

**FINDINGS OF FACT AND
CONCLUSIONS**

MN&S FREIGHT RAIL STUDY

ST. LOUIS PARK AND MINNEAPOLIS

HENNEPIN COUNTY, MINNESOTA

**MINNESOTA DEPARTMENT OF
TRANSPORTATION**

June 30, 2011

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STATEMENT OF ISSUE

Based on the information in the record, which is comprised of the Environmental Assessment Worksheet (EAW), written comments received, responses to comments, and other supporting documents, the Minnesota Department of Transportation (MnDOT) as the Responsible Governmental Unit (RGU) makes the following Findings of Fact and Conclusions.

FINDINGS OF FACT AND CONCLUSIONS

1.0 ADMINISTRATIVE BACKGROUND

The Minnesota Department of Transportation (MnDOT) is the Responsible Government Unit (RGU) for the state environmental review of this project (see Appendix A for RGU delegation letters submitted by the City of St Louis Park and Hennepin County). An Environmental Assessment Worksheet (EAW) has been prepared in accordance with Minnesota Rules Chapter 4410.100, Subp 3 D. The project is proposed by the Hennepin County Regional Railroad Authority (HCRRA). The EAW was developed to assess the impacts of the Proposed Action in order to determine if an Environmental Impact Statement (EIS) for the project is needed.

The EAW was filed with the Minnesota Environmental Quality Board (EQB), and circulated for review and comments to the required state EAW distribution list, pursuant to Minnesota Rule Part 4410.1500 (See Appendix B for EAW Distribution List). A “Notice of EAW Availability” was published in the Minnesota EQB Monitor on May 16, 2011 which initiated the thirty-day comment period. A notice of availability press release was also submitted to numerous media outlets throughout the study area on May 19, 2011 (see Appendix for the Press Release Distribution List). A paid notice was also published in Finance and Commerce on May 18, 2011. These notices provided a brief description of the project, information on where copies of the EAW were available, the date and location of the public open house and invited the public to provide comments on the Proposed Action evaluated in the EAW (See Appendix C).

The EAW was made available for public review on the project website, www.mnsrailstudy.org, and at the following locations:

- St. Louis Park Public Library
- Hennepin County Public Library
- City of St. Louis Park City Hall

To afford an opportunity for all interested parties, agencies, and groups to provide comments on the proposed project, MnDOT hosted an open house on June 8, 2011 from 4:00 pm to 7:00 pm at the St. Louis Park Recreation Center in St. Louis Park. Staff from MnDOT, Hennepin County, the City of St. Louis Park and the consultant team were at the meeting to address questions regarding the project and the EAW process. Thirty six

individual signed in at the June 8, 2011 open house. Meeting attendees were invited to provide written comments at the meeting, and/or send in comments by June 15, 2011. The comment period for the EAW closed on June 15th, 2011. All written comments received during the comment period were considered in determining the potential for significant new environmental impacts.

2.0 PROJECT DESCRIPTION

No changes to the project have taken place since the release of the EAW. Clarifications in response to comments received during the EAW review and comment period are addressed in Sections 3.0 and 4.0 of this document, as appropriate. The concept design plans included in Appendix A of the EAW are therefore incorporated herein by reference.

At the Skunk Hollow area, the project proposes to connect the Bass Lake Spur to the MN&S Spur, on the west side of the existing crossing. The proposed MN&S connecting track alignment would cross over the Bass Lake Spur with a curved, undergrade aerial bridge structure at a location just west of the in place MN&S crossing over the Bass Lake Spur. The proposed MN&S connecting track would diverge from the south track of the Bass Lake Spur just east of the in place bridge over Minnehaha Creek. For purposes of the EAW, this location will be referred to as Louisiana Block Limit Station (BLS). The connecting track would be located on a retained fill structure, and diverge south of the existing Bass Lake Spur to a maximum offset of about 30 feet. The MN&S connecting track alignment would transition from retained fill to bridge structure at a location approximately 600 feet west of Louisiana Avenue. The proposed undergrade bridge structure would extend along the south side of the Bass Lake Spur tracks to provide a new aerial structure crossing over Louisiana Avenue. East of the Louisiana Ave. crossing, the proposed MN&S connecting track alignment runs south of and parallel to the Bass Lake tracks to a location approximately 500 ft. west of the MN&S Spur, where the connecting track alignment would curve left - north, and crossover the Bass Lake Spur, and bike path, on a new aerial structure, and run parallel to the MN&S Spur. In the vicinity of TH 7, the proposed MN&S connecting track would assume the approximate alignment of the in-place MN&S Spur track and continue north to the tie-in point with existing MN&S track, just south of Dakota Ave.

In-place track grades along the MN&S from TH 7 to Walker Street are approximately 1.5%. A similar track grade is required in the proposed configuration in order to retain the crossing over TH 7 and the grade crossing at Walker Street. In-place track grades along the MN&S south of Minnetonka Boulevard are approximately 1.2%. This grade was established by CP when it replaced its bridge over Minnetonka Boulevard. A similar track grade is in the proposed configuration. In-place track grades along the MN&S north of Minnetonka Boulevard are approximately 1.9%. This grade was also established by CP when it replaced its bridge over Minnetonka Boulevard. A track grade of 1.2% is proposed; a reduction from the existing 1.9% grade. This would require the closing of the 29th Street Grade Crossing and retaining the 28th Street Grade Crossing. The grades in excess of 1% are relatively short in length, in comparison to the long 0.8% grade of the new Bass Lake Spur/MN&S Connection.

In order to accommodate the proposed MN&S connecting track alignment, as described above, MN&S tracks must be realigned and reconstructed south of TH 7. From the proposed turnout at the TH 7 bridge, the MN&S track will be realigned west of the in place location onto a new bridge structure over the Bass Lake tracks. Proposed MN&S

south track realignment will extend approximately 1,000 feet south of the Bass Lake tracks, most likely on retained fill, where MN&S realigned tracks tie-into the in place alignment. Existing Bass Lake Spur tracks, including the tail track connection with Skunk Hollow, will remain in place, and undisturbed. Neither the proposed MN&S connecting track nor the MN&S south realignment will necessitate any changes to the Skunk Hollow tail track configuration.

All track material used in construction of the connecting tracks will be new, and in accordance with the current CP standards. The construction methods shall conform to current CP standards as well.

The MN&S Spur serves as the conduit to connect the Bass Lake Spur to the south with the Wayzata Subdivision to the north. The existing track structure is mainly 90 lb jointed rail and 8 feet - 6 inch ties on crushed stone and slag ballast. Under the Proposed Action, it is assumed that all rail within the project limits will be replaced with 136 lb Continuously Welded Rail (CWR). The Proposed Action includes stabilization of the roadbed by introducing a 4 inch nominal raise of the track bed by installing mainline-quality crushed stone ballast and the replacement of approximately 70% of the existing timber ties.

Within the MN&S Spur section, the Minnetonka Boulevard Bridge was replaced within the last 5 years. Staging of that work required that the alignment over the bridge be pushed east about 5 to 10 feet. A series of reverse curves was introduced north and south of the bridge to accommodate the alignment shift. Additionally, the bridge was raised, and the resulting vertical grade north of the bridge was increased to about 1.9% to meet top of rail elevation on the new bridge. Under the Proposed Action, it is assumed that approximately three quarters of a mile of horizontal alignment would be revised to eliminate the reverse curves north and south of the bridge. The proposed design also assumes a reduction of the longitudinal grade on the north side of the Minnetonka Boulevard bridge, such that the maximum grade does not exceed 1.2%. Flattening the longitudinal grade to 1.2% necessitates closing the 29th St. grade crossing.

At the north end of the project, in the Iron Triangle Area, on the MN&S Spur, south of the undergrade bridge over the Wayzata Subdivision, a connecting track previously existed in the southeast corner which connected the MN&S Spur, northbound, with the Wayzata Subdivision eastbound. According to CP property records, this connecting track is located on the CP right of way, to a point about 200 feet south of the proposed connection with the Wayzata Subdivision. As such, the connecting track remains in the MN&S section for EAW purposes. It is the intent of the project, to re-establish this connecting track for purposes of connecting the MN&S Spur and Wayzata Subdivisions. On the MN&S Spur, the connection would be made by installing a turnout, in the vicinity of West 28th Street. The existing abandoned connecting track grade would be used as the location for the proposed Iron Triangle connecting track alignment. A field view of the grade reveals that the alignment was on fill and is still intact. However, field measurements indicate that the top of fill width will need to be increased – widened to meet current CP engineering standards. As the fill is substantial in some areas, up to 10

feet, it will likely be necessary to introduce retaining walls to accommodate the proposed section width. At the north end of the connecting track, and CP right of way, the connecting track alignment crosses a bike path at-grade. The Proposed Action/design includes a reconfiguration of the bike path to provide for a grade separated structure carrying the Cedar Lake trail, on aerial bridge structure, over the proposed Iron Triangle connecting track.

For purposes of the EAW and this Findings Document, the BNSF area includes the eastern limit of the Iron Triangle connecting track and extends east on the BNSF Wayzata Subdivision, to the Cedar Lake Junction. The Iron Triangle connecting track assumes the alignment of the in-place BNSF mainline track, and will become the proposed siding track. Wherever practical, the proposed siding track, will utilize the in-place BNSF tracks from the Iron Triangle Connection to a location just west of the Cedar Lake Junction. New BNSF mainline tracks will be constructed north of and parallel to the in-place BNSF tracks, from a location just west of the MN&S crossing over BNSF to the east end of the proposed siding track. A full universal interlocked crossover is provided with switches between the proposed mainline track and the proposed siding track at the west end of the new BNSF/Iron Triangle connection and a single interlocked switch is provided at the east end of the proposed BNSF siding. The siding is approximately 11,000 ft. long. The BNSF siding/interlocking is intended to be signalized.

Quiet Zone Design

Under the Proposed Action, Quiet Zone upgrades would be implemented at all remaining grade crossings between Walker and 28th Street. The quiet zone design concept includes improved pedestrian safety at the study area grade crossings, in the form of pedestrian gates at all existing and proposed sidewalk locations.

3.0 ADDITIONS/CORRECTIONS TO THE EAW

Since the release of the EAW on May 12, 2011, the following additions/corrections to the technical information presented in the referenced document have been made. A summary of these additions/corrections are provided in the sections below.

Permits and Approvals (Section 8 of EAW)

The following permits and approvals have been added to the table included in the EAW. The additional permits and approvals are appropriately referenced in the table included in Section 5.3 of this document.

The noted additions have been included in response to a comment from the Three Rivers Park District.

<i>Unit of Government</i>	<i>Type of Application/Coordination</i>
Three Rivers Park District	Encroachment Permit
Three Rivers Park District	Agreement addressing responsibilities for new trail bridge

Community Facilities (Section 30a)

In response to a comment provided by the St. Louis Park Public Schools, the following correction to the following statement is made:

The sentence “Students and patrons of athletic events cross the tracks to access the athletic fields on the west side of the high school.” Should be corrected to state”on the south side of the high school.”

Right-of-Way/Relocation (Section 30b of EAW)

In response to a comment provided by the City of St. Louis Park, the following correction to the Right-of-Way and Economics section of the EAW is provided.

Page 82, including Table 19- Proposed Right-of-Way Acquisition of the EAW has been corrected. The table identified 38,250 square feet (sf) of permanent easement needed from Parcel 101. This number has been corrected to 3,825 sf, thus changing the total permanent easement number to 92,413 sf. The corresponding text on page 83 has also been corrected.

The corrected table is presented below. The corrected text from the first line of the **Total Project** section on page 83 of the EAW should read as follows: “In total, the proposed project would require one full parcel take and eight permanent partial property takes, totaling 92,413 square feet or 2.12 acres of permanent right-of-way acquisition.”

Table 19. Proposed Right-of-Way Acquisition

Parcel	Type of Take	Permanent Easement	Temporary Easement
96	Full	65,282	-
97	Partial	1,763	38,668
98	Partial	2,366	37,328
100	Partial	3,000	37,985
101	Partial	3,825	48,430
107	Partial	8,170	8,170
108	Partial	2,550	2,550
109	Partial	2,950	2,950
110	Partial	2,507	2,550
114	Partial	-	7,843
118	Partial	-	5,933
119	Partial	-	4,828
121	Partial	-	1,948
Total (SF)		92,413	199,183
Total (AC)		2.12	4.57

Economics (Section 30d of EAW)

Business Impacts

*The following additional statement has been added to the **Total Project – Business Impacts** section (page 89 of the EAW).*

“Temporary easements are proposed over the total area of parcels 97, 98, 100 and 101 (See Figure 19 of the EAW), which is proposed for a construction staging area. Currently, these parcels are vacant and used for materials storage. During construction, these materials would need to be relocated or condensed in a specific area of the site, to accommodate the constructions staging area for the project.”

Property Tax Base

The last paragraph under Property Tax Base Impacts (page 90 of the EAW) should be revised as follows:

“In addition to the full parcel takes, the Proposed Action would also incur eight partial property takes. This would take a total of 27, 131 square feet of property from eight parcels. Based on the value of these parcels and the size of the takes, approximately \$900,000 would be taken from the total city tax base. The impact is a decrease in 0.0001% of the overall tax base.”

The noted correction relative to the right-of-way, economic and property tax base reflects a reduction in disclosed impacts from the EAW.

Property Values

In response to a comment provided by the City of St. Louis Park, the following correction regarding the northern boundary used to calculate the total taxable market value is provided.

Properties north of Minnetonka Boulevard were indeed included in the EAW analysis. Page 89, second paragraph *Property Values*, 1st sentence should read: “Based on Hennepin County property records, total taxable market value of residential properties adjacent to the MN&S section between Dakota Avenue and **West 27th Street** is approximately \$15 million (2010 values).” The values were re-checked and remain the same; the street reference was incorrect.

Vibration (Section 24b of the EAW)

The last sentence of the Impact section on page 64 of the EAW should be corrected to read “There is only one building, an apartment above a business at the southern end of the corridor on Library Lane, which is located within 40 feet of the tracks (Figure 11 of the EAW).”

4.0 SUBSTANTIVE COMMENTS RECEIVED AND RESPONSES TO COMMENTS

There were a total of 69 written comments received on the EAW in various formats. Of those 69 comment letters/documents, eight were from public agencies; two were from the railroads, and the remaining from citizens/businesses and interested organizations. Written comments were received via e-mail, through the mail and at the public open house. A summary of the persons/organizations/agencies that provided comments on the EAW is provided in Table 4.1 on the following page.

Each letter/comment card/e-mail that was received during the comment period was reviewed and the individual comments were identified. The letters/comment cards/e-mails received were given a specific number “code” to identify the different groups who commented. These groups included Railways (Group 1), State, Regional, and Local Agencies (Group 2) and Citizen, Businesses and Organization Comments (Group 3). Each comment letter/comment card/e-mail was then given a specific number. The individual comments within the letters/comment cards/e-mails were then numbered to ensure that substantive comments were reviewed and appropriately responded to within the Findings Document. Written responses have been provided for substantive comments pertaining to analysis conducted for and documented in the state EAW. Responses have not been provided for comments of general opinions or statements of preference. Additionally, the record also acknowledges and includes the St. Louis Park Freight Rail petition submitted as an attachment to the Safety in the Park comments on the EAW.

As noted above, substantive comments on the state environmental review requirements have been reviewed and addressed accordingly. Comments specific to federally mandated environmental review requirements, as defined in the National Environmental Policy Act (NEPA) have been reviewed, but as this is not a federal action; responses to federal-specific requirements are not required nor provided in this state EAW and Findings of Fact document.

Several comments were also received relative to studies outside the scope of the MN&S Freight Rail Study; including the Kenilworth Co-Location Study conducted by Hennepin County; and the Southwest Light Rail Transit (LRT) Draft Environmental Impact Statement (Draft EIS). The scope of this EAW is to evaluate the potential impacts and committed mitigation measures for the proposed track improvements in the CP Bass Lake Spur, MN&S Spur and BNSF Wayzata Subdivision to accommodate the potentially relocated TC&W freight rail traffic currently operating in the Kenilworth Corridor. Comments specific to studies outside this specific study area have been reviewed, and included as part of the environmental determination record; but will not be specifically responded to.

Relative to the Southwest LRT project; the proposed project has been included and evaluated in the cumulative effects section of the EAW document. The Southwest LRT environmental review process is being conducted under both federal and state requirements. At the time this environmental determination was considered and

rendered; the Federal Transit Administration (FTA), as the lead federal agency for that Proposed Action was in the process of conducting their review of the Administrative Draft EIS. The information included as part of the cumulative effects section of the MN&S EAW was developed based on publicly available information on the Southwest LRT project.

Written comments received on the EAW address the individual topical/issue areas included in the EAW. This section has therefore been formatted by the EAW topical/issue areas. As several of the comments received are similar in nature; a summary of the comment points is included as an introductory statement to each of the topical/issue area responses. Table 4.1 includes a summary of the topical/issue areas covered, by each commenter, for reference.

The MN&S Freight Rail Study website: www.mnsrailstudy.org includes all of the comments submitted on the MN&S Freight Rail EAW, which are considered to be a part of the official environmental record. Hard copies of the comments will also be on file at MnDOT and Hennepin County.

Name	Number of Comments	Section 6 - Project Description	Section 8 - Permits and Approvals Required	Section 9 - Land Use	Section 11 - Fish, Wildlife and Ecologically Sensitive Resources	Section 12 - Wetlands	Section 13 - Water Use	Section 14 - Water Related Land Use Management Districts	Section 16 - Erosion and Sedimentation	Section 17 - Water Quality: Surface Water Runoff	Section 19- Geological Hazards and Soil Conditions	Section 20- Solid Wastes, Hazardous Wastes, and Storage Tanks	Section 21- Traffic	Section 22 - Air Quality	Section 24 - Odors, Noise and Dust	Section 24b - Vibration	Section 25a - Archaeological, Historical and Architectural Resources	Section 25b - Designated Parks, Recreational Area, or Trails	Section 26 - Visual Impacts	Section 27 - Compatibility with Plans and Land Use Regulations	Section 28 - Impact on Infrastructure and Public Services	Section 29. Cumulative Potential Effects	Section 30a- Community Facilities	Section 30b -Right of Way/Relocation	Section 30c - Safety	Section 30d - Economics	Mitigation	Coordination	Comments Noted	
CP Railway	9	X	X												X				X					X					X	
TC&W Railroad	17	X	X											X	X	X										X	X			X
Minnesota Pollution Control Agency	0																													X
Minnesota Health Department	1						X																							
Minnesota Historical Society	1																X													
Metropolitan Council	6	X	X				X											X		X	X									X
Three Rivers Park District	3		X															X												
City of Minneapolis	3	X																												X
City of St. Louis Park	58	X	X	X	X	X		X	X	X	X	X	X		X	X		X	X	X	X	X	X	X	X	X	X	X	X	X
SLP Public Schools	8	X											X		X	X			X				X		X	X	X			
Tim and Kerry Adelman	10	X									X		X	X	X	X									X	X	X	X		
Mark Berg	1																								X	X				X
Mark De Boer	3	X																									X	X	X	
Matt Hawkins	7	X									X				X	X		X					X		X	X	X	X		
Paul McCullough	3	X																							X	X				X
Renata Anderson	11	X									X				X	X		X			X		X		X	X	X	X		
Richard and Amy Earle	7	X											X		X	X							X		X	X				X
Rob Metz (SLP HS Principal)	2														X								X		X					
Rosemary McKay	1																													X
Louise Kurzeka	6	X											X										X		X		X	X		
Gloria and Jeffrey Murman	13	X									X		X	X	X	X		X					X		X	X	X	X		
Helene Herbst	4	X																				X			X	X				
Irene Elkins	4																								X	X	X	X		
James Heintzman	3	X																						X						X
Thomas Cremons	6	X		X									X	X	X					X				X	X	X	X			
Tiera Rozman	12	X									X		X		X			X				X		X	X	X	X			
Mary Beth Gaines	11														X	X						X		X	X	X	X			
Gail Miller and Duane Googins	8										X		X	X	X	X						X		X	X	X	X			
Allinace for Metropolitan Stability	1																										X	X	X	
Bill and Carol Donlon	2	X													X	X									X	X	X	X		X
Brian, Wing, Zoey Zachek	2														X	X			X					X	X	X				X
Cheryl DeVaal	6	X									X		X	X								X		X	X	X				
Claudia Johnston-Madison	9	X									X		X	X	X							X		X	X	X				
Dale Stenseth	3	X													X															X
David Gaines	3												X										X		X					X
Dawn Fish	2																													X
Diane Dowd	1														X								X							X
Al Lohese	4	X													X	X												X		
Jennifer Kiss	10	X									X		X	X	X	X						X		X	X	X	X			
Jo Ellen Murrens	4	X											X		X								X		X		X	X		
John Caton	1														X							X		X						X

Sections 1 through 5 of the EAW

No substantive comments were provided relative to Sections 1 through 5 sections of the EAW.

Section 6 – Description

There were several comments relative to the Proposed Action, the background and need for the Proposed Action, the elements of the Proposed Action, the description of the existing conditions, and the proposed construction activities. The information included in this section should be considered supplemental to the information included in the EAW, and it is provided to directly respond to comments received in each of these areas.

Proposed Action

There were several comments questioning the relationship of the Proposed Action to the State Rail Plan. In response to comments specific to the State Rail Plan the following is provided:

The State Rail Plan has a policy for freight rail that connectivity and capacity in the rail system needs to be preserved throughout the state to insure the uninterrupted flow of commodities in interstate commerce, for the benefit of Minnesota businesses and communities. The TC&W serves west central Minnesota from the Twin Cities to the Dakota border, and is considered a key transportation resource for that region. Assessing the Proposed Action evaluated in this EAW is consistent with the State Rail Plan, as noted in the purpose of the Proposed Action included on page 2 of the EAW. The State Rail Plan does not specifically mandate this Proposed Action, but does indicate the need to provide TC&W with a connection from the west to the east.

Further clarification regarding the State Rail Plan is provided below:

- A. The State Rail Plan has no specific mandate in it for the use of, or level of future traffic on the proposed MN&S line, nor does the State of Minnesota have any ability to control traffic flows on the privately owned and operated interstate rail system. The findings included in the State Rail Plan did not use material from the 2009 TCWR Relocation Study, commissioned by Hennepin County. Instead, the State Rail Plan notes that maintaining TC&W connections to other railroads is a known issue and may be the subject for a rail relocation project in the future.
- B. The State Rail Plan did take a comprehensive review of freight traffic in this and all corridors in the state. However, it was a macro look at freight capacity and projected overall growth volumes. It was not intended to get down to the level of analysis that comes when talking to a particular freight carrier on expected future traffic volumes like was done with CP, BNSF and TC&W during this EAW process.

A comment was provided by the Metropolitan Council of the Twin Cities regarding the purpose of the Proposed Action, calling out the distinction between a “study” and the “proposed connection”. The following is a summary of the proposed revised purpose statement to clarify the distinction:

“The purpose of the Proposed Action is to maintain freight rail capacity by constructing improved track connections to accommodate TC&W Railway freight movements currently operating through Minneapolis to St. Paul. This action seeks to minimize adverse impacts to the surrounding communities and to provide a rail system that is consistent with the State Rail Plan.

The proposed track improvements will be primarily within St. Louis Park with some improvements crossing into Minneapolis. The proposed physical improvements evaluated in this EAW reflect the specific improvements required to address the existing operational requirements of the TC&W to St. Paul; hence, the Proposed Action is limited to the specific improvements required to address this defined need.”

In response to the comment noted above, the purpose of the Proposed Action has been revised to more clearly state the EAW and this Findings document reflect analysis completed in compliance with the state environmental review process for a “Proposed Action” versus a study. This clarification regarding the project purpose does not change the definition and evaluation of the Proposed Action under evaluation in the EAW or this Findings Document.

In response to comments regarding inclusion of additional elements to the Proposed Action (e.g. removal of the wye in the Skunk Hollow area and providing a direct southern connection), the following is provided:

- A. As stated on page 15 of the EAW: “The Proposed Action does not include the removal (abandonment) of the existing wye in the Oxford area (Skunk Hollow), abandonment of the CP Bass Lake Spur track east of the CP MN&S Spur, nor does it include providing a direct southbound connections from the CP Bass Lake Spur to the MN&S Spur; as these actions are not required to meet the defined project need. All of the above defined actions are considered separate actions. As the Proposed Action identifies and evaluates the potential impacts associated with the required improvements to provide the TC&W with a relocated connection for operational and available freight movement to St. Paul, this Proposed Action does not evaluate future southerly movement requirements of the TC&W on the MN&S Spur. “

The Summary of Impact and Mitigation Table (Table 20 of the EAW, page 99) further states the following “ Although not a part of the Proposed Action under evaluation, or a required mitigation measure, stakeholder agencies would continue to work with the Canadian Pacific Railway regarding potential future removal of the wye in the Skunk Hollow area.”

Existing Conditions

In response to comment provided regarding the existing conditions of the CP Bass Lake Spur, MN&S Spur, and BNSF Wayzata Subdivision, the following is provided.

- A. *Regarding the current status of MN&S as “dark” track which is not safe and will be less safe with additional traffic.* First, throughout the country there are miles of “dark” (or unsignalized) track which operate daily in a safe and efficient manner. The decision to signalize a segment of rail is made by the operating railroad based on a number of factors but primarily the ease and efficiency which can be realized on signalized track when the number of trains running on the segment is large. The Proposed Action evaluated in this EAW includes upgrading the MN&S to signalized track.
- B. *Regarding the comment that this track is designed and used for infrequent freight use.* The MN&S was designed for full unrestricted use by the CP and is limited only by operating decisions made by the CP and the freight needs of their customers on this line. This line is a fully functional freight route from a CP yard to a rail crossing of the Minnesota River. Decisions on train frequency, makeup, length, weight and speed are made by CP to best serve their business needs.
- C. While the existing conditions noted in the EAW are “typical for light tonnage, slow speed industrial and secondary tracks”, these conditions are not limiting on the allowed use of the corridor for use as CP sees fit. Upgrading the track to a stronger track, with higher potential operating speeds (as proposed in this project), is again a business decision by the operator based on balancing capital costs, with maintenance requirements and costs, safety considerations, and operational efficiency needs.
- D. The existing MN&S is not “built to a lower standard” than mainline track, but was built to a different standard typical at the time it was constructed and it still serves its current business purpose for CP. The proposed project upgrades the rail to current standards to better handle additional traffic and more importantly improve safety and reduce noise and vibration to surrounding businesses and residents.
- E. The MN&S Spur has historically carried higher rail traffic on the same track structure on the same right-of-way as compared to the CP traffic that exists today. The Proposed Action that includes the upgrade of the track infrastructure within the proposed study area limits to that of a 25 mph freight railway. The current CP operations in “dark” (i.e. unsignalized) territory will become signalized within the project limits under the proposed design elements. Additionally, main connecting track switches are proposed to be powered. These three factors, which are all upgrades of and replacements to the existing infrastructure will reduce derailment exposure and train collision risks to area residents. These proposed improvements will also improve the fluidity of train operations within the study area limits.

Elements of the Proposed Action

The Canadian Pacific and TC &W Railways each provided comments on the information included in the EAW. As their comments relate to the elements of the Proposed Action, responses to their comments are provided below.

Twin Cities and Western comments:

- A. *Regarding Licensing and STB Approval*, MnDOT recognizes the federal regulatory roles and pre-emptive nature of any Surface Transportation Board (STB) involvement. Given the existence of active current trackage rights for the TC&W to operate over the relevant segments of the CP and BNSF, the existence of the 1998 Operating and Relocation Agreement between TC&W and Hennepin County Regional Railroad Authority(HCRRA) accepting the relocation in principle, the use of the MN&S route has been considered in the past and is correctly represented as a workable potential option for maintaining rail connections in the event of displacing traffic from the Kenilworth Corridor. The STB will play a role in any filing for termination of operations and trackage rights on HCRRA trackage in Kenilworth if and when that is appropriate, and it is assumed in the documentation that concurrence will be reached between all parties to that action, including answering specific design and operational issues, negating any need by STB to issue a negative or compensatory ruling. The RGU agrees that these conditions noted in the comments are tangible but do not affect the environmental assessment of construction and increased train movements for an MN&S connection. Rather these are regulatory and contractual arrangements that will be part of administrative clearances if the project is advanced.
- B. *Regarding the comment that the proposed concept design and environmental review failed to identify environmental impacts from increased curvature and gradients*, MnDOT notes that the rail design assumed a basic operationally feasible design in the initial conceptual design, and subsequently considered and included several modifications at the request of the railroads to ease grades, curvatures, bridge and turnout approaches, and other alignment concerns. The input received from the railroads occurred through several meetings held with CP, BNSF and the TC&W throughout the development of the concept design and EAW process.

MnDOT notes that the concerns created by greater grades and curvatures are qualitatively correct, but noise and vibration evaluations commissioned by the proposer and consultant team appropriately and thoroughly included these design elements in the noise analysis completed for the Proposed Action. Additionally, the noise analysis included in the EAW indicates that these referenced noise sources would be distinctly secondary to impacts of locomotive horn noise, which is proposed to be mitigated through specification of the quiet zone.

Further, MnDOT notes that the EAW does not require a final design configuration, and the concerns of grade, curvature, maintenance, ownership, operational

considerations, etc., will be addressed to the satisfaction of all parties during the design review process, prior to construction. The consulting engineers noted in supporting documents and in both public and private discussions with the parties that they are aware of the resistance and noise propagation of the initial design and that modifications are possible and appropriate in the final design. Initial assumptions were assumed as worst case to inform the environmental evaluation process, and do not appear to preclude further necessary work to identify vertical and horizontal profiles that minimize operational concerns and reduce environmental impacts further.

Regarding the comment noting that the EAW does not identify certain grades or alignments, the conceptual design alignments do call out the assumed design elements satisfactorily for this level of design. Operational protocols in signaling and dispatch clearances between the railroads, while they may have some impact on noise, emissions, and grade crossing interference, are assumed from logical and normal operating practice and within the scope of the identified impacts. Existing conditions on the current TC&W routing in terms of noise and vibration are not relevant to the evaluation of impacts within the project area considered in the EAW, and in any event would remain unchanged if no project is advanced, and lessened if a reroute is accomplished.

- C. *Regarding the comment noting inaccuracies in the EAW, or other accompanying documents*, MnDOT again notes that the assumed design may inflict certain operating inefficiencies, but does not rise to the point of making the proposed connection inoperable and should be addressed and resolved in final design through cooperative effort. The assumptions on train length and operating times were provide by the TC&W during the preparation of the EAW, and while are now noted as incorrect by the provider, are not substantive changes for the purpose of the EAW.
- D. *Specific to the requested correction to Table 4 of the EAW the following is provided:* Table 4 of the EAW correctly states “the times in the table are based on time when the first car enters the corridor until the time when the first car exits the corridor. Then the total time the train is in the corridor would be the time in Table 4 (of the EAW) plus the times shown in Table 5 (of the EAW), which encompass the time for the first car to the last car to clear a given point and are based on train length and travel speed.”
- E. *Regarding Environmental impacts that have not been adequately addressed*, MnDOT notes that business disruption of the railroad and service to its customers during construction constitutes a disruption of interstate commerce and must be adequately addressed at the time of construction, through proper phasing of work and allowance for rerouting traffic to the satisfaction of the railroads during any disruption. While this is a legitimate concern that must be given attention, it is outside the scope of the EAW process. Page 14 of the EAW (Construction Activities) appropriately addresses, at the EAW level of review, the anticipated construction timing, duration, potential disruption to rail operations and to roadway and pedestrian traffic in the

study area. The economic concern of increased operating costs has been previously noted and remains in the realm of negotiations and design work that is mutually satisfactory among the operating parties.

- F. *Regarding Possible mitigation measures that could or should be added to the proposal*, MnDOT appreciates and thanks the commenter for their affirmation of the importance to both the community and the railroad for implementation of proper, reasonable, and effective safety measures in all decisions to be made. In particular, the EAW notes the full and proper implementation of the quiet zone facilities, to include pedestrian protection, the separation and fencing of the operating right-of-way to minimize encroachments, and the necessity of welded rail and high grade construction and maintenance standards to maximize train operating safety.
- G. *Regarding design review*, MnDOT assumes and endorses full and cooperative design development and review of the project's final design by all parties. Given the necessity of all parties to concur on an acceptable and workable final design prior to implementing operating agreements, regulatory filings, and the mutually desired advancement of contiguous highway and transit projects in the near and long term, this appears to be an inescapable requirement of future phases of this proposed project.

Canadian Pacific Comments

- A. *Regarding CP's overall statement as owner and operator of much of the track considered within the scope of the proposed project*, MnDOT concurs with your insistence that CP will need to cooperate in design work, operating agreements, filings, and concur with and approve the final design changes to your property. MnDOT agrees with your statement that this does not constitute in any way a commitment to own, operate, or maintain the facilities proposed in the EAW. MnDOT would suggest that the work on the final design should include, with your active participation and review, a design built to minimize operating and maintenance costs in the immediate and over the long run. The conceptual design discussed in the EAW assumes high standards of construction including welded rail and optimized alignments. The actual specifications as to weight of rail, grades, curvatures, roadbed depth and makeup, etc. may serve to ameliorate much of any cost of upkeep expected from increased train traffic.
- B. MnDOT is in agreement with CP's comment *that physical improvements should address the operating needs of the railroads, and assume that full concurrence on final design will be necessary for the proposed project to advance*. Please see responses to TC&W's comments in this regard, which CP has also referenced and stated that CP is generally in agreement with. It should be noted that the conceptual design, while useful for the purposes of defining the scope and impacts to be considered in the environmental assessment, and initial costing of the project, does not constitute either preliminary or final engineering design. Issues such as line gradients, construction methods, abutment and retaining wall locations, etc., cannot

be fully discussed and designed in the absence of vertical profiles, detailed local assessment of land conditions, and many other engineering determinations yet to be accomplished.

- C. Track outages and business disruptions are recognized as future concerns if the project moves forward, and are noted as issues of not only financial impact but also disruptions of interstate commerce that of necessity will have to be addressed in construction phasing and allowances.
- D. The issues of disturbance to Minnehaha Creek and the Golden Auto site are noted and will be further addressed in final design and construction practices and procedures. The EAW considered and included both of the noted resources/areas in the state environmental review, and appropriately address the further coordination and approvals required relative to both sites. The issues of construction and maintenance of fencing and retaining walls will also need to be determined to the mutual agreement of the participating parties as project development advances. While notable components in project delivery and management, these issues are not discriminators in assessing the environmental impacts of the construction and effective operation of the project as scoped.

In response to comments provided regarding the horizontal and vertical alignment of the Proposed Action (in addition to those provided by the stakeholder railroads), the following is provided:

- A. The conceptual design provided in the EAW complies with all design standards promulgated by CP and the American Railway Engineering and Maintenance-of-Way Association (AREMA) for the intended use and proposed operating speeds. The vertical grades are below what the TC&W operates over in their daily trips to and from St. Paul and well within the capabilities of current railroad equipment. Horizontal curves are well within allowed limits promulgated by AREMA and in use throughout the United States.
- B. Grades provided in the concept design do not exceed mainline standards. The only significant grade change that this project proposes to make is on the new structure from the Bass Lake Spur to the MN&S. Once grade is matched at TH 7, the concept design generally follows the existing rail profile.

All of the rail routes which the TC&W must use on a daily basis when operating between this area and St Paul have rail grades in excess of those on the MN&S and they climb far higher total grade changes. The CP Merriam Park Subdivision which TC&W uses primarily has a continuous grade of 1.14% to 1.25% for just less than 4 miles with a total elevation change of over 225 feet. The BNSF Midway Subdivision has over 1.5 miles at 1.65% to 1.5% and then over 3 miles at 0.64% to 0.50% for a total elevation change of over 225 feet. Compared to these mainline routes, the MN&S grade of 0.86% for approximately 1 mile with a total elevation change of less

than 40 feet is very minor and easily traversed by the same equipment which is needed to operate on the routes identified above.

- C. The goal of the design is to match existing railroad grade to the greatest extent possible from TH 7 to the north. Based on information available at this time, the concept design provided in the EAW is expected to be within ½ foot of existing conditions in this area so extensive changes to road grades and drainage is not anticipated to be required. A normal part of preliminary design will be to refine this information and develop more detail that will allow for identification of specific grades to the nearest 0.1 foot in this area to make sure that this sensitive drainage area is addressed.
- D. No speed analysis has been performed to date. This level of information is developed by the railroads as the specifics of what operating equipment (length, weight and power) make up the consist to determine train performance and therefore operating speeds over this segment. *(Note: A train consist is a railway' internal list of the sequence and location of locomotives and cars on a train. The consist also shows the weights of the railcars and locomotives on the train, and the origin and destination of the cars on the train. It also includes notations and instructions related to the handling of any specialized railcars such as those that are carrying hazardous materials. Train consists are now computer generated, and many railways have software programs that identify optimal locations for the rail cars and locomotives (when Distributed Power is used on a train) on a train. The train's locomotive engineer uses this information to help plan his or her operation of the train.)*
- E. The tie in point referenced on page 12 of the EAW refers to the point that the proposed track would be reconstructed on the existing track alignment. Hence, the reference to “just south of Dakota Avenue” is a correct reference.

In response to comments provided relative to CP design standards the following is provided:

- A. CP's current standards will be used for the track design on the MN&S. During the development of the conceptual plans, CP requested the use of 8'6" ties and 136 pound Continuously Welded Rail. CP's standard section for this size of tie requires 12 feet on each side from the track center to the edge of the sub ballast. The EAW Document Appendix A, Sheet 28 reflects these typical designs.

In response to comments provided regarding the proposed BNSF siding purpose and design, the following is provided:

- A. Under the Proposed Action, the BNSF Wayzata Sub main track will be constructed north of the existing main track on BNSF property along the existing access road that begins just east of the TH 100 bridge. East of this point, it is proposed to continue on BNSF property along the north side of the existing BNSF main track. The site investigation completed as part of this study indicated that at one time, there was a

railway track in place along much of the north side of the BNSF right of way. The conceptual engineering plans show that the proposed new main track would be located north of the existing BNSF tracks on BNSF property for its entire length.

In response to comments provided regarding the design of proposed quiet zones, along with the decision making process and safety considerations; the following is provided:

- A. Each proposed Quiet Zone must meet several requirements, including the Federal Railroad Administration's Nationwide Significant Risk Threshold (NSRT). The NSRT is one threshold of permissible risk for Quiet Zones that are established. The Quiet Zone determination must be made per Appendix D to Title 49 Code of Federal Regulations, Part 222 that sufficient measures have been taken to address the prohibiting of routine sounding of the locomotive horn. The FRA Train Horn Rule Fact Sheet is included in Appendix D.
- B. The Quiet Zone noted in the EAW was a representation of the Quiet Zone concept. Each Quiet Zone crossing will be custom designed and constructed to meet the specific requirements of the crossing roadway. Discussions will be held with MnDOT, City of St. Louis Park, the School Board and other local authorities to ensure that the specific Quiet Zone is designed and constructed to provide access to surrounding properties, including the St. Louis Park High School, and that meets the requirements of the FRA and its approval process.
- C. The Quiet Zone design at at-grade crossings is included as a design element of the Proposed Action.

In response to comments provided regarding the proposed closure of 29th Street, the following is provided:

- A. The proposed closure of West 29th Street is required as a result of the design requirements related to the new railway grade and type of track structure on the realigned and upgraded segment of the MN&S in the vicinity of Minnetonka Boulevard. There is no "engineering mistake" to correct, and the proposed railway grade design will create a balanced grade for train operations in both directions on the MN&S in the vicinity.

In response to comments regarding the inclusion of continuously welded rail as a required project element, the following is provided:

- A. As stated in the Project Description section of the EAW, and of this Findings document, "the existing MN&S rail to be replaced and all new construction to be 136 pound continuously welded rail with new ballast, ties and track switches."

In response to a comment provided regarding the clearance over the Bass Lake Spur track, the following is provided:

- A The existing MN&S Spur Bridge over the Bass lake Spur has approximately 21 feet, 6 $\frac{3}{4}$ inches of vertical clearance (as provided by the CP) from the top of rail, which is less than the current CP Standard. For the proposed Bass Lake Spur/MN&S Spur connection, the profile illustrates approximately 20 feet, 7 inches vertical clearance over the existing Bass Lake Spur tracks. Given the design is at a concept level, several assumptions were made in identifying the proposed vertical clearance. Specifically, top of rail elevations were estimated for the Bass Lake Spur tracks, based on city-provided contour data. Additionally, based on the level of design during the EAW, assumptions were also made regarding the bridge type, span length, and structure depth for the proposed bridges. Each of these items, along with the required vertical clearance would need to be advanced during preliminary engineering and final design stages if the project moves forward, and negotiated with the CP and MnDOT. If required clearances could not be met during the preliminary engineering phase, a design option could include undercutting the Bass Lake Spur to increase the vertical clearance of the proposed connecting structure to the required vertical clearance.

Construction Activity

In response to comments specific to the construction related time period and impacts, the following is provided:

- A. Much of the railway construction activity in the Iron Triangle can be accomplished from the existing Iron Triangle railway grade and from the existing CP and BNSF rights of way. This will minimize the impact on adjacent landowners. Based on the level of detail developed at this phase in the process, it is assumed that required direct construction access to this area would be best accomplished through the non-developed properties in the middle of the Iron Triangle area. This should minimize impacts to the adjacent landowners. Where necessary, temporary construction easements will be sought from adjacent landowners (as noted in the EAW), including electrical utility right of way owners to facilitate these activities. Permitting to perform these activities is required and has been addressed in the EAW.
- B. Section 30.b of the EAW addresses the temporary easements anticipated to be required during the construction period. As noted in this Findings Document, Table 19 of the EAW has been updated/corrected. Additionally, further information relative to activities on the temporary easement sites is provided under the Additions and Corrections section of this document. The EAW (page 83) discloses that “During construction, the operation of the properties may change slightly, but business overall shall not be affected. Current access to the substation property would be maintained. Every effort will be made to accommodate the functionality of the businesses during construction.”

Specific to the mitigation in this area, the following is included under Area “A” (page 83 of the EAW): “Coordination would occur with all landowners to discuss

construction impacts and means to minimize impacts to each property and its operation.”

Section 7. Project Magnitude Data

No specific comments were provided on this topic/issue area.

Section 8. Permits and Approval Required

As noted in the additions and corrections section of this document, comments were provided regarding additional permits and approvals. The updated permit and approval table is included in Section 5.3 of this document.

The EAW did include the statement regarding approvals from the stakeholder railroads “In addition, railroads also have approval regarding actions that affect their operations.”

In response to comments provided regarding the study the potential growth of train operations in the study area the following is provided:

- A. Page 16 of the EAW states the following: The Project Description presented in Section 6 of the EAW outlines the existing TC&W freight traffic that is proposed to be relocated to the CP-Bass Lake Spur, the CP MN&S Spur and the BNSF Wayzata Subdivision under the Proposed Action. As predicting future train operations is dependent upon many different variables, accurately predicting future operations would be speculative. Hence, the impact analysis conducted for this EAW assumes continuance of current BNSF and CP operations in the study area, along with the relocation of the existing TC&W operations currently traveling to the east (St. Paul) through the Kenilworth Corridor.

Section 9. Land Use

In response to comments regarding the Proposed Actions potential impact to the Golden Auto National Lead site, the following is provided:

- A. The additional background regarding the Golden Auto National Lead site provided by the City of St. Louis Park is so noted and included in the record.
- B. As stated in the EAW (page 19): “The site was removed from the National Priorities List in 1998, which is the list of the most hazardous sites across the U.S. The site is no longer considered to be a threat to human health, but is still monitored and subject to some restrictions due to contaminants beneath an existing asphalt cap.....On September 18, 2009, U.S. EPA made a determination that the site meets the requirements for Site-Wide Ready for Anticipated Use. The site would be considered a high potential site due to its history and the known presence of contaminated soil onsite.”

Page 20 of the EAW includes an assessment of the potential impact to the site associated with the Proposed Action, including the statement “The construction of a rail structure

across the eastern corner of the Golden Auto site would alter the asphalt cap and contaminants may be disturbed.”

In accordance with the potential impact statement noted above, the mitigation section on page 21 of the EAW states the following: “Activities on the Golden Auto site would require coordination with the EPA and MPCA to review the project and plan for proper safety and containment or removal measures during construction, and may monitoring required after construction.”

Section 10. Cover Types

No specific comments were provided on this topic/issue area.

Section 11. Fish, Wildlife and Ecologically Sensitive Resources

In response to a comment regarding the replacement of tree and other vegetation as a result of the Proposed Action, the following is provided:

- A. The Area “A” mitigation section under Section 11 (page 23 of EAW) states that “Removal of trees, shrubs, and other habitat components would be limited to only those necessary to construct the project. Affected areas would be revegetated with similar species.”

Section 12. Wetlands

In response to comments regarding potential mitigation sites, the following is provided.

The project is required to comply with federal and state laws regarding wetlands; requiring mitigation if a permit is obtained for wetland fill. Therefore the project would not result in a net loss of wetland. Wetland impact numbers were estimated based on National Wetland Inventory map, aerial photography and professional judgment, which provided a general indication of where wetlands may occur. The actual wetland impact amount will be determined by conducting a Routine Level 2 wetland delineation if the project moves forward into final design. The size of the wetland and associated impacts are expected to be smaller than estimated.

Specific mitigation plans for this project would be defined during the permit application and review process during final design in coordination with the City, Minnehaha Creek Watershed District, and the Army Corps of Engineers. Replacement ratios as well as Agencies involved with permitting have been identified on page 25 of the EAW.

Section 13. Water Use

In response to comments provided by the Minnesota Department of Health (MDH) and the Metropolitan Council of the Twin Cities regarding the St. Louis Park Drinking Water Supply Management Area (DWSMA) the following is provided.

- A. The environmental record incorporates the MDH comments that “the project area overlaps highly vulnerable portions of the existing St. Louis Park Drinking Water Supply Management Area (DWSMA).” As such, potential future activities associated with the Proposed Action will be planned to avoid unnecessary contamination to the drinking water supply. The two enclosures to the MDH letter “Wellhead Protection Issues and Strategies Related to Mining Activities” and Source Water Protection Issues Related to Stormwater” are so noted, and included as part of the Proposed Action environmental record.

Section 14. Water Related Land Use Management Districts

In response to comments provided regarding the methodology used to assess potential floodplain impacts and mitigation measures, the following is provided.

The floodplain impacts were estimated based on the surface area of the floodplain within the proposed construction limits. Actual floodplain storage volume impacts cannot be calculated with more accuracy until elevations for the surrounding areas have been identified. However, as noted in the EAW, the amount of fill within the floodplain will be minimized through design details such as retaining walls and adjusted fill slopes to further avoid impacts. Additionally, any unavoidable floodplain impacts are anticipated to be mitigated through on-site creation of floodplain storage (excavation) greater than or equal to the amount of fill, resulting in no net loss of floodplain storage and no potential impact to adjacent structures or properties. The details of the floodplain fill, replacement and boundary modification (if needed) would be coordinated in the next phase of the proposed project with the City of St. Louis Park, Minnehaha Creek Watershed District (MCWD), DNR and FEMA as required by state and federal regulations.

Structures within the Sungate West townhome properties on Alabama and 25 ½ Street were determined to be outside the 100-year floodplain based on Letter of Map Amendments (LOMA) issued by the Federal Emergency Management Agency (FEMA) in February 2007. These letters are on record with the City. However, FEMA has not since updated its Floodplain Insurance Rate Maps (FIRM) to reflect these amendments. Thus, the floodplain boundary on EAW Figures 6b and 7b illustrate the 2006 FEMA Flood Insurance Rate Map. The structures along 25 ½ Street and Alabama Avenue were constructed above the 100-year floodplain elevation.

Section 15. Water Surface Use

No specific comments were provided on this topic/issue area.

Section 16. Erosion and Sedimentation

In response to comments provided regarding the amount of soil to be moved in the BNSF section, the following is provided:

- A. The amount of soil potentially disturbed or graded for a linear project of this length is not unusual. The soil will be graded or moved based on guidelines identified within the MPCA requirement Storm Water Pollution Prevention Plan (SWPPP) contained within the NPDES permit. The NPDES permit will identify best management practices (BMPs) and construction sequencing that will limit erosion and sedimentation with special attention given to slopes and nearby water resources. Some typical BMPs for this type of grading project are identified on page 30 of the EAW. Construction phasing will also be defined to reduce the amount of exposed ground at one given time which will limit the potential for erosion and sediment control. Temporary access if needed would be identified in the NPDES permit.

Section 17. Water Quality: Surface Water Runoff

In response to a comment requesting more information regarding potential stormwater ponding sites, the Figures included in Appendix E have been provided.

In response to a comment regarding how existing soil and groundwater contamination will be taken into account when locating proposed stormwater ponds, the following is provided:

- A. All sensitive areas due to soil and groundwater contamination will be taken into consideration when identifying specific stormwater pond construction methods and locations. Stormwater pond construction and locations will be finalized during final design.

Section 18. Water Quality: wastewater

No specific comments were provided on this topic/issue area.

Section 19. Geologic Hazards and Soil Conditions

In response to comments regarding the concern of permeable soil conditions under the MN&S the following is provided:

Geotechnical investigations, as required for the Proposed Action, will be undertaken during the preliminary engineering phase of the project.

Section 20. Solid Wastes, Hazardous Wastes and Storage Tanks

Comments specific to concerns relative to the movement of hazardous materials are addressed in the Safety Section.

Section 21 - Traffic

In response to several comments regarding the methodology used, and findings from the traffic analysis conducted for the Proposed Action the following is provided:

- A. Per the requirements in the Minnesota Manual on Uniform Traffic Control Devices (MnMUTCD), flashing warning lights must be activated a minimum of 20 seconds before the arrival of a train. Vehicles currently can and do still cross the tracks during this interval. The calculations in Table 5 of the EAW were based on the existing infrastructure at the crossings, and therefore do not include gate lowering/raising times.

At crossings with automatic gates, initiation of the gate is activated a minimum of 3 seconds after the initiation of the flashers. However, the time is allowed to be less than 20 seconds if trains are traveling at speeds less than 20 miles per hour. The time to raise the gate after a train has cleared is a maximum of 12 seconds. The table included below used a total of 32 seconds for the gate operation (closing and opening combined).

Assuming all grade crossings are gated, the intersection block times and estimated queues would be as shown in the following tables. These times do not change the conclusions of the analysis in terms of impacts at the grade crossings, impacts on the adjacent roadways, and mitigation. As stated in the Railroad-Highway Grade Crossing Handbook, grade separation should be considered when any of the following are met:

- The posted highway speed exceeds 55 miles per hour.
- AADT exceeds 50,000 in urban areas.
- Maximum authorized train speed exceeds 100 mph.
- Crossing has an average of 75 or more trains per day.
- Crossing exposure (the product of the number of trains per day times the traffic volume) exceeds 500,000 in urban areas.

None of these criteria are met for any of the grade crossings in the study area.

	Operating Conditions	Maximum Daily Frequency	Estimated Intersection Block Time (Minutes)						Maximum Number of Crossings Blocked	Maximum Time that Maximum Number of Crossings Blocked (Minutes)
			Train Length*		Train Speed (miles per hour)					
			Cars	Feet	10	15	20	25		
Existing	30 cars @ 10 mph	1 round trip (2 trains)	30	2,550	3.4	2.5	2.0	1.7	3 (Walker, Lake/Library, Dakota)	1.6
Proposed TC&W (3-7 Days/Week)	20 cars @ 25 mph (assumed best case)	2 round trips (2 trains @ 20 cars + 2 trains @ 50 cars)	20	1,700	2.5	1.8	1.5	1.3	3 (Walker, Lake/Library, Dakota)	0.6
	50 cars @ 15 mph (assumed worst case)		50	4,250	5.4	3.8	2.9	2.5	3 (Walker, Lake/Library, Dakota)	2.6
									-or- Dakota, 29th, 28th)	0.6
Proposed Coal and Ethanol (5 Days/Month)	80 cars @ 15 mph (assumed best case)	1 round trip + 1 one-way trip (2 trains @ 80 cars + 1 train @ 120 cars)	80	6,800	8.3	5.7	4.4	3.6	5 (Walker through 28th)	1.4
	120 cars @ 10 mph (assumed worst case)		120	10,200	12.1	8.3	6.3	5.2	5 (Walker through 28th)	5.6

Source: Kimley-Horn and Associates, Inc.

* Estimates reflect 85-foot cars

Crossing #	Location	24-Hour Traffic Count (May 2009 and April 2011 counts)	Peak 15-Minute Volumes (May 2009 and March-April 2011 counts)			Estimated Maximum Vehicle Queue at Crossing (Vehicles) Based on Train During Peak 15-Minute Period				
			Volume	Time of Day	Direction	Existing Frequency = 2/Day (Max)	Proposed 3-7 Days/Week Frequency = 4/Day (Max)		Proposed 5 Days/Month Frequency = 3/Day (Max)	
						30-car Train @ 10 mph	20-car Train @ 25 mph	50-car Train @ 15 mph	80-car Train @ 15 mph	120-car Train @ 10 mph
1	28th Street	1,303	21 (estimated)	PM Peak (assumed)	NB SB	5	2	5	8	17
2	29th Street	165	5 6	5:30-5:45 PM 3:00-3:15 PM	EB WB	1	Crossing Assumed to be Closed in Future Conditions			
4	Dakota Avenue	4,583	98 88	5:15-5:30 PM 3:10-3:25 PM	NB SB	22 20	9 8	25 22	37 33	79 71
5	Library Lane	2,052	43 101	3:00-3:15 PM 8:00-8:15 AM	NB SB	10 23	4 9	11 25	16 38	35 82
6	Lake Street	4,017	43 45	5:30-5:45 PM 5:45-6:00 PM	EB WB	10 10	4 4	11 11	16 17	35 36
7	Walker Street	1,104 (estimated)	22 14	5:00-5:15 PM 5:00-5:15 PM	EB WB	5 3	2 1	6 4	8 5	18 11

- B. An assumed rail car length of 85 feet was assumed for all trains to produce a worst case analysis of the impacts.
- C. The 48-hour count conducted on 29th Street in April 2011 showed an average 24-hour count of 165 vehicles, with a peak hour count of 30 vehicles. The 2009 traffic counts on Minnetonka Boulevard (CSAH 5) showed average daily traffic volumes of approximately 14,400 vehicles per day compared to an estimated capacity of approximately 30,000 vehicles per day. Any additional traffic on Minnetonka Boulevard due to the closure of 29th Street would represent, at most, a one percent increase in daily traffic. This volume would still be less than the roadway capacity and therefore no negative operational impacts would be expected.

- D. Some traffic may divert from the roadways with rail crossings onto other local streets while the grade crossing is blocked, however the impacts of the diverted traffic are not considered to be significant based on the following considerations:
- There are numerous decision points where drivers could decide to divert off one of the roadways with a grade crossing and numerous alternate routes that could be chosen depending on the vehicle's destination.
 - The volumes on the roadways with grade crossings are low to moderate (less than 100 vehicles during the peak 15-minute period); therefore the traffic volume increase on any individual roadway, even a local street, would not exceed the capacity of the roadway.
- E. The table referenced on the previous page (and included in the EAW) shows the maximum extent of the blockages in terms of the maximum time that any one intersection would be blocked and the maximum length of the blockages. The times that three intersections would be blocked would fall within these time ranges.
- F. The statement regarding existing maximum operating speeds are not based on a speed limit, but on the actual operating speeds that take into account track grades and track conditions. The Proposed Action includes track improvements that would allow trains to operate at speeds greater than existing. The worst case was therefore assumed to be the existing operating speeds, which are lower than the expected future speeds. The table is intended to show a range of times based on a range of speeds, as it is acknowledged that while the design of the track could accommodate up to 25 mph, various conditions could dictate slower operating speeds.

State Statute 219.393 subd. 3 states “No railway corporation shall permit a public road or street crossing a railroad track to be closed for traffic by a standing car, train, engine, or other railroad equipment, or by a switching movement which continuously blocks a crossing for longer than ten minutes. This subdivision does not apply to cities of the first class which regulate obstruction of streets by ordinance.”

The statute refers to a standing car, train, or engine, which means that the train is halted at the crossing. With the proposed improvements, trains are not planned to stop at any of the crossings in the corridor. In fact, the improvements will allow them to proceed through all the grade crossings more efficiently than the existing conditions and without stopping.

- G. The CP trains that “stop at McDonald’s” are authorized to stop at that location by their supervisor. Train crews supervisors authorize these decisions based on the movement of other trains on the affected track, the ability for the train to temporarily stop without blocking crossings and without interfering with any other operating requirements. It is not anticipated, nor likely that CP train operations’ supervision would authorize TC&W trains to stop within St. Louis Park unless an emergency occurred since the operating concept is to allow them access to the BNSF main or siding tracks when they receive authority to enter the MN&S trackage. The same

concept applies to TC&W trains moving through St. Louis Park from the BNSF Wayzata Subdivision via the Iron Triangle connection to the MN&S Spur and then to the Bass Lake Spur.

- H. As noted on page 39 of the EAW, “Parking, bus and traffic operations at the St. Louis Park high school were observed while school was in session (non spring break period). “While the traffic analysis section of the EAW includes a figure specific to the bus operations in the area (Figure 9 of the EAW); it is also noted that drop off activity takes place at the school that could be impacted by a train. The EAW states the following: “Likewise, if a train arrived during the HS school arrival period (8-8:15 am) vehicles would be expected to queue into and be blocked from exiting the HS parking lot on the south side of the building.”(page 41 of the EAW).

Section 22. Air Quality

In response to comment specific to air quality concerns associated with vehicles queuing at intersections during train operations in the study area, the following is provided:

The Proposed Action is not considered regionally significant and an air quality hot spot analysis was not required for carbon monoxide or mobile air source toxics. The purpose of a hot spot analysis is to evaluate whether roadway intersections affected by the Proposed Action would cause or contribute to a localized violation of the National Ambient Air Quality Standards (NAAQS). Based on the proposed TC&W operations, some grade crossings intersection block time and vehicle queue are expected to improve compared to the existing condition, while others could expect an increase depending on the train length. The improvement is attributed to potential increased train speeds compared to the existing conditions. Under the proposed Coal and Ethanol operations, block time and vehicle queues are expected to be slightly higher than existing conditions due to longer train lengths and traveling speeds. The coal and ethanol operation will not be as frequent as daily operation and is only expected to occur approximately 5 days per month. Therefore, the increase in intersection block time and vehicle queue from the Proposed Action is not anticipated to produce a CO hot spot and the impact is expected to be less than significant.

Section 24. Odors, Noise and Dust

Comments were submitted relative to: noise methodology/assessment, mitigation measures, accuracy of findings, and general assumptions for the analysis. The following responses are provided to address noise specific comments:

Metric for Analysis

- A. Ldn is the standard noise metric used by numerous federal agencies for assessing the effects of noise. Study after study show that this metric is best at quantifying people’s response to noise in their community, as opposed to other metrics such as Lmax. One of the reasons Ldn works well is that it takes into account how loud

events are, how many of them there are, how long the events occur and when they occur (day or night). There is currently on round trip train per day, and its contribution to the overall noise is calculated and assessed the same way any other noise would be assessed. The impact evaluation conducted for the MN&S study assessed the impacts associated with the additional trains. The noise evaluation reflected the change, over existing conditions, regarding number of trains, number of locomotives, number of cars, speeds, etc. Because the criteria are based on the existing noise and the change due to the Proposed Action, each of these areas is adequately and appropriately taken into account.

Page 49 of the EAW provides additional background information regarding the noise metric in the analysis. Page 50 of the EAW also references the noise metric used in the analysis to reflect state requirements for noise analysis (L10 and L50).

- B. The Ldn descriptor takes into account the number of trains, length of each train, and the time of day each train would occur. This includes a significant noise penalty for nighttime trains, taking into account increased sensitivity to nighttime noise.
- C. Lmax is not a good descriptor to use for environmental noise and community response, and has been replaced with descriptors such as Ldn, which more accurately assess impact and community response. Lmax does not take into account the number of events, how long an event is, or when the events occur, and as such, does not provide useful information.

Assumptions in the Noise Analysis

- A. The potential number of locomotives assumed for each train under the Proposed Action was based on information provided by the CP and TC&W based on existing operations (see page 51 of the EAW). Locomotive and train car noise was included in the noise analysis.
- B. The noise assessment correctly took into account all changes due to the Proposed Action, including the number of locomotives, the number of cars, the changes in speed, and the potential for nighttime trains. All variables were accounted for and the increase in noise is shown in the analysis results.
- C. Nighttime trains were taken into account in the noise and vibration analysis. The Ldn descriptor used in the analysis provides a 10 dB penalty for nighttime events, which makes one train at night equivalent to 10 trains during the day. The assessment also took into account the number of locomotives and cars in each different type of train in the assessment.
- D. The noise assessment took into account the number of locomotives under the Proposed Action, noise on curves, braking as trains travel downgrade, and bells on crossing arms. More specifically, the number of locomotives and cars for each train type was included in the model. Grade crossing noise was also included in the analysis. The potential for squeal from curves was also assessed, and rail lubrication

- is proposed as a part of the project, which will reduce/eliminate potential squeal on curves.
- E. Each train has its own unique braking characteristics which are based on the weight, length, type of cars on the train, and the number and type of locomotives operating on the train. Weather conditions also affect when and how a train is braked by the locomotive engineer. In some cases, it will be necessary for the locomotive engineer to use train air brakes, dynamic braking or other braking techniques to adjust the train's speed before it begins to descend the grade, or as it goes downgrade or through curves. Locomotive engineers are trained on how to handle each train in order to move it safely and efficiently under all operating circumstances, including those proposed for the MN&S. A 25 mph track design speed will permit trains to safely navigate curves and grades at a maximum speed of 25 mph.
 - F. The analysis was conducted where there were sensitive receptors within the screening distances from the project. At the southern end of the project, the land use is primarily commercial and industrial. The only residential land use is located outside the screening distances for impact.
 - G. The noise analysis has taken into account existing noise levels at the St. Louis Park High School (monitoring location). The appropriate criteria have been applied to the school as part of the noise and vibration analysis.
 - H. Impacts on parks are assessed at the nearest noise sensitive location in a park, such as a bench, gazebo, or other similar location. The assessment is not to the edge of the resource. All three parks were correctly assessed at the distances to the nearest sensitive use. For Dakota Park, the distance is 500 feet since the new tracks curve to the east at this location.
 - I. The results of the future project noise should not resemble the noise measurements on the BNSF. The BNSF carries significantly more train traffic than even the future spur would. In addition, the trains travel at higher speeds and are longer, on average, than the trains on the spur.
 - J. Page 54 of the EAW is corrected to reference **Table 11** of the EAW (EAW incorrectly referenced Table 4 on Page 54).
 - K. The statement that the horn noise is the dominant noise source is accurate. The horn noise levels are approximately 20 dB higher than any other noise sources on the trains.

Geographic Area of Evaluation

- A. The noise and vibration analysis was conducted for both the MN&S (including CP Bass Lake Spur) and BNSF sections of the study area. The findings of the BNSF section analysis are included in the EAW (section 24) and in more detail in the Noise and Vibration Technical Report found in Appendix C of the EAW.

Mitigation Measures

- A. The noise mitigation proposed as a part of this project is considered the most effective mitigation and will result in a substantial reduction in the future noise levels. Without the quiet zones, future noise levels are projected to be up to 20 dB higher than current noise levels. With quiet zones, the noise levels will be reduced by around 17 dB, to a level just above the threshold for moderate impact. This is a significant reduction in noise from the project. There are no other mitigation measures that would as effective in the reduction of noise levels associated with the Proposed Action.
- B. Train wheels on curves do squeal as the rail cars' wheels flanges contact the heads of the running rails. Rail lubrication, which is anticipated to become part of the track engineering design, will mitigate this. Rail lubrication is used successfully throughout North America to reduce wheel/rail contact noise on similar curves.
- C. Section 7 of the Noise and Vibration Report (May 2011), included in Appendix C of the EAW reviews the potential mitigation measures for reducing noise impacts from rail operations. As noted on page 23 of the Report "The results of the noise assessment indicate that all the severe noise impacts in the corridor are due to the horn noise at highway-rail-grade crossing. The implementation of quiet zones at all grade-crossings would eliminate all severe noise impacts throughout the corridor. The implementation of quiet zones would eliminate the horn noise, which is the dominant noise source on the trains. Noise barriers would not be as effective at reducing noise from horns, since there are physical limitations on barriers which would only potentially reduce horn noise by a small amount, rather than eliminating it altogether. Tables 7 and 8 of the Report show the results of the implementation of quiet zones throughout the corridor."

Section 24b. Vibration

Comments were submitted relative to: vibration methodology/assessment, mitigation measures, accuracy of findings, and general assumptions for the analysis. An independent vibration study was also conducted by an area business, and submitted as part an EAW comment. The following responses are provided to address vibration specific comments:

- A. The vibration analysis was conducted at multiple distances from the tracks. The results of those measurements were curves of vibration level vs. distance which were extrapolated for distances outside the measurement range. At distances closer than 60 feet, a straight line extrapolation was used, which is conservative, based on experience with vibration at very close distances to the tracks. The measurements of the existing vibration levels from trains were used in projecting future vibration levels. These levels were adjusted for the improvements in the track and higher future speeds. Vibration impact was assessed at sensitive locations including residences and schools. Vibration impact was only assessed for commercial land uses

with vibration sensitivity. Vibration was not assessed for idling locomotives on the BNSF siding since stationary trains do not create vibration.

- B. The vibration assessment takes into account the increased number of trains and speeds. There is no penalty for nighttime vibration events.
- C. The vibration assessment was conducted correctly and within the appropriate guidelines. It is important to note that the vibration levels discussed in the report are for human annoyance only. The thresholds for damage to structures are significantly higher, and the existing and projected vibration levels do not approach the thresholds for damage. All building locations were accounted for in the assessment using GIS data. The vibration analysis was conducted at multiple distances from the tracks. The results of those measurements were curves of vibration level vs. distance which were extrapolated for distances outside the measurement range. At distances closer than 60 feet, a straight line extrapolation was used, which is conservative, based on experience with vibration at very close distances to the tracks. The measurements of the existing vibration levels from trains were used in projecting future vibration levels. These levels were adjusted for the improvements in the track and higher future speeds using well established models for making these adjustments. Vibration impact was assessed at sensitive locations including residences and schools. Vibration impact was only assessed for commercial land uses with vibration sensitivity. The impact thresholds used in the analysis are correct and reflect the dual approach for locomotives and cars. While the manual suggests using the "frequent" category for freight cars, this is meant to apply to main line traffic, and not the relatively low levels of projected train activity under the Proposed Action. Because of the small number of trains per day, the criteria for "occasional" impact were used in the analysis, which is more reflective of the number of car events.

In the FTA vibration assessment methodology, "Frequent" events refer to more than 70 events per day. "Occasional" events are between 30 and 70 events per day and "infrequent" events are fewer than 30 events per day. At each threshold for more events, the criterion for vibration impact is more stringent, given that people are more sensitive to more events. These event thresholds are meant to be used for typical transit and commuter rail events which are fairly short in duration. Because freight trains are typically longer in duration, these thresholds for events are not appropriate. Most heavily used freight corridors carry less than 30 trains per day, and using the least stringent vibration criterion is not appropriate. For freight trains, the locomotives and the cars are treated separately, with the locomotives classified as "infrequent" and the cars placed in one of the other two categories. Given the proposed level of train activity on the MN&S Spur, the "Occasional" category is the appropriate category for assessing impacts (See Table 17 in the EAW).

- D. The findings from the vibration analysis conducted for the Proposed Action did not yield levels that would result in an impact to the vapor mitigation systems in properties within the study area.

- E. *Specific to the independent vibration study that was conducted and submitted as part of a comment on the EAW the following is provided:*

Without additional details, it is difficult to determine why the independent vibration measurements conducted were higher than those conducted during the assessment. Two likely reasons would include: 1. Building resonances. Because the independent measurements were taken indoors, there is the potential for amplification of the vibration due to the building. The measurements should have had simultaneous outdoor measurements to compare with the indoor measurements and the project assessment measurements, which were conducted outdoors. 2. Localized track conditions. It is possible that there was a large gap in the tracks adjacent to the location where the independent measurements were conducted. This would result in higher localized vibration levels.

Relative to the vibration analysis conducted as part of the MN&S Freight Rail EAW, MnDOT as the RGU, has confidence that the assessment measurements and results are correct. The project is applying the most effective vibration mitigation measure to the project in the inclusion of continuously welded rail, which is an upgrade over the current rail. It is also important to point out that 1. The vibration assessment is for human annoyance only, but it did indicate that the vibration levels are well below damage thresholds, and 2. Vibration impact is not generally assessed for commercial properties. Vibration impact is only assessed for locations with specific vibration sensitivity, such as a hospital or recording studio.

- F. Speed of trains does affect the vibration level with a $20 \cdot \log(\text{Speed } 1 / \text{Speed } 2)$ relationship. Hence, doubling train speed will increase vibration levels by 6 dB and halving the speed will reduce vibration levels by 6dB. As an example, if train speeds were 20 miles per hour versus 25 miles per hour, the vibration levels would be lower by approximately 2 dB. The vibration analysis for the MN&S Freight Rail Study assumed the worst case (relative to vibration) at speeds of 25 mph.

Section 25a. Archaeological, Historical and Architectural Resources

In response to comments received that full disclosure of the existing architectural history of the MN&S has not been documented in the EAW and therefore, it is not feasibly to understand or to comment on the importance of these structures, the following is provided:

As part of the EAW evaluation and process, a cultural resource evaluation was conducted in compliance with requirements set forth for non-federal projects. Section 25a of the EAW summarizes the findings from the Cultural Resource Assessment documents prepared for the Proposed Action. Additionally, Appendix C of the EAW references in the Technical Documents section the two technical documents completed. Both of these documents are available for review upon request.

Further, on June 14, 2011, the Minnesota Department of Transportation received a comment letter from the Minnesota Historical Society regarding the recommendations

reached in the EAW (see Appendix F). As noted in the MHS letter, they are in concurrence with the findings of the analysis contained with the state EAW. Specifically the following statement is included in their letter of June 14: “Based on the information provided, we agree that the project is unlikely to affect any known or anticipated archaeological sites. Further, we agree that the Chicago, Milwaukee, St. Paul and Pacific Depot, which is listed in the National Register of Historic Places, is screened from the proposed project by intervening buildings and vegetation, and will not be adversely affected by the project. Therefore, we anticipate no negative effects on known or likely cultural resources as a result of this project.”

Section 25b. Designated Parks, Recreational Area, or Trails

In response to comments from the Three Rivers Park District, the following is provided:

- A. The project proposer will work with Three Rivers Park District on implementing appropriate trail detours during construction of the North Cedar Lake Trail grade-separated crossing, and the new rail bridge over the Cedar Lake Trail to connect the Bass Lake Spur and MN&S Spur. Any necessary temporary closures would also be coordinated with the Park District, and would be limited to ensure minimal disruption to trail users. Construction of the detours, and signage and public notice before/during the detours is assumed as part of the cost of the project.

- B. Construction of the new trail bridge is identified as mitigation for project impacts, and as such the cost of constructing the bridge and any other associated construction activities will be borne by the project. Issues of design, construction, funding, ownership, operations, and maintenance responsibilities will be coordinated during the final design process and will be documented in an agreement between Three Rivers Park District and the responsible party/parties. Need for this agreement has been added to Section 8, Permits and Approvals Required.

In response to comments regarding the proposed design of the Cedar Lake Trail grade separate crossing the following is provided:

- A. The design of the pedestrian trail crossing of the iron triangle track of the MN&S was initially contemplated as a “tunnel” going under the track. However, due to groundwater issues (there is a wetland located in proximity to this area), it was determined that the only safe and feasible crossing of the tracks would require a bridge over the east leg of the wye in the iron triangle area. It was not within the scope of this study to analyze the Kenilworth Corridor, but there are many bridge crossings of railroad tracks and all are designed to be “safe”. There are design options available to ensure that the bridge is not “unsightly” and these will be further addressed in final design.

- B. Consistent trail design criteria will be applied throughout the corridor. During future stages of design development (e. g. preliminary and final design) effort will be made to maintain a 20 mph speed on the trail.

Section 26. Visual Impacts

In response to comments received regarding the frequency of trains, type of land use impacted, views impacted as a result of project related structures and mitigation commitments, the following is provided:

- A. It is acknowledged and reported in the EAW that the Proposed Action would result in an increase in train activity traveling through the area (as compared to current train volumes).
- B. The reference found on page 71 of the EAW under Area “B” mitigation states the following “The rail improvements would not obstruct views of any designated scenic areas, and rail use is compatible with the surrounding commercial and industrial land uses. However, as noted above, the general view from existing commercial/industrial buildings in the area south of Highway 7 would be changed.” For clarification, the reference to commercial and industrial land uses in the EAW was specific to the CP Bass Lake Spur to MN&S Spur interconnect section. It is acknowledged that land use to the north of TH 7 includes residential and parkland proximate to the existing MN&S Spur track.
- C. The Proposed Action includes the construction of a grade separated Cedar Lake Trail structure (over the BNSF tracks). As this structure would be grade separated it would be visible from surrounding land uses.
- D. Page 70 of the EAW includes an assessment of the impacts of the proposed connection from the CP Bass Lake Spur to the CP MN&S Spur. Additionally, schematic and cross section views of the Proposed Action in this area are included as Figures 14 through 17 of the EAW.
- E. Mitigation commitments relative to the visual impacts are included in the Summary Table found in Section 5.1 of this document.

Section 27. Compatibility with Plans and Land Use Regulations

In response to comments regarding the Proposed Actions relationship to the State Rail Plan and the City of St. Louis Park Comprehensive Plan, the following is provided:

- A. See the responses to the Project Description section of this Findings Document regarding the Proposed Actions relationship to the State Rail Plan. As stated in the EAW (page 72) “The State Rail Plan recommends that the Kenilworth project should proceed through further study development and evaluation, led by a locally responsible public agency, in cooperation with the State of Minnesota. The Proposed

Action is consistent with this recommendation.” Additionally, the purpose of the of the Proposed Action (as stated on page 2 of the EAW) is as follows: “The purpose of the Proposed Action is to study how to provide the TC&W railway with a relocated connection for operational and available freight movement to St. Paul, while minimizing adverse impacts to the surrounding community, and providing a system that is consistent with the State Rail Plan.”

As stated in Section 6, Project Description, the purpose of the Proposed Action has been modified in this Findings Document to more accurately reflect the action (versus reference to a “study”) that was evaluated in the EAW. This clarification regarding the project purpose does not change the definition and evaluation of the Proposed Action under evaluation in the EAW or this Findings Document.

- B. The record includes the comment provided by the Metropolitan Council of the Twin Cities that the Proposed Action supports and is consistent with the following Metropolitan Council transportation policies as stated in the 2030 Transportation Policy Plan:

Policy 5: Investments in Regional, National and Global Connections

Policy 15: Transitway Development and Implementation

Policy 17: Providing for Regional Freight Transportation

Section 28. Impact on Infrastructure and Public Services

- A. The Metropolitan Council provided more details regarding the wastewater forcemain which exists within the frontage road near where the railroad tracks cross TH 7. Specifically, as stated in the EAW, the proposed track construction would cross Met Council Forcemain Interceptor 7026 just south of TH 7. The 24-inch pre-stressed concrete cylinder pip (PCCP) interceptor was built in 1971, at an approximate depth of four feet. During potential subsequent stages (e.g. preliminary engineering and final design) of the Proposed Action, additional coordination will take place with the Metropolitan Council Environmental Services staff regarding the wastewater forcemain in the study area.

In response to comments submitted regarding the potential impact to emergency vehicle assess, the following is provided:

- A. See Response G. under the Safety Section (Section 30c) of this Findings Document. Additionally, as noted in Table 20 of the EAW, and Table 5.1 of this document, “All roadway closures during construction will be closely coordinated with Methodist Hospital to ensure continued availability of emergency vehicle routes and/or suitable detours.”

Section 29. Cumulative Potential Effects

In response to comments submitted regarding the cumulative effects evaluation for the MN&S Freight Rail Study, the following is provided:

- A. In accordance with Minnesota Rule part 4410.1700, subpart 7, item B; cumulative potential effects of related or anticipated future projects were identified and included in Section 29 of the EAW.
- B. Relative to the past action in the study area, the EAW stated that the past actions that have occurred in the environmentally relevant area of the MN&S study have been reflected in the definition of the Existing Conditions section of each relevant issue area, as defined in the EAW format.
- C. Relative to future foreseeable action, the EAW considered other transportation-related projects that are at varying levels of design and development of required environmental review in the vicinity of the MN&S Freight Rail study area. These foreseeable projects included:
 - *Reconstruction of the Trunk Highway 100 from 36th Street to Cedar Lake Road- Including Interchange Reconstruction, Noise Walls and Replacement of Bridges*
 - *Construction of a grade separated interchange with roundabouts at TH 7 and Louisiana Avenue*
 - *Construction of the Southwest Light Rail Transit Project, including a proposed LRT station at Louisiana Avenue*
- D. As stated in the EAW, the potential impacts to resources identified can be avoided or minimized through existing regulatory control, as described in the EAW. During the development of the EAW for the MN&S Freight Rail Study, no potential significant cumulative impacts to the resources affected by the Proposed Action have been identified.

Section 30. Other Potential Environmental Effects

Section 30a. Community Facilities

In response to comments provided regarding the methodology and findings of the community facility impact analysis, the following is provided:

- A. The assessment of community facilities is not a defined/required area of impact under the state environmental review program. As such, the community facility analysis was included under Section 30: Other potential environmental impacts, of the EAW.
- B. The following facilities were included in the community facility inventory and analysis (page 80 of the EAW):

- a. Government Buildings
- b. Schools
- c. Hospitals and clinics
- d. Non-profit activity centers
- e. Emergency service providers

Individual businesses in the study area were not included in this specific assessment category of the EAW. While local businesses are recognized as important to the overall fabric/stability of a community, they are not considered, for purposes of the EAW evaluation a “community facility” as defined above.

- C. The community facilities section of the EAW, including Figures 13a and b, include and the identification and location of the Metropolitan Open School, Park Spanish Immersion School, St. Louis Park High School, Holy Family Academy and Peter Hobart Elementary School in the MN&S Section of the study area. The traffic analysis section of the EAW focused on the bus operations of the High School and the Spanish Immersion School, as these operations are staged, and can require multiple crossings of the track.

Section 30b.Right of Way/Relocation

In response to comments provided relative to the “unique” parcels identified in the EAW, the following is provided:

- A. As noted in the EAW on pages 16-17, mitigations identified as “Area A” are by “regulatory mandate or requirement by law to do the mitigation”. The two unique properties directly north of Minnetonka Boulevard are not identified to have direct impacts from construction of the project and do not meet the criteria identified for mitigation “Area A”. However, it is acknowledged that both homes are alongside the railroad right of way and create a unique situation unlike other houses which are set back from the railroad right of way. One of the property owners of these unique parcels has expressed an interest in being purchased under the Proposed Action. To be fair in the reporting of potential mitigation for both of the unique parcels, the EAW states on page 87: “There will be on going coordination with the owners of the two residential properties to determine the most feasible mitigation measures to address their safety concerns, given the unique location of their homes relative to the railroad right of way. Mitigation could include the acquisition and relocation of up to two residential properties.”
- B. As noted in the EAW (page 84) ...”a distance of 50 feet has been used to assess the proximity of habitable, or dwelling structures to the centerline of the tracks.”

Section 30.c Safety

In response to comments regarding the safety associated with the track design, request for a specific derailment study, pedestrian safety, and response plans the following is provided:

- A. The design and engineering standards of the track and locomotives and rail cars that operate on them creates a “system” so that the train operates safely and efficiently on the track. In addition, the proposed 25 mph maximum track operating speed could serve to improve safety and reduces derailment risk because it legally increases the railways’ inspection and maintenance requirements from the current 10 mph maximum operating speed requirements.
- B. In the railway industry, a “Derailment Analysis” or “Investigation” is undertaken after a derailment or similar incident has occurred. The mitigation sought (assumed to be the reduction of the risk of derailment of a train) is a factor in the design and engineering of track, structures, signals and other components that will reduce the risks of derailment occurring. Design and engineering standards of the involved railways and railway industry engineering associations and various governmental regulations must be met during all phases of the project. Operational and maintenance safety (e.g. running and maintaining the railroad safely) is the number one responsibility of the operating railways and its employees. Operational and maintenance safety is regulated by the FRA and its various standards and regulations.
- C. There are no legal restrictions to the railway’s right to carry hazardous materials on the MN&S right of way as it is currently configured and under the Proposed Action. The railways are required by law to comply with existing federally mandated (primarily US DOT) and industry mandated rules and regulations with respect to the carriage of hazardous materials on trains. The potential derailment of a train carrying hazardous substances is not a common occurrence, given the vast volumes and quantities of hazardous substances that are handled safely daily by railroads in the United States. When an incident occurs involving the derailment of a train carrying hazardous substances, each railway has a series of procedures, rules and protocols it immediately enacts to mitigate the impact of such an incident. These protocols involve railroad staff and hazardous materials specialists, public safety agencies, shipper representatives and various city, state and federal governmental agencies.
- D. Relative to the specific reasons for the removal of the Iron Triangle track in the northern section of the study area, it is the project team’s understanding that this removal occurred as a result of commercial and business decisions made by the current railway’s previous owners. The conceptual design for the new Iron Triangle connecting track segment incorporates a higher design standard than was previously used when there were active tracks at this location. CP and BNSF, as the owner railways, have specified the track and railway signalization standards. Higher track design standards, advanced railway technology such as track lubrication and railway signalization, and higher track construction standards will reduce derailment risks.

- E. *In response to specific comments relative to pedestrian counts, safety and movement, the following is provided:* Existing records were reviewed to determine if pedestrian counts in the study area were available. At the time the EAW was completed, this data was not available. However, as noted in the EAW, field observations on a school day were made at the St. Louis Park High School. While specific data was not available, the Quiet Zone mitigation measure, included as committed mitigation measure for the Proposed Action, includes pedestrian gates and other provisions to address pedestrian safety at at-grade crossings with the railroad. Additionally, the Area “B” mitigation includes the following statement relative to pedestrian safety and accessibility “ In addition to the quiet zone design, there will be further discussion with the City of St. Louis Park , St. Louis Park School Board, railroads, and other stakeholders regarding additional feasibly and effective safety mitigation in the vicinity of the St. Louis Park High School. Additional mitigation could include a grade separated pedestrian crossing, High Intensity Activated Crosswalk (HAWK) signal, or overhead flashers to improve safety of pedestrians traveling between the high school and Park Spanish Immersion or the high school and the football field.”
- F. *Relative to the history regarding derailments within the study limits. The EAW reflects derailments within the last five years in the study limits.* The record dually reflects that additional derailment history, beyond the defined five year window, provided in comment letters.
- G. *Relative to emergency evacuation plans and emergency access, the following is provided:* The EAW (page 74) indicates that the St. Louis Park Fire Department has two stations, with one on each side of the rail system (Figure 13a of EAW). The Fire Department contingency plans within their current emergency response plan to deal with the potential that a train may be blocking crossings. As noted in the EAW, the status of any blocked grade crossing is announced over the emergency radio channels and the emergency vehicles use a different route. Specific to mitigation in this area, as noted in the EAW (page 75) on-going coordination will take place regarding the Fire Department’s emergency response plan relative to the Proposed Action.
- Additional coordination between the owner railroads and the city would also take place under the Proposed Action regarding response plans.
- H. Relative to fencing, the EAW states on page 87 that “Fencing will be included at all quiet zone grade crossings to control pedestrian movements at/around crossing signal gates.” On page 88 of the EAW the following commitment is also made: “Additional fencing to address safety concerns will continue to be addressed through coordination with the City of St. Louis Park and the railroads.”

Section 30d. Economics

In response to comments provided relative to potential economic impacts under the Proposed Action, the following is provided:

- A. Page 90 of the EAW states the following regarding property values: “Future changes in rail routes and traffic volumes may influence property values in St. Louis Park. Proximity to railroad tracks can have an effect on property values as can proximity to freeways and other external influences. Valuation professionals such as appraisers and assessors carefully review market transactions in developing adjustment factors for external influences along with many other market attributes. Speculation on short term or long term influence can vary considerable as does the market response from individual buyers and sellers. The assessing office reports that their current annual modeling of market values varies within a range of 3 to 12 percent along rail tracks, highways and other similar external influences.

Primary areas of concern that are perceived to affect property values include air pollution, noise, vibration, and visual effects. The impacts of the Proposed Action on air pollution, noise, vibration and visual effects have been studied in the EAW. Potential impacts have been identified and mitigation has been proposed, where appropriate.”

Section 30e. Project Coordination

In response to comments provided regarding the role and functionality of the Project Management Team for the MN&S Freight Rail Study, the following is provided:

- A. Comments are so noted regarding expressed frustration by commenter’s relative to the functionality of the study PMT. As noted in the EAW, the study website includes electronic copies of the PMT meeting summaries, and handouts provided at each of the PMT meetings/open houses held during the study process. As indicated in the referenced materials, the record does reflect sharing of study information with the PMT as well as opportunities for public input during the open forum time during each of the PMT meetings. Questions that were not addressed directly at the PMT meetings, either due to time constraints and/or level of detail required for response were either included in the PMT meeting summary or included as attachments to the PMT meeting summaries for reference. Additionally, a December 16 open house was held on the study to share and receive information regarding the study; as well as an open house on the EAW held on June 8, 2011.

Section 31. Summary of Issues

In response to comments provided regarding the mitigation measures for the Proposed Action, including requests to expand the measures committed to as part of the Proposed Action and concern that the requests from the PMT were not considered and included; the following is provided:

- A. As stated in the EAW (page 16) each section of the EAW also discusses the mitigation measures to address defined adverse impacts. Relative to the state environmental review process, there are essentially three areas that mitigation

measures can fall under. The mitigation “areas” are derived from the criteria the defined Responsible Governmental Unit (RGU) will use when determining if the project under evaluation has the potential for significant environmental effects (Minnesota Rule 4410.1700, Subp. 7). The first, identified as Area A for purposes of this EAW and environmental determination, includes measures where there is a regulatory mandate or requirement by law to do the mitigation; i.e. the Proposed Action requires a future permit or approval. The second called Area B, includes commitments made for the project that MnDOT will take into consideration when making the environmental determination. These commitments are not required by law or regulatory mandate, but are actions that have been committed for inclusion under the Proposed Action based on the defined impact.

The third category, Area C, includes actions that continue to be considered, but do not have a firm commitment for implementation. This third category will not be considered by MnDOT in the decision on the need for an EIS. A list of Area C mitigation measures is included in Appendix D of the EAW. The list included in Appendix D of the EAW reflects the suggestions made throughout the MN&S Study process relative to the Proposed Action definition, and mitigation measures. While these measures are not committed to as part of the EAW review process, and hence MnDOT’s decision regarding the need for an EIS, the following commitment has been made by the project proposer – the Hennepin County Regional Railroad Authority:

In addition to the Area A and B mitigation committed to in the EAW and this Findings of Fact document; HCRRA acknowledges that additional mitigation measures have been suggested by the City of St. Louis Park and stakeholders. The HCRRA will work with the City of St. Louis Park and project stakeholders to review and evaluate feasible and prudent mitigation measures as defined in Area C that go beyond the mitigation measures committed to under Areas A and B in this EAW and environmental findings document.

- B. The official record for the MN&S Freight Rail EAW process includes the additional mitigation measures identified in individual comment letters. Based on review of the proposed action impacts, the mitigation measures included in Areas A and B, as defined in the EAW remain the same. As noted above, the HCRRA will continue to work with the City of St. Louis Park and project stakeholders to review and evaluate feasible and prudent mitigation measures as defined in Area C.

5.0 DECISION REGARDING NEED FOR ENVIRONMENTAL IMPACT STATEMENT

An Environmental Impact Statement (EIS) is not necessary for the Proposed Action based on the following criteria:

5.1 Type, Extent and Reversibility of Impacts

The EAW describes the type and extent of impacts to the natural and human environment anticipated to result from the Proposed Action. The proposed design for the project includes design features that avoid, minimize and mitigate for the identified impacts. A summary of the impacts and mitigation for the Proposed Action is presented in Table 5.1 (updated Table 20 from the EAW). *No significant environmental effects were identified that could not be mitigated through the measures committed to in Table 5.1.*

As stated in the EAW (page 16) each section of the EAW also discusses the mitigation measures to address defined adverse impacts. Relative to the state environmental review process, there are essentially three areas that mitigation measures can fall under. The mitigation “areas” are derived from the criteria the defined Responsible Governmental Unit (RGU) will use when determining if the project under evaluation has the potential for significant environmental effects (Minnesota Rule 4410.1700, Subp. 7). The first, identified as Area A for purposes of this EAW and environmental determination, includes measures where there is a regulatory mandate or requirement by law to do the mitigation; i.e. the Proposed Action requires a future permit or approval. The second called Area B, includes commitments made for the project that MnDOT will take into consideration when making the environmental determination. These commitments are not required by law or regulatory mandate, but are actions that have been committed for inclusion under the Proposed Action based on the defined impact.

The third category, Area C, includes actions that continue to be considered, but do not have a firm commitment for implementation. This third category will not be considered by MnDOT in the decision on the need for an EIS. A list of Area C mitigation measures is included in Appendix D of the EAW. The list included in Appendix D of the EAW reflects the suggestions made throughout the MN&S Study process relative to the Proposed Action definition, and mitigation measures. While these measures are not committed to as part of the EAW review process, and hence MnDOT’s decision regarding the need for an EIS, the following commitment has been made by the project proposer – the Hennepin County Regional Railroad Authority:

In addition to the Area A and B mitigation committed to in the EAW and this Findings of Fact document; HCRRA acknowledges that additional mitigation measures have been suggested by the City of St. Louis Park and stakeholders. The HCRRA will work with the City of St. Louis Park and project stakeholders to review and evaluate feasible and prudent mitigation measures defined in Area C that go beyond the mitigation measures committed to under Areas A and B in this EAW and environmental findings document.

Table 5.1. Summary of Impacts and Mitigation¹

Issue Area	Impact	Area “A” Mitigation	Area “B” Mitigation
Land use/ environmental hazards	<ul style="list-style-type: none"> • As the Proposed Action would be located primarily in active railroad right of way, it would not significantly change the area land use. • One high priority, one medium priority, and numerous low priority sites identified within the construction limits of the project. • Construction across the eastern corner of the Golden Auto site would alter the asphalt cap and contaminants may be disturbed. 	<ul style="list-style-type: none"> • If required based on the further refinement of the Proposed Action (e.g. more detailed engineering), the area(s) of concern for any potentially contaminated site that may be impacted by the Proposed Action would be further assessed to determine the presence, type, and magnitude of contaminated soil and/or groundwater. • Plan developed for properly handling and treatment of contaminated soil and/or groundwater during construction. • Activities on the Golden Auto site would require coordination with the EPA and MPCA 	<ul style="list-style-type: none"> • The project proposer will continue to coordinate with the City of St. Louis Park regarding land use planning efforts that enhance development and redevelopment in the study area.
Fish, wildlife and ecologically sensitive areas	<ul style="list-style-type: none"> • Potential to impact state-listed Blanding’s Turtles due to wetlands located in the study area. 	<ul style="list-style-type: none"> • Removal of trees, shrubs, and other habitat components would be limited to only those necessary to construct the project. Affected areas would be revegetated with similar species. • Specific recommendations for avoiding and/or 	

Issue Area	Impact	Area “A” Mitigation	Area “B” Mitigation
		<p>minimizing impacts to the Blanding’s Turtles area included in Appendix B of the EAW.</p>	
Physical impacts on water resources - wetlands	<ul style="list-style-type: none"> • 2.0 acres of potential wetland impact 	<ul style="list-style-type: none"> • Wetland replacement and permitting. 	
Physical impacts on water resources – surface waters	<ul style="list-style-type: none"> • No surface water impacts are anticipated under the Proposed Action 		<ul style="list-style-type: none"> • Best Management Practices (BMP) would be used to control soil erosion and potential discharge to Minnehaha Creek, and Cedar and Brownie Lakes during construction.
Water use	<ul style="list-style-type: none"> • It is not anticipated that the Proposed Action would require the installation or abandonment of any wells. Additional freight activity along the MN&S and BSNF would not necessitate additional water use. No impact to the water supply is anticipated. • The study area overlaps highly vulnerable portions 	<ul style="list-style-type: none"> • Future activities associated with the Proposed Action will be planned to avoid unnecessary contamination to the drinking water supply. 	

Issue Area	Impact	Area “A” Mitigation	Area “B” Mitigation
	of the existing St. Louis Park Drinking Water Supply Management Area.		
Water-related land use management district - floodplain	<ul style="list-style-type: none"> • 2.0 acres of floodplain impact 	<ul style="list-style-type: none"> • Floodplain mitigation would be through on-site creation of floodplain storage (cut) greater than or equal to the amount of fill. Retaining walls may also be used to reduce impacts, where appropriate. 	
Water surface use	<ul style="list-style-type: none"> • No impact 	<ul style="list-style-type: none"> • No mitigation is required 	
Erosion and sedimentation	<ul style="list-style-type: none"> • Total ground disturbance approximately 21 acres or 84,450 cubic yards. • Three areas of soils with characteristically steep slopes. 	<ul style="list-style-type: none"> • NPDES General Stormwater Permit for Construction Activity from the MPCA. • General Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP), which details how stormwater will be controlled through Best Management Practices. • An Erosion Control Permit from the MCWD and the City of St. Louis Park, along with a Conditional Use Permit. 	

Issue Area	Impact	Area “A” Mitigation	Area “B” Mitigation
Water quality – surface water runoff	<ul style="list-style-type: none"> • Net increase of impervious area totaling approximately 1.7 acres. 	<ul style="list-style-type: none"> • Meet MCWD permit and treatment requirements (Proposed Action includes three ponds). • Additional BMPs would be implemented as necessary to address indirect discharge to impaired waters. 	
Water quality - wastewaters	<ul style="list-style-type: none"> • Not applicable 	<ul style="list-style-type: none"> • Not applicable 	
Geologic Hazards and Soil Conditions	<ul style="list-style-type: none"> • Construction of proposed rail bridge will occur within an existing rail easement over the Golden Auto National Lead site. Impacts to this site are discussed in the Land Use section. • Some areas of highly permeable soils identified in the MN&S section. 	<ul style="list-style-type: none"> • All regulated materials/wastes would be managed on this project in accordance with the appropriate federal and state regulations. • Emergency response and containment plan would be developed for the project to minimize groundwater/soil impacts in the event of a release of hazardous substances during construction. • A management plan will be developed for properly handling, treating, storing and disposing of solid wastes, hazardous materials, petroleum products and other regulated materials/wastes that are used or generated during 	

Issue Area	Impact	Area “A” Mitigation	Area “B” Mitigation
Solid wastes, hazardous wastes, storage tanks	<ul style="list-style-type: none"> • Right of way purchase may involve the demolition of structures where asbestos, lead, or other contaminants may be present. • Toxic or hazardous substances may be used during project construction (petroleum products). 	<p>construction.</p> <ul style="list-style-type: none"> • Any buildings to be removed for the project will be inspected for hazardous materials prior to demolition. • All regulated materials/wastes would be managed on this project in accordance with the appropriate federal and state regulations. A management plan would be developed for properly handling, treating, storing, and disposing. • An emergency response and containment plan will be developed for the Proposed Action to minimize impacts to soils and groundwater in the event a release of hazardous substances occurs during construction. • Any contaminated soil removed on site will be treated as hazardous waste and disposed of in a MPCA approved landfill. 	
Traffic	<ul style="list-style-type: none"> • The longest expected queue would occur in a scenario when a 120-car train arrived during school dismissal. The queues on northbound 	<ul style="list-style-type: none"> • MnDOT is currently completing the preliminary design/environmental review for the construction of a grade separated interchange with roundabouts at TH 	<ul style="list-style-type: none"> • Under the Proposed Action, Quiet Zone upgrades would be implemented at all remaining grade crossings between Walker and 28th

Issue Area	Impact	Area “A” Mitigation	Area “B” Mitigation
	<p>Dakota Avenue would extend through the Dakota Avenue/Lake Street intersection, but would not be expected to reach TH 7.</p>	<p>7/Louisiana Avenue. Construction is proposed to begin in late 2012 on this project, and would include the closure of existing right-in/right-out access points to TH 7 at W. Lake Street (see Cumulative Effects section).</p>	<p>Street. The quiet zone design concept includes improved pedestrian safety at the study area grade crossings, in the form of pedestrian gates at all existing and proposed sidewalk locations. Fencing will be included at all quiet zone grade crossings to control pedestrian movements at/around crossing signal gates.</p> <p>In addition to the quiet zone design (see Figure 12 of the EAW), there will be further discussion with the City of St. Louis Park, St. Louis Park School Board, railroads, and other stakeholders regarding additional feasible and effective safety mitigation in the vicinity of the St. Louis Park High School.</p> <p>Additional mitigation could include a grade separated pedestrian crossing, High Intensity Activated Crosswalk (HAWK) signal, or overhead</p>

Issue Area	Impact	Area “A” Mitigation	Area “B” Mitigation
			<p>flashers to improve safety of pedestrians traveling between the high school and Park Spanish Immersion or the high school and the football field.</p>
<p>Vehicle Related Air Emissions</p>	<ul style="list-style-type: none"> The Proposed Action is not directly adding additional traffic volumes to any local intersections; therefore, air quality localized impacts should be similar with or without the Proposed Action. 		<ul style="list-style-type: none"> Inclusion of track signalization as part of design to allow for through-movement of trains on MN&S.
<p>Odors, noise and dust</p>	<ul style="list-style-type: none"> 25 residences with moderate noise impact and 327 residences with severe noise impact due to horn noise at at-grade crossings. 	<ul style="list-style-type: none"> Contractor(s) will comply with applicable local noise restrictions and ordinances to the extent it is reasonable. Construction will be limited to daytime hours as much as possible, per St. Louis Park City Code (Sec. 12-124). 	<ul style="list-style-type: none"> The implementation of a quiet zone to include all grade-crossings in the study area would eliminate all severe noise impacts throughout the corridor. Commitment to include continuously welded rail in project design. Inclusion of rail lubricants, as required, in project design.
<p>Vibration</p>	<ul style="list-style-type: none"> Locomotive vibration levels of 80 VdB would be experienced up to 40 feet from the tracks and that rail car vibration levels of 75 VdB would 	<ul style="list-style-type: none"> Contractor(s) will comply with applicable local noise restrictions and ordinances to the extent it is reasonable. Construction will be limited to daytime hours as much as 	<ul style="list-style-type: none"> Conduct more detailed vibration analysis at identified site to determine site if there would be vibration impact at this site. Potential mitigation

Issue Area	Impact	Area “A” Mitigation	Area “B” Mitigation
	<p>be experienced up to 40 feet from the tracks. One building, an apartment above a business on Library Lane is located within 40 feet of the tracks.</p>	<p>possible, per St. Louis Park City Code (Sec. 12-124).</p>	<p>would be considered if determined to be feasible and effective.</p> <ul style="list-style-type: none"> • Commitment to include continuously welded rail in project design.
<p>Archaeological, historical or architectural resources</p>	<ul style="list-style-type: none"> • No additional archaeological surveys are required for the Proposed Action. • No adverse effects are anticipated to the one National Register of Historic Places (NRHP) listed property within the study area (<i>See Minnesota Historical Society Letter dated June 14, 2011 in Appendix F</i>) 		
<p>Designated parks, recreation areas, or trails</p>	<ul style="list-style-type: none"> • Implementation of new track in the Iron Triangle area would require a new crossing of North Cedar Lake Trail. Trail use would be temporarily impacted while the grade-separated crossing is being constructed. • Temporary trail closure would be anticipated for portions of the Cedar 	<ul style="list-style-type: none"> • Temporary disruption of trail use, required to construct the North Cedar Lake Trail overpass, would be limited in duration. Alternate crossing locations (detour) will be signed for users during construction. The new crossing would be constructed to match the character and pavement type of the existing trail. 	

Issue Area	Impact	Area “A” Mitigation	Area “B” Mitigation
	<p>Lake LRT Trail along the CP-Bass Lake Spur, due to bridge demolition and construction.</p> <ul style="list-style-type: none"> Trail users in Keystone Park may be temporarily impacted while construction is taking place. 	<ul style="list-style-type: none"> The trail within Keystone Park would be lined with temporary construction fencing to separate trail users from construction activities. 	
Visual impacts	<ul style="list-style-type: none"> Retaining walls and elevated track would be a visual change at the south end of the corridor, and views from buildings adjacent to the existing railway would be obstructed. The grade separated trail crossing over the BNSF tracks would also be an elevated structure that would be visible from surrounding properties. 		<ul style="list-style-type: none"> Coordination with the community and the owner railroads would continue through final design to investigate ways to decrease or otherwise mask the visual impact, including commitment to explore context sensitive retaining wall design, landscaping at selected locations and design elements to minimize visual impacts.
Compatibility with plans and land use recommendations	<ul style="list-style-type: none"> The project as proposed leaves the switching wye in the Skunk Hollow area intact. This is contradictory to the City of St. Louis Park’s goal of eliminating all types of switching operations within the City. 		<ul style="list-style-type: none"> Although not a part of the Proposed Action under evaluation, or a required mitigation measure, stakeholder agencies would continue to work with the Canadian Pacific Railway regarding potential future removal of

Issue Area	Impact	Area “A” Mitigation	Area “B” Mitigation
			<p>the wye in the Skunk Hollow area.</p> <ul style="list-style-type: none"> • Implementation of improvements associated with the Proposed Action will continue to be coordinated with the City of St. Louis Park regarding local plans and policies; along with MnDOT regarding consistency with the Statewide Freight and Passenger Rail Plan.
Infrastructure and public services	<ul style="list-style-type: none"> • Limited impacts anticipated to fiber optic utility, and municipal utilities of watermain, sanitary sewer, and storm sewer. • Impacts to electrical transmission towers in the vicinity of the new track connecting the CP Bass lake Spur and the MN&S Spur. • Lane closures on Louisiana Avenue to facilitate construction of the MN&S connecting track bridge over Louisiana Avenue. • Nighttime lane closures 	<ul style="list-style-type: none"> • Closure of Louisiana Avenue during construction will be coordinated with the city and Hennepin County. Nighttime lane closure on TH 7 will be coordinated and scheduled with MnDOT. • Impacts to electrical transmission towers will be coordinated with the private utility and relocated. 	<ul style="list-style-type: none"> • The Proposed Action would be constructed to accommodate the future expansion of the Metropolitan Council force main. Any anticipated utility impacts would be coordinated with the appropriate public or private entity. Advance notice would be provided for any disruptions in service. • All roadway closures during construction will be closely coordinated with Methodist Hospital to ensure continued availability of emergency

Issue Area	Impact	Area “A” Mitigation	Area “B” Mitigation
	<p>on TH 7 to facilitate construction of the proposed MN&S Bridge over TH 7.</p>		<p>vehicle routes and/or suitable detours.</p> <ul style="list-style-type: none"> On-going coordination will take place regarding the Fire Department’s emergency response plan relative to the Proposed Action.
<p>Cumulative Effects</p>	<ul style="list-style-type: none"> There are three projects currently proposed in the study area: TH 100 improvements, TH 7/Louisiana Avenue Roundabout, and Southwest Light Rail Transit (LRT). Coordination has taken place with each of these project sponsors to accurately assess the cumulative effects. 		<ul style="list-style-type: none"> Continued coordination with each of the local sponsoring agencies.
<p>Community Facilities</p>	<ul style="list-style-type: none"> Likely study area community facilities would experience temporary impacts during construction. Increased number of trains in the study area could increase the safety risk for students and athletic fans crossing in 	<ul style="list-style-type: none"> Detours and adherence to local construction times will occur during construction and be coordinated with the facilities. 	<ul style="list-style-type: none"> See Safety Section.

Issue Area	Impact	Area “A” Mitigation	Area “B” Mitigation
	<p>areas other than designated crossings near the high school.</p>		
<p>Right-of-way/relocations</p>	<ul style="list-style-type: none"> In total, the proposed project would require one full parcel take and eight permanent partial property takes, totaling 92,413 square feet or 2.12 acres of permanent right-of-way acquisition. Temporary easements are needed for twelve parcels, and would total 199,183 square feet or 4.57 acres. In total, thirteen to fifteen parcels would be impacted on a permanent and/or temporary basis. 	<ul style="list-style-type: none"> Acquisition and relocation procedures for the proposed project will fully comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC 4601 et seq) and 49 CFR Part 24. For properties affected by temporary easements during construction; the areas affected will be restored as closely as possible to its pre-construction state. 	<ul style="list-style-type: none"> There would be unique challenges experienced by two additional residential parcels along the alignment. There will be ongoing coordination with the owners of the two residential properties to determine the most feasible mitigation measure to address their safety concerns, given the unique location of their homes relative to the railroad right of way. Mitigation could include the acquisition and relocation of up to two residential properties.
<p>Safety</p>	<ul style="list-style-type: none"> Two parcels have dwelling structures located within 50 feet of the rail centerline. These parcels are unique because they are situated parallel and not perpendicular to the railroad right-of-way. In the event of a derailment or spill in this location, 	<ul style="list-style-type: none"> If there is a spill, the current hazardous materials response plan would be activated. Closure of grade crossing – 29th Street (railroad design requirement) 	<ul style="list-style-type: none"> See Traffic Section for Quiet Zone description and other safety mitigation to be further coordinated with the City of St. Louis Park, St. Louis Park School Board, railroads, and other stakeholders. The potential acquisition of the two unique residential parcels to address potential

Issue Area	Impact	Area “A” Mitigation	Area “B” Mitigation
	<p>these structures may have a higher likelihood of being impacted than other dwelling structures along the alignment.</p> <ul style="list-style-type: none"> • There is potential for freight cars to transport chemicals or other hazardous materials along this alignment. • Increased trains may increase the safety risk for students/ pedestrians crossing the tracks to access various amenities. • An increased number of trains may increase the potential for rail/vehicle or rail/pedestrian conflicts. 		<p>safety concerns (See ROW above)</p> <ul style="list-style-type: none"> • Fencing will be included at all quiet zone grade crossings to control pedestrian movements at/around crossing signal gates. Fencing is also included in the design concept on the proposed Cedar Lake trail pedestrian/bike bridge over the BNSF track and the section of the Cedar Lake trail on retained fill leading up to the pedestrian/bike bridge. • Additional fencing locations will be considered/evaluated with the City of St. Louis Park and the railroads. • Educational programs – Operation Lifesaver
Economics	<ul style="list-style-type: none"> • The Proposed Action’s impact on the total city tax base would be less than 1%. • Future changes in rail routes and traffic volume may influence property values in St. Louis Park. 	<p><i>Business Mitigation</i></p> <ul style="list-style-type: none"> • The purchase and relocation of one business would be done in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC 	

Issue Area	Impact	Area “A” Mitigation	Area “B” Mitigation
	Proximity to railroad tracks can have an effect on property values as can proximity to freeways and other external influences. Valuation professionals such as appraisers and assessors carefully review market transactions in developing adjustment factors for external influences along with many other market attributes. Speculation on short term or long term influence can vary considerably as does the market response from individual buyers and sellers.	4601 et seq) and 49 CFR Part 24.	

¹Area “A” Mitigation includes measures where there is a regulatory mandate or requirement by law to do the mitigation. Area “B” Mitigation includes commitment made by the project proposer that the Responsible Governmental Unit will take into consideration when making the environmental determination. These commitments are not specifically required by law or regulator mandate, but are actions that have been committed by the project proposer to include under the Proposed Action based on the defined impact.

5.2 Cumulative Potential Effects of Related or Anticipated Future Projects

In accordance with Minnesota Rule part 4410.1700, subpart 7, item B; cumulative potential effects of related or anticipated future projects were identified and included in Section 29 of the EAW.

Relative to the past action in the study area, the EAW stated that the past actions that have occurred in the environmentally relevant area of the MN&S study have been reflected in the definition of the Existing Conditions section of each relevant issue area, as defined in the EAW format.

Relative to future foreseeable action, the EAW considered other transportation-related projects that are at varying levels of design and development of required environmental review in the vicinity of the MN&S Freight Rail study area. These foreseeable projects included:

- *Reconstruction of the Trunk Highway 100 from 36th Street to Cedar Lake Road- Including Interchange Reconstruction, Noise Walls and Replacement of Bridges*
- *Construction of a grade separated interchange with roundabouts at TH 7 and Louisiana Avenue*
- *Construction of the Southwest Light Rail Transit Project, including a proposed LRT station at Louisiana Avenue*

As stated in the EAW, the potential impacts to resources identified can be avoided or minimized through existing regulatory control, as described in the EAW. During the development of the EAW for the MN&S Freight Rail Study, no potential significant cumulative impacts to the resources affected by the Proposed Action have been identified.

5.3 Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

There are several federal, state, and local permits required to ensure that specific environmental effects are mitigated. The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies, and will be subject to appropriate permitting processes. Permits and approvals that have been or may be required prior to project construction are summarized below.

Permits and Approvals

<u>Unit of Government</u>	<u>Type of Application/Coordination</u>
Federal Railroad Administration	Quiet Zone
US Army Corps of Engineers	Section 404 Permit
Minnesota Department of Natural Resources	Public Waters Work Permit
Minnesota Pollution Control Agency	NPDES/SWPPP
Minnesota Pollution Control Agency	Section 401 Water Quality Certification
Minnesota Pollution Control Agency	Golden Auto Site Coordination
Minnehaha Creek Watershed District	Erosion Control Permit
Minnehaha Creek Watershed District	Floodplain Alteration Permit
Minnehaha Creek Watershed District	Wetland Protection Permit
Minnehaha Creek Watershed District	Stormwater Management Permit
Three Rivers Park District	Encroachment permit
Three Rivers Park District	Agreement addressing responsibilities for new trail bridge
City of St. Louis Park	Erosion Control Permit
City of St. Louis Park	Right-of-Way/Road Closure Permit
City of St. Louis Park	Conditional Use Permit (CUP)

In addition, as stated in the EAW, the CP, BNSF and TC&W railroads also have approval regarding actions that affect their operations.

5.4 Extent to Which to Which Environmental Effects Can Be Anticipated and Controlled as a Result of Other Environmental Studies

The Minnesota Department of Transportation, serving as the RGU for this Proposed Action has extensive experience in transportation construction in the study area. MnDOT Office of Environmental Services, Metro District, and the Freight Rail office staff are familiar with the study area and projects of this nature through previous work in the geographic area and/or rail industry. No problem is anticipated which the staff in the above noted offices of MnDOT have not encountered and successfully solved on similar work either in the geographic area or the rail industry. The Minnesota Department of Transportation therefore finds that the environmental effects of the project can be anticipated and controlled as a result of environmental review and experience on both similar projects and work in the study area.

6.0 CONCLUSIONS

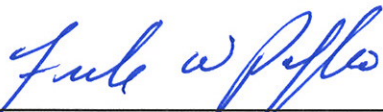
1. All requirements for environmental review of the proposed project have been met.
2. The EAW and permit processes related to the project have generated information that is sufficient to determine whether the project has the potential for significant effects.
3. Areas where potential environmental effects have been identified are being addressed during the detail design of the project. Mitigation will be provided where impacts are expected to result from project construction, or maintenance. Mitigation measures are incorporated into project design, and have been or will be coordinated with appropriate local and state agencies during the permit process.
4. Based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.

ORDER

Based on the Findings of Fact and Conclusions contained herein and on the entire record:

The Minnesota Department of Transportation, as the state Responsible Governmental Unit, hereby determines that the changes in the proposed MN&S Freight Rail Study in the Cities of St. Louis Park and Minneapolis, Hennepin County are not substantial, do not have the potential for significant environmental effects, and would not warrant preparation of an EIS. Therefore, preparation of an Environmental Impact Statement is not warranted.

For the Minnesota Department of Transportation



Frank W. Pafko
Chief Environmental Officer
Director, Office of Environmental Stewardship



Date

APPENDICES

APPENDIX A: Responsible Governmental Unit Delegation Letters

APPENDIX B: EAW Distribution List

APPENDIX C: Press Release and Notices

APPENDIX D: Federal Railroad Administration Train Horn Rule Fact Sheet

APPENDIX E: Potential Stormwater Pond Locations (Figures)

APPENDIX F: Minnesota Historical Society Comment Letter

Electronic copies of the referenced Appendices can be found on the MN&S Freight Rail Study website at: www.mnsrailstudy.org.