Lastly to make our concerns more urgent, we also learned that we have less than one year to act based upon the Met Council's schedule.

If you share the concerns of your Board of Directors and SWLRT Committee, we urge you to email your concerns to the two men from the FHA and FTA (see letter below). Feel free to use the letter below or your own letter in your email. More emails received by the FHA & FTA will increase our impact. This action needs to be completed by no later than Dec 2nd.

We apologize for this last minute notice. We intentionally delayed crafting and delivering our letter because we were waiting last minute for some potentially critical information from our engineering consultants as well as information from the three elected officials we met with two weeks ago.

Respectfully

Peter Stegner

SWLRT Committee Chair

---

===== LETTER TO FHA AND FTA =====

Mr. Andrew Emanuele

Federal Highway Administration

andrew.emanuele@dot.gov

Mr. Reninald Arkell

Federal Transit Administration

reginald.arkell@dot.gov

Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Gentlemen;

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From SWLRT Operations:

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Respectfully,

Resident of Calhoun Isles Condominium Association

3141 Dean Court (Management Office)

Minneapolis, MN 55416



Roxanne Landon  
Onsite Office Mgr.  
1801 American Boulevard East | Suite 21 | Bloomington, MN 55425  
Office 612-925-4224 | Main 952-277-2700 | Fax 952-277-2739  
Email [roxanne.landon@fsresidential.com](mailto:roxanne.landon@fsresidential.com)  
[www.fsresidential.com](http://www.fsresidential.com)

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mc: 57997

## Arkell, Reginald (FTA)

---

**From:** Mary Berg <mary.berg15@gmail.com>  
**Sent:** Friday, December 02, 2016 11:52 AM  
**To:** Emanuele, Andrew (FHWA)  
**Cc:** Arkell, Reginald (FTA)  
**Subject:** FW: "SWLRT - Your Action Requested".

Gentlemen: Please read below notice and letter from the Calhoun Isles Association. Please add me to the list of concerned residents of the Highrise building. Your attention is greatly appreciated.

Sincerely,  
Mary Berg

**From:** roxanne.landon@fsresidential.com [mailto:roxanne.landon@fsresidential.com]  
**Sent:** Thursday, December 1, 2016 3:55 PM  
**To:** mary.berg15@gmail.com  
**Subject:** "SWLRT - Your Action Requested".

Mary Berg | 3141 Dean Court #301  
Calhoun Isles High  
Community Website: <http://minnesota.fsrconnect.com/CalhounIsles>

To: All Homeowners

RE: SWLRT - Your Action Requested

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Respectfully

Peter Stegner

SWLRT Committee Chair

---

===== LETTER TO FHA AND FTA =====

Mr. Andrew Emanuele

Federal Highway Administration

[andrew.emanuele@dot.gov](mailto:andrew.emanuele@dot.gov)

Mr. Reninald Arkell

Federal Transit Administration

[reginald.arkell@dot.gov](mailto:reginald.arkell@dot.gov)

Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Gentlemen;

I am a resident of Calhoun Isles Condominium Association (CICA). I am writing in response to the Certification Review of the Minnesota Metropolitan Council SWLRT Project. Please consider the following comments prepared by the CICA Board of Directors.

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**RISKS TO OUR PROPERTY AND LIVABILITY:**

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5. Interior cosmetic damage due to low level vibratory impacts
6. Street damage, impaired traffic flow and lost parking on Dean Court

From SWLRT Operations:

## 7. Livability impaired from excessive vibrations from LR Train every 7 minutes

As noted in our concerns above, CICA recently incurred property damage from a construction project that was 160 feet away (versus 6 inches away). The damages were resultant from construction impact with a PPV of .185 inches per second. The Met Council, based on FTA standards, will specify the monitoring vibration limit at a PPV of 0.5 inches per second. This is a giant safety risk because CICA properties will incur serious damage long before the monitoring alarms are activated.

### **MEETING WITH THE MET COUNCIL:**

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6. Provide reimbursement for engineering expenses (\$40K to date)
7. Develop a simple and responsive damage claims process

### **IN CONCLUSION:**

CICA is dismayed by the Met Council's empathy and the process by which the SWLRT has reached its current state. If the review you are heading up is "to provide advice and guidance", then the CICA Board of Directors recommends that you inform the Met Council to comply with our seven requests noted above. Your consideration is appreciated.

Respectfully,

Resident of Calhoun Isles Condominium Association

3141 Dean Court (Management Office)

Minneapolis, MN 55416



Roxanne Landon  
Onsite Office Mgr.  
1801 American Boulevard East | Suite 21 | Bloomington, MN 55425  
Office 612-925-4224 | Main 952-277-2700 | Fax 952-277-2739  
Email [roxanne.landon@fsresidential.com](mailto:roxanne.landon@fsresidential.com)  
[www.fsresidential.com](http://www.fsresidential.com)

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Click here to [Unsubscribe](#)

mc: 57997

## **Arkell, Reginald (FTA)**

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**From:** Emanuele, Andrew (FHWA)  
**Sent:** Friday, December 02, 2016 8:19 AM  
**To:** Sarah Brandel  
**Cc:** Arkell, Reginald (FTA)  
**Subject:** RE: Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Dear Ms. Brandel,

Thank you for your comment. The information presented will help inform our overall review of the Met Council.

Thanks,

Andrew Emanuele  
Community Planner  
FHWA - Minnesota Division  
380 Jackson Street, Suite 500  
St. Paul, MN 55101  
651.291.6124

**From:** Sarah Brandel [mailto:sarah.brandel@gmail.com]  
**Sent:** Thursday, December 01, 2016 6:55 PM  
**To:** Emanuele, Andrew (FHWA)  
**Subject:** Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Mr. Emanuele,

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Respectfully,

Sarah Brandel

Resident of Calhoun Isles Condominium Association

3141 Dean Court (Management Office)

Minneapolis, MN 55416

## Arkell, Reginald (FTA)

---

**From:** Emanuele, Andrew (FHWA)  
**Sent:** Monday, December 05, 2016 8:13 AM  
**To:** robert carney  
**Cc:** Arkell, Reginald (FTA)  
**Subject:** RE: Comment for your Transportation Management Area Planning Certification Review Process

Thank you for your comments, Mr. Carney. They will help inform our review.

Andrew Emanuele  
Community Planner  
FHWA - Minnesota Division  
380 Jackson Street, Suite 500  
St. Paul, MN 55101  
651.291.6124

**From:** robert carney [mailto:bobagaincarneyjr@gmail.com]  
**Sent:** Friday, December 02, 2016 4:36 PM  
**To:** Emanuele, Andrew (FHWA)  
**Subject:** Comment for your Transportation Management Area Planning Certification Review Process

Dear Mr. Emanuele:

Please include this e-mail in your comments for this process, as we briefly discussed by phone today.

I am writing to make you aware of serious problems with the Metro Council's current course of action regarding financing the proposed Southwest Light Rail and Bottineau Light Rail projects in connection with the Metro Council's overall ability to provide a satisfactory level of transit service in the Twin Cities Metropolitan area.

Per your web site, [https://www.planning.dot.gov/documents/primer/intro\\_primer.asp#2.13](https://www.planning.dot.gov/documents/primer/intro_primer.asp#2.13) the FTA's Certification Topics includes the following excerpted content, as shown in quote marks (emphasis added):

**“2.17 Management and Operations (M&O)”**

“Items to Review/Confirm:”

“What to Look for (overall)”

“Multi-modal approach to optimize performance of existing transportation system”

**“Regional coordination and collaboration among many parties”**

**“Provision of higher levels of transportation system service without higher cost of physical infrastructure improvements”**

Regarding the last two sentences above, highlighted in bold:

**Issue 1:** the Metro Council’s current approach to advancing and financing the Southwest and Bottineau Light Rail projects is effectively destroying regional coordination and collaboration among important regional stakeholders.

**Example 1:** Dakota County has recently left the Counties Transit Improvement Board (“CTIB”), due to a concern that it isn’t receiving its “fair share” of money available to the CTIB – this problem is largely the result of the enormous amounts scheduled to be spent on the Southwest and Bottineau Light Rail Projects, which are both located entirely in Hennepin County.

**Example 2:** At its most recent meeting, the CTIB considered disbanding, as described in this December 1, 2016 Star Tribune news report: <http://www.startribune.com/local/404066436.html>

**Example 3:** In 2016, the Republican controlled State House consistently refused to provide the planned 10% state contribution to the Southwest Light Rail project, or to allow an amendment to the bonding bill that would have permitted an alternative option for Hennepin County to provide the funding. The entire state bonding bill failed to pass on the last day of the session when bills could be voted on, due to a dispute between the Republican controlled House and the DFL controlled Senate over this issue. This dispute contributed significantly to the inability of the Legislature to agree on a comprehensive transportation bill. This dispute was at the heart of the inability of the Legislature and the Governor to agree on a special session to remedy problems with both the bonding bill and a tax relief bill. As an immediate consequence, Governor Dayton effectively ordered the Metropolitan Council to provide for the state’s planned 10% share of Southwest Light Rail through the sale of Certificates of Participation. Republicans have strongly objected to this method of financing. In the recent general election, Republicans both gained seats in the House and won the State Senate by a one seat margin. Going forward, as a matter of simple political leverage Republicans have the ability to withhold Metro Council transit funding that is provided from general fund money – with potentially severe consequences. It is truly unfortunate that the impasse over Southwest Light Rail may result in such an action – which would inevitably reduce the level and quality of transit service in the Twin Cities, due to the Governor’s decision to order Chair Adam Duininck and the Metro Council to pushing Southwest Light Rail forward using Certificates of Participation.

**Issue 2:** the Metro Council's current approach to advancing and financing the Southwest and Bottineau Light Rail projects is contrary to the FTA's stated goal: "Provision of higher levels of transportation system service without higher cost of physical infrastructure improvements."

Based on the above content for **Issue 1**, this key fact emerges: the ability of the Metro Council and Metro Transit to provide the current level of service is endangered by the Governor's insistence, acting on a de facto basis through the Metro Council, to push the Southwest Light Rail project forward in the face of the both the Legislature's clear refusal to provide any more money for Southwest Light Rail, and the decision by Minnesota voters to put Republicans in control of not just one but both houses in 2017.

Please note that the Metro Council itself is an unelected body – all member serve at the pleasure of the Governor. In consequence the Governor has de facto control of the Metro Council. A significant aspect to the current impasse over transit funding in Minnesota is the de facto control of the Metro Council by DFL Governor Dayton, and a collision with direct control by Republicans of one House in 2016, and both Houses going forward in 2017. The TSA has allowed the Transportation Advisory Board ("TAB") to be the officially designated MPO. The FTA should reconsider whether the current structure: in which the TAB is an advisory board to an unelected Metro Council, which itself is a de facto tool of the Governor, is a reasonable way of satisfying the federal requirement that MPO must include elected officials in its governing board. This bizarre structure may be at the heart of our problems.

Sincerely,

Bob "Again" Carney Jr.

cell phone: (612) 812-4867

## **Arkell, Reginald (FTA)**

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**From:** Linda Runbeck <rep.linda.runbeck@house.mn>  
**Sent:** Friday, December 02, 2016 2:25 PM  
**To:** Arkell, Reginald (FTA)  
**Subject:** MN Legislator Comments on Met Council Recertification

Dear Mr. Arkell,

This letter is to share my viewpoints as the Federal Transit Administration considers recertification of Minnesota's Metropolitan Council regional planning body.

As a veteran of the Minnesota Legislature with nearly 18 years of service, my experience with the Council is significant. I currently serve as chair of the House Subcommittee on Metropolitan Government Accountability and Transparency and have been selected to chair the House Transportation and Regional Governance Policy Committee for the upcoming biennium.

The Met Council is the only federal regional planning body that is not compositionally in compliance with federal regulations. Currently, the members of the Council are non-elected individuals appointed by and answerable only to the governor, an office that has often been elected without majority support from metro-area voters. While there is an entity within the Council that is made up of elected officials from the region, the Transportation Advisory Board, it is a faux entity with just one staffer that serves largely to rubber-stamp.

The Council is further prevented from functioning as an effective regional planning body since there are 22 different entities involved in transit planning, operating or governance. For example, there are seven Regional Rail Authorities, one per member county, each of which does transit project planning and design before handing a project off to the Council. Who's really in charge of planning and under what rules are they operating?

Our subcommittee heard testimony and reviewed written public comments in 2015 and 2016 pertaining to the Council's Thrive MSP 2040 plan in which numerous metro counties and cities specifically criticized the Council for violating principles of openness to public input and transparency and for presenting plans that were a fait accompli.

This is not a new issue. The nonpartisan Minnesota Office of the Legislative Auditor indicated as far back as a 2011 report that, "Because Council members are appointed by the governor rather than elected, many stakeholders we interviewed did not think that Council members are sufficiently accountable for their decisions. Many stakeholders with whom we met believed that Council members represent the views of the governor and not the region as a whole or the district from which they were appointed. Because Council members are appointed, local elected officials often question the legitimacy of Council decisions. There is significant distrust between the Council and the other transit organizations in the Twin Cities region."

In addition, the House Capital Investment Committee, of which I am a member, chose to not fund the state's 10-percent share of the SWLRT project. Unfortunately, Gov. Mark Dayton ignored concerns of the Legislature and overrode the Council by deciding to use Certificates of Participation issued by the Council itself to fund the state's share of this flawed and wasteful SWLRT project. The Council even ignored public concerns about LRT adjacency to ethanol unit freight trains – concerns also expressed by the chief of the Minneapolis Fire Department.

It is for these reasons and more I urge the federal government to not recertify the Council as a regional planning body. This action would cause the Council to work more closely to work with impacted citizens and local governments to establish an agreeable governance structure that would provide the transparent, accountable model the people of Minnesota deserve.

Sincerely,

Linda Runbeck  
Minnesota State Representative  
District 38A



## **Arkell, Reginald (FTA)**

---

**From:** SHARON M CORNEJO <CORNEJ5089@msn.com>  
**Sent:** Friday, December 02, 2016 10:50 AM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA)  
**Subject:** MET Council

Dear Sirs,

The Met Council should not be recertified.

The Met Council determined the route of SWLRT before completing the Final Environmental Impact Statement required by federal law; this issue is currently being litigated by the Lakes and Parks Alliance of Minneapolis.

In the SWLRT's Final Environmental Impact Statement, the Met Council ignored or gave only cursory responses to public concerns about ethanol-train safety, sound and vibration mitigation, and destruction of what may be Minneapolis's largest urban forest; it implausibly claims that digging a tunnel within 2 feet of the walls of a residential highrise poses no significant risk to the building.

The Met Council ignored public concerns about LRT adjacency to ethanol unit freight trains - concerns also expressed by the Chief of the Minneapolis Fire Department.

The Met Council gave no consideration to the destruction they will do by allowing the SWLRT to travel in a beautiful park and does not service the existing community. The SWLRT should travel in the heart of Minneapolis to service people of the community.

Sincerely,

Sharon Eiden Cornejo  
3039 Humboldt Avenue South  
Minneapolis MN 55408

## **Arkell, Reginald (FTA)**

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**From:** Barry Cytron <bdcytron@gmail.com>  
**Sent:** Friday, December 02, 2016 9:27 AM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Subject:** The Southwest Light Rail

**Mr. Andrew Emanuele**

**Federal Highway Administration**

**Mr. Reninald Arkell**

**Federal Transit Administration**

Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Gentlemen;

We are residents of Calhoun Isles Condominium Association (CICA). We are writing in response to the Certification Review of the Minnesota Metropolitan Council SWLRT Project. Please consider the following comments prepared by the CICA Board of Directors.

### **OVERVIEW:**

CICA is comprised of 143 residential units and 220 residents. CICA's property includes three types of building structures: A highrise, a parking ramp, and townhouses. The highrise is a 12 story structure converted from 90 year old grain silos. The highrise and the parking ramp are located at the narrowest point on the SWLRT route; this area is commonly called the "pinch-point". 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.

### **OUR CONCERNS:**

Due to the close proximity to our property, we are concerned about how the construction and operations of SWLRT will impact our property and livability. The proposed tunnel comes within six inches of the parking ramp footings, two feet of the highrise footings, and within 43 feet of the townhouses. Our concern is valid because we recently experienced \$30,000 in property damages from the vibrations from a different construction project that was 160 feet away from our property. This deeply concerns us because insurance will not cover damages that are not sudden and accidental, and, the Met Council has

not demonstrated a sufficient means for mitigating the potential for damages from vibrations. Due to our concerns, we hired an attorney and an engineering firm to assist us in reviewing our risks.

**RISKS TO OUR PROPERTY AND LIVABILITY:**

From SWLRT Construction:

1. Structural damage to the highrise from soil movement (deformations)
2. Parking ramp becomes unusable due to deformations, vibrations, or damage from construction equipment
3. Exterior protective membrane (stucco) damage due to vibratory impacts
4. Dust, vibrations, and noise (engines, backup alarms) become intolerable
5. Interior cosmetic damage due to low level vibratory impacts
6. Street damage, impaired traffic flow and lost parking on Dean Court

From SWLRT Operations:

7. Livability impaired from excessive vibrations from LR Train every 7 minutes

As noted in our concerns above, CICA recently incurred property damage from a construction project that was 160 feet away (versus 6 inches away). The damages were resultant from construction impact with a PPV of .185 inches per second. The Met Council, based on FTA standards, will specify the monitoring vibration limit at a PPV of 0.5 inches per second. This is a giant safety risk because CICA properties will incur serious damage long before the monitoring alarms are activated.

**MEETING WITH THE MET COUNCIL:**

On September 1st 2016 the Met Council met with us, our attorney and our engineers. Our engineers explained how the Met Council's design plans underestimate the potential for vibratory damages. Two significant errors our engineers pointed out were a 43' vs 20' distance error in the Met Council's diagrams and an insufficient depth in the boring site needed for proper investigation.

The Met Council informed us that they have no plans for: relocation funding, a susceptibility study, pre and post construction monitoring, or reimbursement for our engineering costs. Since the time of the meeting we also learned that we have less than one year to act based upon the Met Council's schedule.

The Met Council requested another meeting with our engineers to discuss vibration attenuation and transmission given our engineers calculations and analysis. To this day the Met Council has not provided us with a date for a meeting despite our repeated follow-up attempts.

**OUR REQUESTS TO THE MET COUNCIL:**

1. Conduct susceptibility study prior to construction
2. Set monitoring limits to be established based on susceptibility study
3. Conduct ambient condition monitoring (minimum of 6 months prior to construction)
4. Provide relocation benefits for CICA residents, if necessary
5. Conduct post-construction and operational monitoring
6. Provide reimbursement for engineering expenses (\$40K to date)
7. Develop a simple and responsive damage claims process

**IN CONCLUSION:**

CICA is dismayed by the Met Council's lack of empathy and the process by which the SWLRT has reached its current state. If the review you are heading up is *"to provide advice and guidance"*, then the CICA Board of Directors recommends that you inform the Met Council to comply with our seven requests noted above. Your consideration is appreciated.

Respectfully,

Phyllis and Barry Cytron

3141 Dean Court

Minneapolis, MN. 55416

## Arkell, Reginald (FTA)

---

**From:** Cathy Deikman <cathydeikman\_mft@sbcglobal.net>  
**Sent:** Friday, December 02, 2016 10:56 AM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA)  
**Subject:** Citizen Comment on Metropolitan Council Certification Review

Dear Messrs. Arkell and Stevens:

Thank you in advance for an evaluation of the Metropolitan Council (MC) transportation planning process that fulfills the intention to substantively and objectively assess whether local implementation of federally mandated transportation planning achieves its mission to ensure well-planned transit projects.

Having extensive professional experience with Quality Assurance (QA) reviews, I am aware that the efforts of an agency undergoing review are often directed towards a skillful demonstration of compliance on paper, regardless of actual practice.

Both the federal government conducting the review, and the regulations themselves, lose credibility when a federal QA review tolerates a paper demonstration by the agency under review in spite of wide-spread, on-the-ground, evidence of dodging compliance. Examples of MC lack of compliance include the absence of elected officials on the MC well past the 2014 regulatory deadline, conflicts of interest of appointed MC members who also represent unions, and of the MC Chairman who is married to the Governor's Chief of Staff, and, in spite of the appearance of MC hearings being open to the public, a fundamental lack of transparency.

Notable examples of lack of MC transparency and outright refusing to disclose information include the MC Chair conducting closed door meetings regarding the highly contentious Southwest LRT with both the Mayor of Minneapolis and the President of the Minneapolis Park Board when immediate compliance with the MC plan by the Mayor and the Park Board was not forthcoming. Additional lack of transparency occurred regarding which portions of the route were responsible for huge jumps in cost, as well as the actual reason the promise was broken to Minneapolis residents and officials to move the freight line out of the Kenilworth corridor to make way for SWLRT.

The routing and cost allocation of Southwest Light Rail is markedly biased towards the affluent suburban cities of Eden Prairie and Minnetonka, cities neither in dire need of economic development nor without transit, over Minneapolis neighborhoods which need both. This bias is unchecked by the MC's lack of transparency and operating as an agency without oversight. One presumes the federal transportation planning process is intended to prevent funding and routing bias, and that the federal planning process itself is intended to prevent a repeat of the history of destruction of urban core neighborhoods by the freeway buildout in the 50's and 60's, also funded by the federal government.

In these dangerous times of unprecedented mistrust of government, the risk and statewide impact of loss of credibility due to federal rubberstamping of the MC is great. The final projects of transportation planning agencies are tangible, public, outcomes: freeways and transit. Transit in particular is a high visibility outcome.

In the case of Southwest Light Rail, the process has been one of extremely poor, even negligent, planning, sidestepping of federal regulations designed to protect the environment and public parks, arm twisting urban core city government, and now stepping out of representative government at the state level entirely by issuing its own debt to maintain the project. One assumes the numerous federal regulations around transit projects receiving federal funds are in place to prevent just such actions and to prevent the poor transit

projects that occur without adherence to these regulations. In the case of Southwest Light Rail, the outcome of the Metropolitan Council transportation planning process has been so poor that if it does not reflect poor or negligent adherence to the regulations governing the process, one is led to infer that the regulations themselves are not intended to result in good, effective, safe, transit plans.

Review of even a few points of the Code of Federal Regulations with reference to the MC shows the significant gap between the federal regulations and their implementation by the MC.

- CFR 450.304 b. “The metropolitan transportation planning process shall be continuous...”

In practice, locally, once the evaluation of a possible transit project begins, the end is virtually the same - the project occurs. This seems contrary to the reference to a continuous planning process. Initial funding for evaluation of a transit project is repeatedly explained and justified to the public as an evaluation of the worth, safety, benefit, of a transit project. The repeated local experience of the lack of true evaluation of a potential LRT project has led the City of Edina to push for and obtain a state law barring *any study or evaluation* of LRT within its borders. This is the Dan Patch Law. It is noteworthy that Edina has a seat on the Southwest Light Rail Corridor Management Committee (CMC) and is an outspoken supporter of the project.

- CFR 450.304 (b) 2: “Increase the safety of the transportation system for motorized and non-motorized users.”

In a sharp departure from the promise made to the City of Minneapolis, and for which related clean-up funds were dispersed to St. Louis Park, the Metropolitan Council decided to co-locate freight, which regularly carries Class 3 ethanol and LPG, with LRT, through a neighborhood in Minneapolis and across a waterway. Southwest LRT is not an existent LRT line that happens to be co-located near flammable freight before the dangers posed by flammable freight were better known. It is the creation of a new LRT line co-located with flammable freight.

Now that the dangers associated with hauling hazardous freight are becoming known, municipalities across the country are working to find ways to reroute flammable freight away from cities and towns. In this regard, again, the Met Council has been impervious to new data in the evaluation process of Southwest LRT. Co-location of LRT adds to the already significant risk to life and environment posed by flammable freight traveling through a residential area, near a school, and has increased the environmental hazard for the waterway that is part of Chain of Lakes, a nationally known tourist destination, and part of the number one park system in the country.

- CFR 450.304 (b) 3: “Increase the security of the transportation system for motorized and non-motorized users.”

The MC choice to place Southwest Light Rail next to flammable freight decreases the security of the transportation system. Adding electric lines in proximity to flammable freight increases the likelihood of explosion. It also provides another means of terrorist action.

- CFR 450.304 (b) 4: “Increase the accessibility of the transportation system for motorized and non-motorized users.”

By the MC routing Southwest LRT through a park, its proximate accessibility in the urban core is greatly diminished, yet the urban core contains the greatest number of riders and transit dependent riders.

Again, thank you for an evaluation of the MC that is not satisfied with a deceptive appearance of compliance with federal regulations.

Sincerely,

Catherine Deikman, LMFT

Minneapolis, MN

**Arkell, Reginald (FTA)**

---

**From:** Manuel Englander <syvester55391@yahoo.com>  
**Sent:** Friday, December 02, 2016 5:56 PM  
**To:** Arkell, Reginald (FTA)  
**Subject:** Resident

===== *LETTER TO FHA AND FTA* =====

Mr. Andrew Emanuele

Federal Highway Administration

andrew.emanuele@dot.gov

Mr. Reninald Arkell

Federal Transit Administration

reginald.arkell@dot.gov

Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Gentlemen;

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### **IN CONCLUSION:**

CICA is dismayed by the Met Council's empathy and the process by which the SWLRT has reached its current state. If the review you are heading up is "*to provide advice and guidance*", then the CICA Board of Directors recommends that you inform the Met Council to comply with our seven requests noted above. Your consideration is appreciated.

Respectfully,

Resident of Calhoun Isles Condominium Association

3141 Dean Court (Management Office)

Minneapolis, MN 55416



Roxanne Landon  
Onsite Office Mgr.

[1801 American Boulevard East | Suite 21 | Bloomington, MN 55425](#)

Office [612-925-4224](#) | Main [952-277-2700](#) | Fax [952-277-2739](#)

Email [roxanne.landon@fsresidential.com](mailto:roxanne.landon@fsresidential.com)

[www.fsresidential.com](http://www.fsresidential.com)

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mc: 57997

Sent from my iPad

## Arkell, Reginald (FTA)

---

**From:** dougildner@aol.com  
**Sent:** Friday, December 02, 2016 12:29 AM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA)  
**Subject:** Metropolitan Council Recertification Review

Gentlemen,

This letter is an attempt to describe our impressions and observations after several years of attending Metropolitan Council meetings on the Southwest Light Rail Transit (SWLRT) in MN.

It is important to note that the Metropolitan Council is a group comprised of un-elected individuals appointed by the Governor. Therefore, they are somewhat immune to public opinion.

The Certification Topics that we will address include: Public Outreach and Transparency, Environmental Mitigation and Financial Planning.

Public Outreach and Transparency:

From our point of view, in the years prior to 2007, there was little publicity about the SWLRT and most ordinary citizens were unaware that meetings were being conducted to formulate a plan for LRT in our area. We learned of a proposed plan from a politically astute neighbor who had attended a meeting after which he reported, "It has already been decided...backroom deals, under the table, it is too late to do much."

By early in 2008, the Southwest Transit was gaining traction and planning began in earnest. The Advisory Committee was meeting and recommending routes, planning strategies for gaining funding, exploring ways that parkland could be preserved and importantly, questioning how members of the public could have input on the DEIS. At this point, it was not a transparent process and the general public remained uninformed.

Though prior to Jan. 2013, both Hennepin County and the Met Council were responsible for for this early planning, neither of them seemed concerned about public meetings or input, though folks from CIDNA, a neighborhood organization were raising red flags. Until the people of St. Louis Park (a group called Safety in the Park) stridently opposed re-locating the TC&W railroad from its "temporary" home in the Kenilworth Corridor back to St. Louis Park, and the people in S.W. Minneapolis became aware that Kenilworth had become the "preferred route" for SWLRT, the Met Council had not addressed this with Twin Cities inhabitants.

At a "Freight Rail Open House/Community Meeting" in July of 2013 we were presented with a handout showing 'Today's Topics' which included Freight Rail re-location designs, Freight Rail Co-location design options, Kenilworth LRT tunnel design options and their technical issues. In addition, some Cost estimates and Strengths and Weaknesses were presented. It was a lot to digest but even then, we felt that that some of the options were included to satisfy critics and make it appear that all options were on the table. The relocation discussions were ludicrous; even a person with no engineering knowledge could see that the grade would present safety problems and proximity to the SLP Highschool and many homes and businesses would not meet with approval. The cost of re-routing would also be a major challenge.

Almost as an afterthought, on the back side of the last page was a page entitled: SWIRT Principles for Major Scoping Decisions, dated April 2013. The principles put forth (positively impact ridership, land use, economic development, equity, environmental benefits, intermodal transportation, capital cost, and actively engage and encourage input from interested persons and impacted communities...) were promising, but in many subsequent meetings, it appeared that the planners were only paying lip service to these principles and checking off the boxes, as they continued with their agenda. From that point, the transparency went downhill, though the number of meetings increased.

Citizens were asked to fill out comment cards, but few of the questions and comments were addressed at subsequent meetings, even as the outreach coordinators, tables and handouts increased. It was their job to "sell" and their conversation was heavily weighted to option 3a, the LPA. We were invited to comment on the DEIS, the SDEIS and the scope. Perhaps somewhere in this process, the Met Council should have reopened Scoping as the Scoping Document was never updated to include Freight Rail as part of the project. This issue was addressed in a lengthy response to the SDEIS by LRT DONE RIGHT, a grassroots organization of Minneapolis residents, but was not addressed by the Met Council.

## Financial Planning:

As the long process moved forward, citizens became discouraged, they felt that in current parlance "the system was rigged." There was little evidence that their voices were heard. other than by the state legislature who refused to fund the project. However in a recent meeting called by Gov. Dayton to "discuss the future of SWLRT" (one which it seems where only supporters were invited) a unique scheme to raise the \$145 million state match needed to help secure the federal funds for the project was proposed by Gov. Dayton.

(Likewise, very few people were aware of the Nov. Certification meeting, and only learned of it, after the fact.)

Throughout the planning process for this expensive project, the major justification for refusal to consider much better alternatives is that "we will lose Federal Funding." The Met Council's priorities are out of whack.

## Environmental Mitigation:

As stated in the Transparency and Public Outreach section, it was well known that the route for SWLRT was almost a foregone conclusion and that the Met Council determined the SWLRT route before the Final Environmental Impact Statement was even completed.

Two issues that most concerned citizens were safety of the route and possible damage to the Chain of Lakes. Early on, Rep. Frank Hornstein raised concerns about the safety of freight and LRT co-location. Throughout the project planning the Met Council has minimized or ignored these serious issues.

Citizens have legitimate concerns about destruction of the environment, impact on public biking and walking paths, loss of green space and parklands, altered historic sites, loss of wildlife, impact on groundwater and flooding and noise and vibrations generated by the 220 trains each day. Even when the Council's own studies identify likely problems their answer remains the same, "We will mitigate." The questions remain...How and at what cost? There reality is that there is little room for mitigation in the narrow confines of the Kenilworth Trail.

The Minneapolis Park Board's legal challenge to SWLRT is further evidence of legitimate cause for concern, even though the challenge was ended when Gov. Dayton threatened to withhold \$3 million from their budget unless it was dropped.

Finally, there is compelling evidence that Greenhouse gas will increase due to SWLRT and yet the Met Council chooses to ignore this possibility.

In the final analysis, the Metropolitan Council's agenda is at odds with the directives from the FDT, and the counties they are charged to serve. Their blind adherence to a poor plan does not reflect the the principles they have laid out for a clear and transparent process.

Thank you,  
Gretchen and Doug Gildner

## Arkell, Reginald (FTA)

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**From:** rosannehalloran@comcast.net  
**Sent:** Friday, December 02, 2016 6:21 PM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA)  
**Cc:** Halloran, Rosanne  
**Subject:** Twin Cities Metropolitan Council Certification Review comments 12-02-16

My name is Rosanne Halloran. I live in the Cedar Isles Dean neighborhood (CIDNA) in Minneapolis and serve on its Board. The comments below are on my own behalf as a resident, and are my primary concerns regarding the Met Council's planning process for the SWLRT Project.

I joined many other residents in attending public hearings regarding SWLRT, and I worked on the DEIS document response for CIDNA.

Following are points of concern drawn up by other CIDNA residents regarding both the Met Council's process in their selection of the SWLRT route, and their other manners of conducting business. I comply with these points, and cannot express them myself more effectively.

### 1. Organization (Part 2-1)

- The Met Council is improperly comprised of unelected people appointed by the governor, instead of elected officials, officials of public transportation agencies, and other state officials.
- Several Met Council members have a conflict of interest regarding SWLRT. For example, Jennifer Mundt, Edward Reynoso and Harry Melander are union officials. Also, the Minnehaha Creek Watershed District vouched for the project while speculatively purchasing nearby property.

### 2. Funding (Part 2-7)

- The Met Council has ignored the state legislature's refusal to sanction or fund the project, and is currently pursuing a course to override the legislature's intent.

### 3. Public outreach (Part 2-10)

- The Met Council cancelled 26 of 36 SWLRT Citizen Advisory Committee meetings. It also purged the CAC of opponents to the route - then presented the CAC's work as representing a consensus.
- The Met Council failed to reach out to members of the public to tell them of the Nov. 2 certification meeting. It removed the notice of recertification - as well as the opportunity to file comments until Dec. 2 - immediately after the meeting.

### 4. Environmental mitigation ((Section 2-15)

- The Met Council determined the route of SWLRT before completing the Final Environmental Impact Statement required by federal law; this issue is currently being litigated by the Lakes and Parks Alliance of Minneapolis.
- In the SWLRT's Final Environmental Impact Statement, the Met Council ignored or gave only cursory responses to public concerns about ethanol-train safety, sound and vibration mitigation, and destruction of what may be Minneapolis's largest urban forest; it implausibly claims that digging a tunnel within 2 feet of the walls of a residential high rise poses no significant risk to the building.

### 5. Safety (Part 2-18)

- The Met Council ignored public concerns about LRT adjacency to ethanol unit freight trains - concerns also expressed by the Chief of the Minneapolis Fire Department.

*In addition*, the Metropolitan Council:

- Failed to re-scope the project when it changed significantly to include freight rail.
- Produced faulty travel demand modeling and forecasting.
- Failed to base alignment on good transit principles, basing them instead on politics. Public agencies, notably the City of Minneapolis and the Minneapolis Park and Recreation Board, were forced into agreement by threats of budget cuts, including threats from Governor Dayton. This abuse of government authority is a mockery of the process, and should not be sanctioned and supported by the federal government.

I am in agreement with others in the CIDNA neighborhood that the Metropolitan Council has not been transparent, honest or forthcoming with this project. Their plan is to force this train alignment through regardless of the cost to the people, the environment, and the state of MN.

Thank you for your consideration.

Rosanne Halloran  
3526 St. Paul Ave  
Mpls MN 55416

## **Arkell, Reginald (FTA)**

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**From:** Cathryn Konat <kona0006@umn.edu>  
**Sent:** Friday, December 02, 2016 7:50 AM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Subject:** CICA's comments for Certification Review- Met Council SWLRT

Mr. Andrew Emanuele

Federal Highway Administration

andrew.emanuele@dot.gov

Mr. Reninald Arkell

Federal Transit Administration

reginald.arkell@dot.gov

Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Gentlemen;

I am a resident of Calhoun Isles Condominium Association (CICA). I am writing in response to the Certification Review of the Minnesota Metropolitan Council SWLRT Project. Please consider the following comments prepared by the CICA Board of Directors.

### **OVERVIEW:**

CICA is comprised of 143 residential units and 220 residents. CICA's property includes three types of building structures: A highrise, a parking ramp, and townhouses. The highrise is a 12 story structure converted from 90 year old grain silos. The highrise and the parking ramp are located at the narrowest point on the SWLRT route; this area is commonly called the "pinch-point". 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.

### **OUR CONCERNS:**

Due to the close proximity to our property, we are concerned about how the construction and operations of SWLRT will impact our property and livability. The proposed tunnel comes within six inches of the parking ramp footings, two feet of the highrise footings, and within 43 feet of the townhouses. Our concern is valid because we recently experienced \$30,000 in property damages from the vibrations from a different construction project that was 160 feet away from our property. This deeply concerns us because insurance will not cover damages that are not sudden and accidental, and, the Met Council has not demonstrated a sufficient means for mitigating the potential for damages from vibrations. Due to our concerns, we hired an attorney and an engineering firm to assist us in reviewing our risks.

#### **RISKS TO OUR PROPERTY AND LIVABILITY:**

From SWLRT Construction:

1. Structural damage to the highrise from soil movement (deformations)
2. Parking ramp becomes unusable due to deformations, vibrations, or damage from construction equipment
3. Exterior protective membrane (stucco) damage due to vibratory impacts
4. Dust, vibrations, and noise (engines, backup alarms) become intolerable
5. Interior cosmetic damage due to low level vibratory impacts
6. Street damage, impaired traffic flow and lost parking on Dean Court

From SWLRT Operations:

7. Livability impaired from excessive vibrations from LR Train every 7 minutes

As noted in our concerns above, CICA recently incurred property damage from a construction project that was 160 feet away (versus 6 inches away). The damages were resultant from construction impact with a PPV of .185 inches per second. The Met Council, based on FTA standards, will specify the monitoring vibration limit at a PPV of 0.5 inches per second. This is a giant safety risk because CICA properties will incur serious damage long before the monitoring alarms are activated.

#### **MEETING WITH THE MET COUNCIL:**

On September 1st 2016 the Met Council met with us, our attorney and our engineers. Our engineers explained how the Met Council's design plans underestimate the potential for vibratory damages. Two significant errors our engineers pointed out were a 43' vs 20' distance error in the Met Council's diagrams and an insufficient depth in the boring site needed for proper investigation.

The Met Council informed us that they have no plans for: relocation funding, a susceptibility study, pre and post construction monitoring, or reimbursement for our engineering costs. Since the time of the meeting we also learned that we have less than one year to act based upon the Met Council's schedule.

The Met Council requested another meeting with our engineers to discuss vibration attenuation and transmission given our engineers calculations and analysis. To this day the Met Council has not provided us with a date for a meeting despite our repeated follow-up attempts.

**OUR REQUESTS TO THE MET COUNCIL:**

1. Conduct susceptibility study prior to construction
2. Set monitoring limits to be established based on susceptibility study
3. Conduct ambient condition monitoring (minimum of 6 months prior to construction)
4. Provide relocation benefits for CICA residents, if necessary
5. Conduct post-construction and operational monitoring
6. Provide reimbursement for engineering expenses (\$40K to date)
7. Develop a simple and responsive damage claims process

**IN CONCLUSION:**

CICA is dismayed by the Met Council's empathy and the process by which the SWLRT has reached its current state. If the review you are heading up is *"to provide advice and guidance"*, then the CICA Board of Directors recommends that you inform the Met Council to comply with our seven requests noted above. Your consideration is appreciated.

Respectfully,

Cathy Konat

Resident of Calhoun Isles Condominium Association

3141 Dean Court (Management Office)

Minneapolis, MN 55416

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Cathy Konat  
Senior Development Officer  
College of Food, Agricultural and Natural Resource Sciences  
University of Minnesota  
235 Skok Hall  
2003 Upper Buford Circle  
St. Paul, MN 55108  
Direct: 612-625-5229

Email: [kona0006@umn.edu](mailto:kona0006@umn.edu)

## **Arkell, Reginald (FTA)**

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**From:** Joe Lampe <jlampe@prt-mn.com>  
**Sent:** Friday, December 02, 2016 3:18 PM  
**To:** Arkell, Reginald (FTA); Stevens, Spencer (FHWA)  
**Subject:** FTA 2016 Certification Review for Metropolitan Council of Minneapolis-St. Paul

Dear Mr. Arkell and Mr. Stevens,

Re-certification of the Metropolitan Council as the MPO for the Minneapolis-St. Paul area should be denied. Any pending funding requests before the FTA by the Metropolitan Council should immediately be suspended until such time as the Council is restructured consistent with federal law and regulations.

Many years ago our Metropolitan Council fraudulently obtained an exemption from the requirement that MPO governing bodies be composed primarily of elected officials. We are unique in that our governing body is appointed by Minnesota's Governor. Most of the MPOs in the United States are organized as Councils of Governments (COGs).

When the Metropolitan Council obtained its structural governance exemption, it created a fake and fig-leaf sub-entity known as the Transportation Advisory Board (TAB) which largely is composed of elected officials which, in theory only, recommends transportation programs and spending to the parent Metropolitan Council. However, the TAB has only one staff person and no budget. All actual work is performed by Metropolitan Council staff, and TAB members have testified before a Minnesota legislative committee that all proposals are pre-cooked by Metropolitan Council staff before being presented to the TAB with little advance notice. The TAB is not a legitimate entity in compliance with federal law and regulation.

Arrogant and condescending behavior by public agencies and officials has become widespread in recent years. There is no more blatant example of an out-of-control agency than our Metropolitan Council. Taxing power without representation, accountability and transparency. We had a revolution in 1776 to correct abuses of this sort. It seems inevitable that hubris overtakes most everyone who achieves unaccountable power.

During the past 15 years I have attended many dozens of citizen input public meetings on Met Council transit project plans. These meetings are required by FTA, but as conducted locally they are a joke and are being done only to satisfy an FTA checkoff list. Only on a trivial number of occasions have actual changes been made to decisions already made by Met Council Staff. The body language and speech of Met Council staff at these meetings is very interesting -- they have zero self awareness of how their condescending behavior is perceived by citizen audiences.

The Met Council provided no meaningful advance notice to the public of the re-certification process. Only one public meeting was held (Nov 2) and the notice of the re-certification process was immediately removed from the Met Council web site after the meeting, even though the written comment period existed until Dec 2. Any court of law would consider this behavior to be irrefutable evidence of acting in bad faith.

By comparison, the Baltimore Metropolitan Council conducted an exhaustive and well publicized 2016 Federal Certification Review. I receive regular Minneapolis-St. Paul Met Council newsletters and none of them during the past year even hinted that a 2016 Certification Review was underway.

Sincerely,  
Joseph Lampe  
2118 55th Ave N  
Brooklyn Center MN 55430  
763-560-0191

## Arkell, Reginald (FTA)

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**From:** Kevin Lenhart <klenhart@citypages.com>  
**Sent:** Friday, December 02, 2016 10:27 AM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Subject:** Calhoun Isles

Gentlemen,

Please consider a more thorough review of SWLRT and the impact that the line will have in regards to damaging the structure at Calhoun Isles. As demonstrated by recent damage incurred by Big-D's construction of Calhoun Apartments at 3118 West Lake Street, the vibrations to the building's footings and structure along with the regular car vibrations coming every 7-minutes will only continue to damage the livability of the property.

Thanks,

Kevin

Kevin Lenhart  
Senior Account Executive  
City Pages Media, LLC  
CP Digital  
Direct 612-372-3734  
Fax 612-372-3737  
Cell 612-730-1214



\*CP Digital, Organic and Local SEO, Social Media Management, Paid Media (pay per click, SEM, Rich Media, display), Design (desktop, responsive design), review monitoring, photography/video, press releases, Native, YouTube and Programmatic Advertising.

## Arkell, Reginald (FTA)

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**From:** Kathy Low <lowmn@comcast.net>  
**Sent:** Friday, December 02, 2016 10:37 AM  
**To:** Stevens, Spencer (FHWA); Arkell, Reginald (FTA)  
**Subject:** Recertification of Met Council as Regional Planning Organization for Minnesota  
**Attachments:** carlessworkers2.jpg

Dear Mssrs. Arkell and Stevens:

I am writing to provide input into your consideration of recertifying the Met Council in Minnesota as a regional planning organization for the metropolitan area of Minneapolis and St. Paul. Please consider the following reasons that the Met Council should not be recertified:

### Organization (Part 2-1):

- The Met Council is governed by politically-appointed commissioners who do not in any sense represent the people who live in their districts. More often they have other vested interests. They do not attend public meetings or seek input from citizens. In fact they most often do not answer citizen inquiries. They do not have expertise in transportation planning. There are ongoing efforts in the legislature and other bodies to rein in the unintended mission creep of the Met Council.
- A January, 2011, report on the Met Council by the Minnesota State Auditor described its dysfunctional governance on transportation issues, stating that, “[T]he current situation resulted in a large part from the Met Council’s lack of credibility among elected officials...” The report recommended that the current structure of the Met Council be replaced with a mix of gubernatorial appointees and elected officials from the region.
- The Met Council uses its economic clout to force other agencies and organizations to support its favored projects. For example, when the Minneapolis Park and Recreation Board tried to mount a legitimate challenge to the proposed Southwest Light Rail project based on a “4(f)” claim, their Met Council funding was threatened until they backed down.

### Funding (Part 2-7):

- The Met Council’s management of transit planning in the region has been so divisive that it has adversely affected another transit organization in the region: the Counties Transit Improvement Board (CTIB), which is primarily governed by elected officials. Consistent with past practice, CTIB is supposed to fund 30% of the up-front cost and 50% of the annual operating deficits of the two new light rail lines planned for this region. One of the counties has already voted to leave CTIB, and just yesterday, CTIB discussed a proposal to dissolve itself. This uncertainty threatens sound transit planning for the region.
- An overriding principle of federal transit funding under the MAP-21 program is that new project construction cannot come at the expense of existing services. It is implausible that Twin Cities metro area transit funding will cover the expensive proposed fixed-rail projects for this area (forecast to serve relative small numbers of new transit riders) and at the same time adequately support transit services

that actually serve areas of dense population and transit-dependent populations. When the state legislature decided not to contribute its customary 10% of the controversial Southwest Light Rail project, the Met Council, after explicitly committing otherwise in writing to the Chair of the State House Transportation Committee, told the public and the FTA that it would issue certificates of participation to complete the funding of the local share of the project. This technique to evade the legislative process and fund the project without any additional contribution from the state will further strain the resources available to the Met Council and, therefore, inevitably lead to inadequate funding for existing bus service, not to mention needed improvements.

#### Public outreach — (Part 2-10)

- The Met Council can report that many public meetings are held, but they cannot legitimately say that they consider public input in a meaningful way. Their predetermined decisions about one project, Southwest Light Rail, has led to a lawsuit.
- The Met Council failed to notify the public to tell them of the TMA certification meeting, even though they have an established email list that citizens have signed up for in order to be notified of Met Council meetings and news. They use this email list regularly for other news, but no notice of the meeting or the ability to submit comments to you afterwards was communicated.

#### Environmental mitigation (Part 2-15) and Safety (Part 2-18)

- At the exact time that federal agencies and federal, state and local legislators have increasing awareness of significant freight safety risks and are attempting to address them, the Met Council is planning to build its next two light rail lines in this region immediately adjacent to freight rail routes. For the Southwest Light Rail project, for example, this will put freight and light rail lines within feet of each other in a residential neighborhood. This freight rail line carries ethanol, known to be as dangerous as Bakken oil. Recent freight derailments involving ethanol have resulted in fire, explosions and spills into bodies of water.
- The Final Environmental Impact Statement for the Southwest Light Rail project states that it will result in increased greenhouse gas emissions for the region compared to the no-build scenario. The Met Council has failed to inform elected officials in the region of this fact. At the meeting of the Hennepin County entity responsible for funding 10% of the cost of this project, one of the Commissioners stated to the others that that this project will be environmentally beneficial.

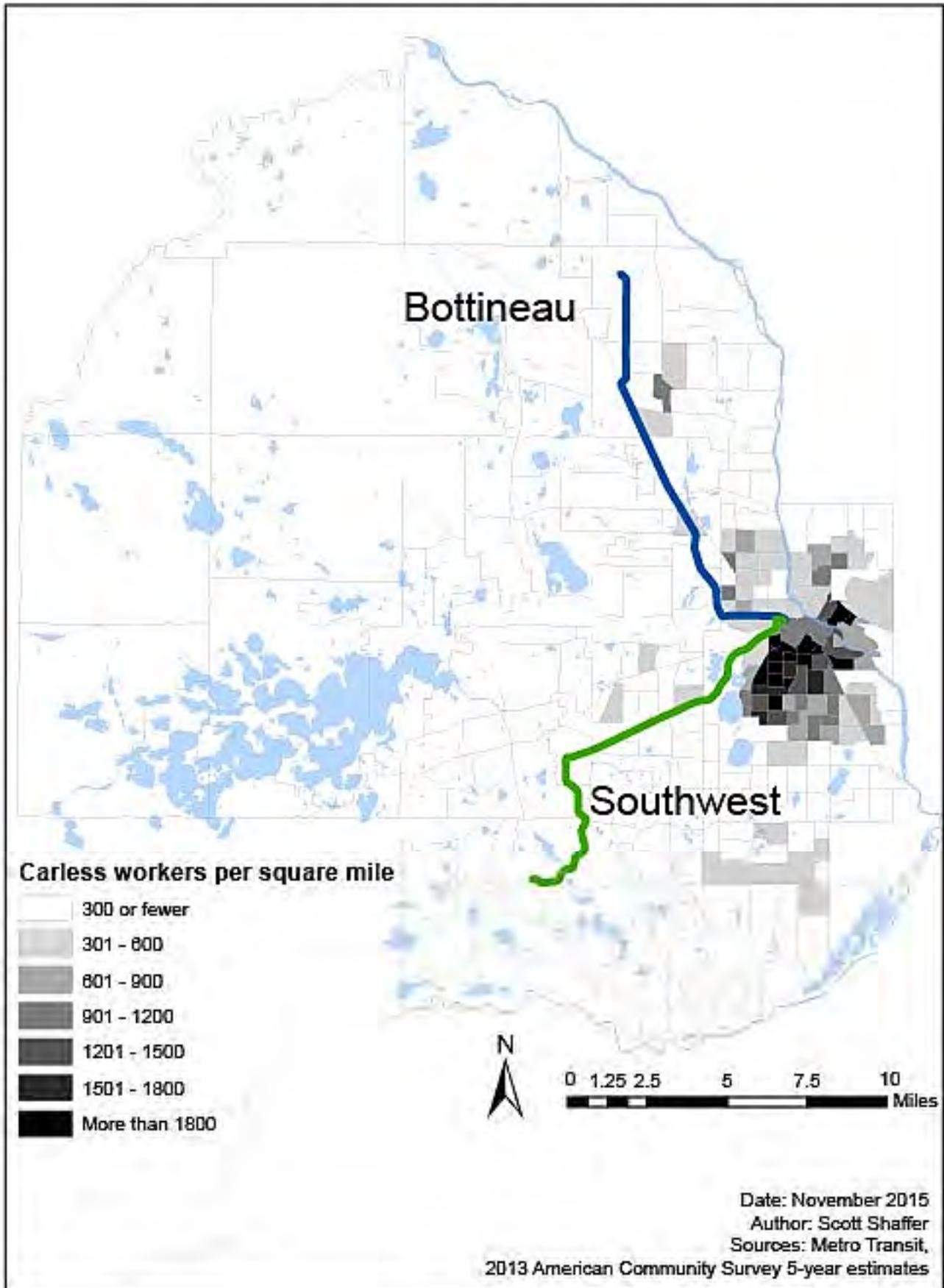
Here are some resources that back up these points:

1. I attach a map of the region with the route of two new light rail lines the Met Council is pushing, showing that they almost perfectly evade areas of transit-dependent populations in this region. This map supports the argument above that these two light rail lines, which will consume \$1.75 billion of local funding to construct plus the annual operating costs, will inevitably come at the expense of maintaining needed bus service for transit-dependent populations in denser areas of this region.
2. This is the article about CTIB's discussions regarding dissolution. It also notes that unlike in other regions, there has never been a referendum for the transit initiatives of the Met Council.  
<http://www.startribune.com/transit-funding-board-meets-to-discuss-disbanding/404066436/>

Thank you for considering my comments. Please feel free to contact me with any questions you may have.

Katherine Low  
Minneapolis, MN

# Light Rail Transit Extensions Dodge Car-free Workers



## **Arkell, Reginald (FTA)**

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**From:** Cedar Lake Park Assn <info@cedarlakepark.org>  
**Sent:** Friday, December 02, 2016 8:05 PM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Subject:** FHWA/FTA Certification Review of Twin Cities Metropolitan Council

Hello,

My name is Keith Prussing, and I am a Twin Cities resident. Further, I am the president of the Cedar Lake Park Association, a 501c3 non-profit citizens' organization, [www.cedarlakepark.org](http://www.cedarlakepark.org). Our mission, since 1989, has been to steward and protect Cedar Lake Park and the adjoining Cedar Lake and Kenilworth trails in Minneapolis. We have been involved with the SWLRT process for many years, including serving on the various advisory committees, as the proposed LRT route directly abuts the Minneapolis Park and Recreation Board properties on and around Cedar Lake.

My concern about the Met Council in this instance is simple: there has not been adequate study, according to federal rules, of the environmental impacts of co-location of freight rail and light rail in the Kenilworth corridor that directly touches Cedar Lake Park. Further, the Cedar Lake Trail carries approximately 1,000,000 riders/year, according to 2015 figures, and it appears that there was little study as to the impacts on this busy thoroughfare from the trains.

The Met Council has not been transparent to requests for further information, and the information that is available is suspect for ridership estimates and environmental impacts.

I am deeply discouraged by the process that the Met Council has followed for the Southwest LRT project. I recommend that the Met Council produce a corrective action plan that will produce an ethical and transparent public process for this project and others coming along. \$900 million of federal dollars for this project demands it.

Thank you

Keith Prussing

## Arkell, Reginald (FTA)

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**From:** Kathleen Standing <kbstanding@comcast.net>  
**Sent:** Friday, December 02, 2016 10:29 AM  
**To:** Arkell, Reginald (FTA); Goodman, Charles (FTA)  
**Subject:** The Metropolitan Council

The Metropolitan Council had done a poor job in choosing the route of the SWLRT as well as how they have conducted their business in this process.

- \* They failed to re-scope the project when it changed significantly to include freight rail, which has huge safety implications. **Mayor R. T. Rybak got duped when this change got made! Do not minimize the safety issues regarding freight rail carrying flammables with pedestrians, light rail, and homes at risk of disaster.**
- \* The route was determined before the Final Environmental Impact Statement was completed; the final statement was clear in that there could be huge environmental impact to the area. Some of the land is in the jurisdiction of the Minneapolis park system.
- \* The State Legislature has refused to fund or sanction the project yet the Metropolitan Council is pursuing a course to overturn this. Yet, the Metropolitan Council is not an elected group, but appointed by the governor. **Wow, this is brazen!**
- \* Several of the Metropolitan Council member have possible conflict of interest in that they have union job interests or real estate investment for possible gains with this route. **Check this out!**

This could go on and on.....

-Kathleen Bianchi Standing  
2817 Drew Ave South  
Minneapolis, MN 55416

Home: 612-926-1996  
Cell: 651-283-5494

## **Arkell, Reginald (FTA)**

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**From:** Steve Tess <steve.tess@gmail.com>  
**Sent:** Friday, December 02, 2016 4:31 AM  
**To:** Arkell, Reginald (FTA); Emanuele, Andrew (FHWA)  
**Subject:** SWLRT & MN Metropolitan

Gentlemen;

I am a resident of Calhoun Isles Condominium Association (CICA). I am writing in response to the Certification Review of the Minnesota Metropolitan Council SWLRT Project. Please consider the following comments prepared by the CICA Board of Directors.

### **OVERVIEW:**

CICA is comprised of 143 residential units and 220 residents. CICA's property includes three types of building structures: A highrise, a parking ramp, and townhouses. The highrise is a 12 story structure converted from 90 year old grain silos. The highrise and the parking ramp are located at the narrowest point on the SWLRT route; this area is commonly called the "pinch-point". 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.

### **OUR CONCERNS:**

Due to the close proximity to our property, we are concerned about how the construction and operations of SWLRT will impact our property and livability. The proposed tunnel comes within six inches of the parking ramp footings, two feet of the highrise footings, and within 43 feet of the townhouses. Our concern is valid because we recently experienced \$30,000 in property damages from the vibrations from a different construction project that was 160 feet away from our property. This deeply concerns us because insurance will not cover damages that are not sudden and accidental, and, the Met Council has not demonstrated a sufficient means for mitigating the potential for damages from vibrations. Due to our concerns, we hired an attorney and an engineering firm to assist us in reviewing our risks.

### **RISKS TO OUR PROPERTY AND LIVABILITY:**

From SWLRT Construction:

1. Structural damage to the highrise from soil movement (deformations)
2. Parking ramp becomes unusable due to deformations, vibrations, or damage from construction equipment
3. Exterior protective membrane (stucco) damage due to vibratory impacts
4. Dust, vibrations, and noise (engines, backup alarms) become intolerable

5. Interior cosmetic damage due to low level vibratory impacts
6. Street damage, impaired traffic flow and lost parking on Dean Court

From SWLRT Operations:

7. Livability impaired from excessive vibrations from LR Train every 7 minutes

As noted in our concerns above, CICA recently incurred property damage from a construction project that was 160 feet away (versus 6 inches away). The damages were resultant from construction impact with a PPV of .185 inches per second. The Met Council, based on FTA standards, will specify the monitoring vibration limit at a PPV of 0.5 inches per second. This is a giant safety risk because CICA properties will incur serious damage long before the monitoring alarms are activated.

#### **MEETING WITH THE MET COUNCIL:**

On September 1st 2016 the Met Council met with us, our attorney and our engineers. Our engineers explained how the Met Council's design plans underestimate the potential for vibratory damages. Two significant errors our engineers pointed out were a 43' vs 20' distance error in the Met Council's diagrams and an insufficient depth in the boring site needed for proper investigation.

The Met Council informed us that they have no plans for: relocation funding, a susceptibility study, pre and post construction monitoring, or reimbursement for our engineering costs. Since the time of the meeting we also learned that we have less than one year to act based upon the Met Council's schedule.

The Met Council requested another meeting with our engineers to discuss vibration attenuation and transmission given our engineers calculations and analysis. To this day the Met Council has not provided us with a date for a meeting despite our repeated follow-up attempts.

#### **OUR REQUESTS TO THE MET COUNCIL:**

1. Conduct susceptibility study prior to construction
2. Set monitoring limits to be established based on susceptibility study
3. Conduct ambient condition monitoring (minimum of 6 months prior to construction)
4. Provide relocation benefits for CICA residents, if necessary
5. Conduct post-construction and operational monitoring
6. Provide reimbursement for engineering expenses (\$40K to date)

7. Develop a simple and responsive damage claims process

**IN CONCLUSION:**

CICA is dismayed by the Met Council's empathy and the process by which the SWLRT has reached its current state. If the review you are heading up is "*to provide advice and guidance*", then the CICA Board of Directors recommends that you inform the Met Council to comply with our seven requests noted above. Your consideration is appreciated.

Respectfully,

Stephen & Monica Tess

Residents of Calhoun Isles Condominium Association

3141 Dean Court Unit 605

Minneapolis, MN 55416

## **Arkell, Reginald (FTA)**

---

**From:** Jeff Turner <jeff@knownbranding.com>  
**Sent:** Friday, December 02, 2016 2:18 PM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Subject:** CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Dear Mr. Emanuele and Mr. Arkell,

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Respectfully,

Jeff Turner

Resident of Calhoun Isles Condominium Association

3141 Dean Court #902

Minneapolis, MN 55416



## Arkell, Reginald (FTA)

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**From:** zelda thomas-curti <zcurti@me.com>  
**Sent:** Monday, December 05, 2016 10:13 AM  
**To:** Arkell, Reginald (FTA)  
**Subject:** opposed to slwrt

1. Organization (see Part 2-1 of regulations)

The Met Council is improperly comprised of unelected people appointed by the governor, instead of elected officials, officials of public transportation agencies, and other state officials.

Several Met Council members have a conflict of interest regarding SWLRT. For example, Jennifer Mundt, Edward Reynoso and Harry Melander are union officials. Also, the Minnehaha Creek Watershed District vouched for the project while speculatively purchasing nearby property.

2. Funding (Part 2-7)

The Met Council has ignored the state legislature's refusal to sanction or fund the project, and is currently pursuing a course to override the legislature's intent.

3. Public outreach - (Part 2-10)

The Met Council cancelled 26 of 36 SWLRT Citizen Advisory Committee meetings. It also purged the CAC of opponents to the route - then presented the CAC's work as representing a consensus.

The Met Council failed to reach out to members of the public to tell them of the Nov. 2 certification meeting. It removed the notice of recertification - as well as the opportunity to file comments until Dec. 2 - immediately after the meeting.

4. Environmental mitigation ((Section 2-15)

The Met Council determined the route of SWLRT before completing the Final Environmental Impact Statement required by federal law; this issue is currently being litigated by the Lakes and Parks Alliance of Minneapolis.

In the SWLRT's Final Environmental Impact Statement, the Met Council ignored or gave only cursory responses to public concerns about ethanol-train safety, sound and vibration mitigation, and destruction of what may be Minneapolis's largest urban forest; it implausibly claims that digging a tunnel within 2 feet of the walls of a residential high rise poses no significant risk to the building.

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The Met Council ignored public concerns about LRT adjacency to ethanol unit freight trains - concerns also expressed by the Chief of the Minneapolis Fire Department.

- Failure to re-scope the project when it changed significantly to include freight rail.
- Faulty travel demand modeling and forecasting
- Failure to base alignment on good transit principles, basing them instead on politics. Public agencies, notably the City of Minneapolis and the Minneapolis Park and Recreation Board, were forced into agreement by threats of budget cuts, including threats from Governor Dayton. This abuse of government authority is a mockery of the process, and should not be sanctioned and supported by the federal government.

zelda thomas-curti  
[zcurti@me.com](mailto:zcurti@me.com)

## **Arkell, Reginald (FTA)**

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**From:** Anita Duckor <anita@duckor.com>  
**Sent:** Wednesday, December 07, 2016 5:08 AM  
**To:** Arkell, Reginald (FTA)  
**Subject:** CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Regarding: CICA's comments for the Certification Review for the MN Metropolitan Council (SWLRT)

Gentlemen;

I am a resident of Calhoun Isles Condominium Association (CICA). I am writing in response to the Certification Review of the Minnesota Metropolitan Council SWLRT Project. Please consider the following comments prepared by the CICA Board of Directors.

### **OVERVIEW:**

CICA is comprised of 143 residential units and 220 residents. CICA's property includes three types of building structures: A highrise, a parking ramp, and townhouses. The highrise is a 12 story structure converted from 90 year old grain silos. The highrise and the parking ramp are located at the narrowest point on the SWLRT route; this area is commonly called the "pinch-point". 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.

### **OUR CONCERNS:**

Due to the close proximity to our property, we are concerned about how the construction and operations of SWLRT will impact our property and livability. The proposed tunnel comes within six inches of the parking ramp footings, two feet of the highrise footings, and within 43 feet of the townhouses. Our concern is valid because we recently experienced \$30,000 in property damages from the vibrations from a different construction project that was 160 feet away from our property. This deeply concerns us because insurance will not cover damages that are not sudden and accidental, and, the Met Council has not demonstrated a sufficient means for mitigating the potential for damages from vibrations. Due to our concerns, we hired an attorney and an engineering firm to assist us in reviewing our risks.

## **RISKS TO OUR PROPERTY AND LIVABILITY:**

From SWLRT Construction:

1. Structural damage to the highrise from soil movement (deformations)
2. Parking ramp becomes unusable due to deformations, vibrations, or damage from construction equipment
3. Exterior protective membrane (stucco) damage due to vibratory impacts
4. Dust, vibrations, and noise (engines, backup alarms) become intolerable
5. Interior cosmetic damage due to low level vibratory impacts
6. Street damage, impaired traffic flow and lost parking on Dean Court

From SWLRT Operations:

7. Livability impaired from excessive vibrations from LR Train every 7 minutes

As noted in our concerns above, CICA recently incurred property damage from a construction project that was 160 feet away (versus 6 inches away). The damages were resultant from construction impact with a PPV of .185 inches per second. The Met Council, based on FTA standards, will specify the monitoring vibration limit at a PPV of 0.5 inches per second. This is a giant safety risk because CICA properties will incur serious damage long before the monitoring alarms are activated.

## **MEETING WITH THE MET COUNCIL:**

On September 1st 2016 the Met Council met with us, our attorney and our engineers. Our engineers explained how the Met Council's design plans underestimate the potential for vibratory damages. Two significant errors our engineers pointed out were a 43' vs 20' distance error in the Met Council's diagrams and an insufficient depth in the boring site needed for proper investigation.

The Met Council informed us that they have no plans for: relocation funding, a susceptibility study, pre and post construction monitoring, or reimbursement for our engineering costs. Since the time of the meeting we also learned that we have less than one year to act based upon the Met Council's schedule.

The Met Council requested another meeting with our engineers to discuss vibration attenuation and transmission given our engineers calculations and analysis. To this day the Met Council has not provided us with a date for a meeting despite our repeated follow-up attempts.

**OUR REQUESTS TO THE MET COUNCIL:**

1. Conduct susceptibility study prior to construction
2. Set monitoring limits to be established based on susceptibility study
3. Conduct ambient condition monitoring (minimum of 6 months prior to construction)
4. Provide relocation benefits for CICA residents, if necessary
5. Conduct post-construction and operational monitoring
6. Provide reimbursement for engineering expenses (\$40K to date)
7. Develop a simple and responsive damage claims process

**IN CONCLUSION:**

CICA is dismayed by the Met Council's empathy and the process by which the SWLRT has reached its current state. If the review you are heading up is *"to provide advice and guidance"*, then the CICA Board of Directors recommends that you inform the Met Council to comply with our seven requests noted above. Your consideration is appreciated.

Respectfully,

Anita S. Duckor  
3141 Dean Court #804  
Minneapolis, MN 55416

Resident of Calhoun Isles Condominium Association

3141 Dean Court (Management Office)

Minneapolis, MN 55416

## Arkell, Reginald (FTA)

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**From:** Emanuele, Andrew (FHWA)  
**Sent:** Tuesday, December 13, 2016 8:14 AM  
**To:** Shawn Smith; Arkell, Reginald (FTA)  
**Cc:** Jeanette Colby  
**Subject:** RE: Metropolitan Council Certification Process

Hello Mr. Smith,

Some answers to your questions:

1. FHWA (The Federal Highway Administration) and FTA (Federal Transit Administration) are in the process of completing a written report that will determine the Metropolitan Council's TMA (Transportation Management Area) certification status. The report should be finalized in early 2017.
2. FHWA and FTA will summarize and respond to testimony/comments from the public within the TMA Certification document.
3. If the Metropolitan Council receives any corrective actions / recommendations regarding their planning process, our report will include a timeframe and actions for resolution of the issue(s). Compliance assurance will be followed up by FHWA/FTA.
4. TMA Certification takes place every four years, so the public would again have a chance to comment on the Metropolitan Council's planning process to FHWA/FTA in 2020. However, the Metropolitan Council will begin updating their Long Range Transportation Plan next year, and will be conducting extensive public outreach for comment. This would be a good opportunity for further engagement in the regional planning process.

Thank you,

Andrew Emanuele  
Community Planner  
FHWA - Minnesota Division  
380 Jackson Street, Suite 500  
St. Paul, MN 55101  
651.291.6124

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**From:** Shawn Smith [<mailto:ssmith288@me.com>]  
**Sent:** Sunday, December 11, 2016 12:52 PM  
**To:** Emanuele, Andrew (FHWA); Arkell, Reginald (FTA)  
**Cc:** Jeanette Colby  
**Subject:** Metropolitan Council Certification Process

Hi Emanuele and Reginald,

Last Monday, our neighborhood association board met and discussed the certification process. I'm cc'ing Jeanette Colby on this communication, who is our Board Chair. We are curious as to next steps in the process as follows:

1. A determination of Metropolitan Council certification status, and when that will be

2. Whether FTA/DOT will summarize or publish the testimony that was provided, and how it was taken into account in the process
3. If action steps are required by FTA/DOT of the Metropolitan Council, will those steps be made available, and will the public have the opportunity to engage in the future on whether corrective steps are being made?

It was also noted at the meeting the appreciation for your acknowledgement of the receipt of feedback to those who took the time to provide it. That is not always the case with some agencies and legislators, so when it occurs it is noticed.

Kind Regards,  
Shawn Smith  
Secretary, Kenwood Isles Area Association

Meade  
2601 Sunset Blvd D1  
Nps MIU 55416

SAINT PAUL MN 550

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Office of Planning + Environment  
Federal Transit Administration  
1200 New Jersey Ave. SE  
Washington, DC 20590  
ATTN: Reginald Arkel  
Spencer Stevens



20590-



To Whom it May Concern,

Enclosed is the copy of a letter Mr. Stuart Chazen has composed. It expresses my own sentiments far better than I would could compose myself.

Mr. Chazen is tireless in his efforts and research into the proposed SWLRT.

I believe him and stand by anything he says here.

He loves our beautiful Lake filled city far more than the MET Council would could.

He is not driven by revenue from this precious area at any cost.

I wish you could see the area where SWLRT is planning on being built on this section of the I Route.

This area is tranquil and beautiful and represents the unique character of Mpls.

Progress that compromises this character is not progress at all. It is destruction.

Sincerely,

Maria Mende  
11/8/16  
mpls, MN

Stuart A Chazin  
2615 Burnham Road  
Minneapolis, Minnesota 55416-4335  
[Stuart@chazingroup.com](mailto:Stuart@chazingroup.com)

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VIA FACSIMILE: [reginald.arkell@dot.gov](mailto:reginald.arkell@dot.gov)  
[spencer.stevens@dot.gov](mailto:spencer.stevens@dot.gov)

November 6<sup>th</sup>, 2016

I am writing to offer my experience and overview of the Metropolitan Council in relation to the proposed SWLRT. The irony for many of us is that the Met Council is an un-elected body whom answer only the governor. Consequently, his agenda and theirs, seems to come at the cost to the citizens of this state.

They have proven with this transit project an absolute breach of power, ignoring the DEIS, SDEIS and FEIS, for the greater goal of getting this line built in spite of the environmental damages it will cause.

There has been an overall lack of transparency with this project. The Met Council has consistently ignored public input, choosing a corridor where expensive and damaging tunnels are necessary, only to push through their agenda of getting this train no matter the cost.

### **The Facts About Southwest Light Rail**

All of these facts (along with countless others) were indicated in the above mentioned reports, yet the Met Council is pushing the train forward regardless...

- For many reasons, the Kenilworth Corridor was **NOT** the City's preferred route for the Southwest LRT. Then Mayor R.T. Rybak, Council Member Lisa Goodman, Council Member (now Mayor), Betsy Hodges argued that the LRT should **NOT** bypass dense neighborhoods of South Minneapolis, and that route (3C) had more potential for economic development.
- The **2010** Minneapolis City Council resolution of support agreed with great reluctance to proceed with alignment (3A) through Kenilworth **BUT** with the understanding and promise that freight would be rerouted out of Kenilworth Corridor.
- The DEIS from October 2012 (Section ES-23 to ES-24) evaluated a different plan, that did **not** include running the LRT in a shallow tunnel or co-locating freight trains next to LRT, that is, a plan that is different from the one currently being implemented by the Met Council.
- Importantly, that **DEIS** study from **2012** concluded that co-locating freight and LRT in the Kenilworth Corridor would be **detrimental** to the environment and would **not** adequately preserve or protect the quality of life. The DEIS recommended **against** locating freight and LRT in the same corridor.
- **In 2016**, the Met Council released its Final Environmental Impact Statement (FEIS) on the Southwest Light Rail project. In that report two critical things were noteworthy:

- 1) It admits — for the first time and unequivocally — **that the route it has chosen for Southwest LRT will, indeed, damage the Minneapolis Chain of Lakes.** The executive summary clearly states that the SWLRT **will have adverse effects** on the Grand Rounds Historic District and Kenilworth Lagoon (part of the Chain of Lakes).

This admission is what the citizens of Minnesota along with the Minneapolis Park and Recreation Board have been claiming (thus fighting the route). In spite of this, the Met Council has continually denied these facts and continued to push forward with their agenda.

- 2) **It claims, falsely, that there is no feasible and prudent alternative to the proposed route** that would avoid damaging this precious historic and environmental resource. That is simply not true. (For example, running SWLRT through Uptown, a vibrant commercial and residential district, via the Midtown Greenway.)

Section 4(f) of US Department of Transportation Act of 1966 states that **NO** federal dollars can be spent on a transportation project that impacts parkland unless there is **NO** “feasible and prudent alternative.

The Met Council’s cursory dismissal of alternative routes in the FEIS confirms the legal basis for the Lakes and Parks Alliance (LPA) lawsuit: that the agency failed to give good-faith consideration to less environmentally damaging alternatives — as **REQUIRED** by the Federal Environmental Protection Act.

### Interesting Facts:

#### **Recent derailments in Minnesota include:**

- 2014 Dec 1: 30 train cars derailed in Ottertail County, its oil tankers were empty
- 2014 Dec 2: 2 trains collided near Mankato
- 2014 Sept 21: LRT derailed in downtown St. Paul its overhead electric wires were downed.
- 2014 July 13: North Star freight train derailed in Elk River, cause unknown.
- 2014 Feb 26: LRT was derailed by snow in Bloomington.
- 2013 March 27: 14 car train derailed near Parkers Prairie, spilling 30,000 gallons of crude oil

#### **Destruction of Environment**

Destruction of 480 significant trees over 12 inches DBH and greater	<small>Per Southwest LRT Project Office</small>
Destruction of 1,960 trees 6 inch DBH and greater	<small>Per Southwest LRT Project Office</small>
Destruction of over 75% of vegetation of the 44 acres	<small>Per Southwest LRT Project Office</small>
Environmental impact still unresolved - Phase II investigation needed	<small>Per Southwest LRT Project Office</small>

**Ridership estimates continue to decline** - The Met Council’s own projections show 8 of the 15 stations **losing** ridership (2030-2040)

The FEIS actually projects that carbon emissions will be higher in 2040 if the LRT project is built than if not. That’s simply incredible, **NO** reduction in carbon emissions from a mass transit project costing \$1.85 Billion and counting.

The Met Council on numerous occasion stated SWLRT would not be built without legislative support which, they do not have. Instead, the Governor bypassed the Legislators to get the funding needed to fund the states obligation for the project.

And finally, despite the Met Council & Governor Dayton's best efforts to thwart the LPA lawsuit, that suit is moving forward with a trial date scheduled Fall of 2017:

**The Court:**

- ✓ **DENIED** the Met Council's numerous attempts to get the case dismissed;
- ✓ **DENIED** the Met Council's request to stop LPA from obtaining information to support their case;
- ✓ **DENIED** the Met Council's request to rush the timeline.

**The Lakes and Parks Alliance of Minneapolis v. Federal Transit Administration**  
**Signed by Magistrate Judge Steven E. Rau on 8/11/2016**

- Pretrial Scheduling Order: Discovery due by 12/31/2016
- Motions (non-disp) due **May 15, 2017**
- **June 17, 2017** completed all dispositive motions; e.g., summary judgment motions
- **September 17, 2017 date for trial.**

This agency has been anything but transparent, honest and forthcoming with this project. Their agenda is to push this train through no matter what the cost to the people, the environment, and our great state.

Thank you for your time and consideration.

Sincerely,

Stuart A. Chazin



**Report prepared by:**

**FHWA MN Division Office  
380 Jackson Street, Suite 500  
St. Paul, MN, 55101  
(651) 291-6100**

**FTA Region 5 Office  
200 West Adams Street, Suite 320  
Chicago, Ill, 60606  
(312) 353-2789**