



Request for City Council Committee Action from the Department of Public Works

Date: August 19, 2014

To: Honorable Kevin Reich, Chair Transportation and Public Works Committee

Subject: **Southwest Corridor Memoranda of Understanding and Municipal Approval of SWLRT Plans**

Recommendation:

- A. Authorize proper City officials to enter into and execute the attached Memorandum of Understanding between the City of Minneapolis (City) and Metropolitan Council on the Proposed Redesign of a Portion of Southwest Light Rail Project (SWLRT).
- B. Authorize proper City officials to enter into and execute the attached Memorandum of Understanding between the City and the Metropolitan Council on the Preservation of Kenilworth Corridor in Public Ownership and Control.
- C. Authorize proper City officials to enter into and execute a Memorandum of Understanding between the City and the Hennepin County Regional Railroad Authority (HCRRA) regarding SWLRT.
- D. Approve the preliminary design plans for the Southwest Corridor Light Rail Project that were submitted to the City by the Metropolitan Council on July 10, 2014, in order to fulfill the requirements of Minnesota Statutes, Section 473.3994, Subd. 3.

Previous Directives:

- November 21, 2003; Approve the process of the LRT Corridor study and that the Hennepin County Regional Railroad Authority to pursue the next phase of study as amended; with the understanding that the HCRRA will work with Minneapolis in further evaluating alternative route configurations, which would directly connect Uptown into this regional corridor.
- July 1, 2005; Appoint City Council Member Dan Niziolek and City Council Member Gary Schiff as Policy Advisory Committee members for the Southwest Corridor Alternatives Analysis process.
- September 5, 2005; Receive and File; SW Corridor study update.
- January 2, 2006; Appoint City Council Member Robert Lilligren and City Council Member Ralph Remington to serve as Policy Advisory Committee members for the Southwest Corridor.
- October 2, 2009; Receive and File; Report from Hennepin County Housing, Community Works, and Transit.
- January 15, 2010; Approve resolution supporting Locally Preferred Alternative as recommended by the Southwest Transitway Technical Advisory Committee, Policy Advisory Committee and Hennepin County Regional Rail Authority and forwarded to the Metropolitan Council for inclusion in the Regional Transportation Policy Plan.
- December 4, 2012; Comments on the Draft Environmental Impact Statement (DEIS) for Southwest Corridor LRT. Approve the proposed comments on the DEIS for the Southwest Corridor LRT project and direct the Public Works Department to submit the comments to Hennepin County.

- June 4, 2013; Receive and File; Preliminary Engineering Update from Southwest Light Rail Project Office.
- August 20, 2013; Receive and File; Report regarding freight rail options from Southwest Light Rail Project Office.
- March 7, 2014; Approving submission of comments to the Metropolitan Council on their recent studies related to the Southwest Light Rail Transit Project and resolving support for freight rail relocation and LRT operations at-grade in the Kenilworth Corridor and reaffirming Minneapolis' opposition to co-location.

Department Information

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Approved by: _____
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Presenters in Committee: Jim Alexander, Southwest Light Rail Project Office
 Peter Wagenius, Mayor Hodges Office

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification – A public hearing has been noticed pursuant to statute.

Project Description

The 15.8 mile long Southwest Corridor (Green Line Extension) is a regional light rail transit corridor that serves Minneapolis, St. Louis Park, Hopkins, Minnetonka, and Eden Prairie (Attachment A). Once completed, the Southwest Corridor will directly connect to the Hiawatha LRT Corridor (Blue Line), to the Northstar Commuter Rail Line, and to the planned Bottineau Corridor Line (Blue Line Extension) in Downtown Minneapolis. The project is expected to serve an estimated 29,660 riders per weekday, is proposed to have 17 stations, and will cost an estimated \$1.653 billion. When completed, the Southwest Corridor will interline with the Central Corridor LRT (Green Line), allowing for a one-seat ride between Eden Prairie and Downtown St. Paul.

Municipal Approval Process

Minnesota Statutes, Section 473.3994 describes the process for municipal approval of light rail transit projects. Per statute, the responsible authority (the Metropolitan Council) must *"...submit the physical design component of the preliminary design plans to the governing body of each statutory and home rule charter city, county, and town in which the route is proposed to be located."* The statute requires that the responsible governmental authority hold a public hearing after the plans have been available for public review for at least 30 days.

Per subdivision 3 of the statute, *"The city, county, or town shall hold a public hearing. Within 45 days after the hearing under subdivision 2, the city, county, or town shall review and approve or disapprove the plans for the route to be located in the city, county, or town. A local unit of government that disapproves the plans shall describe specific amendments to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the plans in writing within 45 days after the hearing is deemed to be approval, unless an extension of time is agreed to by the city, county, or town and the responsible authority."*

Municipal Approval Plan Content

The physical component of the preliminary design plans submitted as part of the local government approval process are technical drawings that include LRT track layout, station location and layout, roadway features (including turn lanes), lane widths, traffic signals, sidewalks, pedestrian crossings, the Operations and Maintenance Facility (OMF) location, freight track location, and system elements (such as traction power substation locations). The plans submitted to the City only include the physical design elements. A Supplemental DEIS was not part of the package.

The plans submitted are broken into eight (8) sets of drawings (by location), with those drawings representing Minneapolis identified as "East Segment 3" and "East Segment 4", all of which can be found on the following website:

<http://metro council.org/Transportation/Projects/Current-Projects/Southwest-LRT/Municipal-Consent/Plan-Documents.aspx>

Within Minneapolis, printed copies of the drawings were made available at the Downtown Central Library, at City Hall, at the Franklin Library, at the Linden Hills Library, at the Sumner Library, and at the Walker Library. The public was able to comment by mail, e-mail, or by testifying at a public hearing.

Project History

Previously, Hennepin County was the lead agency for the Southwest Corridor. Between 2002 and 2009 Hennepin County completed a Feasibility Study, an Alternatives Analysis, and a Scoping Document for the project. The Alternatives Analysis resulted in a Locally Preferred Alternative (LPA), which was approved by the City of Minneapolis on January 15, 2010 and by the Metropolitan Council on May 26, 2010. The Locally Preferred Alternative (LPA) defined the Kenilworth Corridor as the preferred route through Minneapolis.

Once the LPA decision had been made, Hennepin County and the State of Minnesota conducted an Environmental Assessment of the freight relocation to the MN & S corridor within St. Louis Park. It was determined in 2011 that an Environmental Impact Statement was not required. In September 2011 the Federal Transit Administration (FTA) required that the freight rail relocation issue be added to the SW Corridor project scope.

The Draft Environmental Impact Statement (DEIS) was published on October 12, 2012 with the City of Minneapolis approving staff comments on December 7, 2012. The City of Minneapolis clearly stated opposition to co-location of freight and light rail in the Kenilworth Corridor at that time.

In January 2013 the Metropolitan Council took over the project and created the Southwest Project Office (SPO) to design and construct the project. The Southwest Corridor Management Committee (CMC) was assembled in early 2013 in addition to a Citizen Advisory Committee (CAC) and a Business Advisory Committee (BAC). Twenty five staff issue resolution teams (IRT's) were also created to resolve various design issues.

Southwest Project Office staff worked collaboratively with Minneapolis CPED and Public Works staff in 2013 on a weekly basis to address numerous technical issues. Many of the IRT discussions resulted in improvements to the project that are reflected in the drawings that have been submitted.

After a series of public meetings in mid-2013, three options advanced to resolve the right-of-way challenges along the Kenilworth Corridor segment of the project: an option to relocate freight to the MN & S corridor in St. Louis Park, an option to run light rail through a deep bore tunnel, and an option to run light rail through two shallow cut and cover tunnels. In October 2012, the Southwest Corridor Management Committee (CMC) voted to recommend that the Shallow Tunnels Option be selected to move forward in the municipal approval process. Then-Mayor Rybak, the City of Minneapolis delegate on the CMC, voted against this proposal.

In November 2013, Governor Dayton directed the SPO to conduct three studies; a freight study, a water resources study, and a vegetation inventory. By December 2013, the Metropolitan Council had contracted with TranSystems to conduct the rail study and Burns and McDonnell to conduct the Water Resources study. The existing consulting team led by Kimley Horn performed the vegetation inventory. In January 2014, the Metropolitan Council hosted a number of public meetings with both TranSystems and Burns and McDonnell present to answer questions. In February 2014, the draft studies were completed and public comments were due to the SPO on March 3, 2014. The TranSystems report concluded that both the freight re-route option in addition to the Kenilworth freight route were both feasible alternatives. The Burns and McDonnell report concluded that there were no fatal flaws to the Shallow Tunnels option, but additional study would be required. The Kimley Horn Vegetation Inventory determined the number of 6 inch or greater diameter trees that would be impacted within the project area. After much debate, the CMC voted on April 2, 2014 to release the Southwest LRT municipal approval drawings with two shallow tunnels in the Kenilworth Corridor. Mayor Hodges, the City of Minneapolis delegate on the CMC, voted against this proposal.

The physical design component of the Preliminary Design Plans were originally submitted for municipal approval on April 10, 2014. These plans did not correspond to designs that had been publicly discussed and voted on by the CMC. An amended set of plans were released on April 22, 2014, re-starting the municipal approval timeline. The Metropolitan Council and HCRRA held a joint open house/public hearing on May 29, 2014. The Cities of Minnetonka, Hopkins, and St. Louis Park, along with Hennepin County (for the portion of the project outside of Minneapolis), have all acted to give local government approval as of July 14, 2014.

In May 2014, the City and the Metropolitan Council entered into mediation. The mediation resulted in two Memoranda of Understanding ("MOU's") between the City and the Metropolitan Council and yet another set of amended plans for the Minneapolis portion of the project only. The two MOU's were approved by the Metropolitan Council at its meeting of July 9, 2014, along with the amended plans. The new plans were released on July 10, 2014 which reset the municipal approval timeline for Minneapolis and HCRRA for the Minneapolis portion of the project only.

The Metropolitan Council, the County and HCRRA held a joint open house/public hearing for the Minneapolis portion only, on August 13, 2014. It is anticipated that Hennepin County will approve the portion of the project within Minneapolis on August 19, 2014.

Memoranda of Understanding with Metropolitan Council

MOU on Proposed Redesign of a Portion of Southwest Light Rail Project (SWLRT)

This agreement commits the Metropolitan Council to:

1. Build the South Shallow tunnel as designed,
2. Build the 21st Street station,
3. Design the Kenilworth Corridor to park-like standards, not just restoring, but improving pre-existing conditions,
4. Select a landscape architect with the City of Minneapolis and the Minneapolis Park and Recreation Board and include neighborhood representatives in a collaborative design process,
5. Mitigate noise based on the Supplemental DEIS,
6. Add freight rail safety improvements recommended by TranSystems,
7. Provide \$30 Million of project components necessary to partially mitigate the unexpected co-location of both freight and LRT in the narrow Kenilworth Corridor. These components include pedestrian access, bicycle facilities, landscaping, lighting and security improvements

MOU on Preservation of Kenilworth Corridor in Public Ownership and Control

This agreement commits the Metropolitan Council to:

1. Preserve public ownership of any freight rail land under Metropolitan Council ownership or control in the Kenilworth Corridor,
2. Enforce restrictions in the HCRRA trackage rights agreement if Metropolitan Council acquires HCRRA freight rail land in the Kenilworth Corridor,
3. Provide a permanent easement to preserve the Kenilworth bicycle/pedestrian trail, and
4. Transfer leftover land (land not needed for either freight or LRT purposes) to the Minneapolis Park Board to be used as park land.

MOU between City and HCRRA

After the conclusion of the mediation between the City and the Metropolitan Council, the City and HCRRA are in the process of finalizing a binding, recordable agreement relating to the preservation of public ownership of HCRRA's freight rail land in the Kenilworth Corridor, enforcement of certain provisions of HCRRA's trackage rights agreement and preservation of the bicycle/ pedestrian trail through the Corridor.

Staff Review Criteria

City staff have reviewed the physical component of the Preliminary Design Plans that have been submitted for City approval and have submitted technical comments to the Southwest Project Office (Attachment B).

Minneapolis Public Works and CPED reviewed the Preliminary Design Plans for consistency with previous layouts presented to staff and the public. Throughout the preliminary engineering process in 2013, Southwest LRT Project Office staff and consultants conducted regular Issue Resolution Team (IRT) meetings to present draft conceptual designs and solicit feedback from agency staff. The role of Minneapolis staff was to advise the SPO on technical issues, advocate for City policies and positions approved by the City Council, and

to bring issues of concern back to policymakers as needed. The project office also conducted a community engagement process to allow the public to comment on design options. It should be noted that numerous staff comments were addressed through the IRT process and several changes to the plan layouts were made by the SPO to reflect city requests.

Minneapolis Public Works and CPED staff also reviewed the project in terms of economic development, mobility, community needs/input, and ridership. This is consistent with the Federal Transit Administration's (FTA) project scoring and funding criteria. Staff focused particularly on pedestrian accessibility, bicycle connections, interface with the bus system, and development compatibility. Technical staff also conducted a utility review to ensure coordination with existing traffic, sewer, and water infrastructure.

Finally, staff reviewed the Preliminary Design Plans to ensure consistency with adopted land use and transportation plans, City Council resolutions, and the plans of other agencies relevant to the corridor and station areas. These documents include the following:

- The Minneapolis Plan for Sustainable Growth
- Access Minneapolis
- The Midtown Greenway Land Use and Development Plan
- The Bryn Mawr Neighborhood Land Use Plan
- The Bassett Creek Valley Master Plan
- The Downtown East/North Loop Master Plan and North Loop Plan Update
- Southwest Corridor Investment Framework (Hennepin County)
- Minneapolis City Council LPA Resolution
- Minneapolis City Council DEIS Comments

A summary of technical comments that staff submitted to the SPO is in Attachment B. A detailed summary of staff analysis, station by station, is included in Attachment C.

Recommendation

It is recommended that the City Council approve the plans for the Southwest Corridor Light Rail Transit route to be located in the City of Minneapolis that were submitted to the City by the Metropolitan Council on July 10, 2014.

Attachments:

- A. Project Map
- B. City staff technical comments submitted to Southwest Project Office
- C. City staff analysis of plan drawings by station
- D. MOU between City and Metropolitan Council on Proposed Redesign of a Portion of Southwest Light Rail Project
- E. MOU between City and Metropolitan Council on Preservation of Kenilworth Corridor in Public Ownership and Control