

MEMORANDUM

August 27, 2009

TO: Executive Team, Twin Cities Deans, Faculty Researchers

FROM: Kathleen O'Brien, Vice President

Subject: Status of Central Corridor Light Rail Transit Project's
Impact on the University of Minnesota

The University of Minnesota has long been a strong proponent of mass transit and the Central Corridor Light Rail Transit (CCLRT) line. As a transit-oriented community, with two-thirds of University commuters using bus, carpool, biking, or walking options, transit is essential to the functioning of the University and its community. University-subsidized mass transit programs serve more than 20,000 students and 2,000 faculty and staff. The University believes a metropolitan transit system that is reliable, affordable, convenient, and safe will best serve the long-term transportation needs of the region.

While a supporter of the project, the University has nonetheless raised concerns about the use of Washington Avenue at grade since planning for the CCLRT began in 2001. The project partners reached an agreement one year ago, laid out in a memorandum of understanding ([MOU I](#)) to work together to solve the traffic impacts and to find solutions to the negative impacts on research along the Washington Avenue research corridor. These mitigations were to be spelled out in a second memorandum of understanding ([MOU II](#)).

Today, I am writing to update you on the status of the CCLRT project and its impact on the University. The Metropolitan Council, the governmental agency in charge of the project, in late June submitted to the Federal Transit Administration (FTA) the Final Environmental Impact Statement (FEIS), detailing the potential impacts of the project along its proposed route.

Since [MOU I](#) was signed in June 2008, the University has been working with the Metropolitan Council. During this time, the University has repeatedly expressed its concerns regarding the impact of the CCLRT on the research infrastructure along and in close proximity to Washington Avenue. While we have worked diligently to identify the necessary protections for the University, we have yet to see a mitigation plan that meets the criteria identified by our expert consultants and University [faculty advisers](#) on vibration and electromagnetic interference. Nor have we received an adequate plan for mitigating the serious adverse impacts on University research activities arising from construction of the line. For these reasons, and others, the University believes the FEIS is inadequate. The University provided extensive comments on the [FEIS](#) to the FTA in late July.

On August 19, the FTA issued a Record of Decision ([ROD](#)) for the CCLRT project. This document constitutes the federal government's determination that the FEIS meets all the requirements of the National Environmental Policy Act (NEPA). Taken as a whole, the ROD approved the environmental mitigations identified in the FEIS for the project without significant modifications. In the ROD, the FTA did not modify any of the FEIS analysis in response to the University's comments, including the mitigation measures. The issuance of the ROD is a milestone for the Metropolitan Council and the CCLRT project, as it now permits

them to apply to the FTA for the next step, which is entry into final design this fall and approval of a full funding agreement, expected in late spring of 2010.

The University has stated on numerous occasions that its fundamental objective is to identify effective solutions, based on sound science, that will move the project forward while protecting the University's public mission and resources from potentially serious degradation. Thus far, despite many months of meetings, the University and the Metropolitan Council have not reached agreement on the mitigation measures. The Board of Regents has been consistent in stating that a comprehensive written agreement addressing mitigations is essential and must be reached before the University will contribute land for the project's use. Below is a brief description of the most serious outstanding issues.

Electromagnetic Interference (EMI)

On August 6, the University received the project consultant's analysis and recommendations on the mitigation solutions for EMI. The University's consultants, staff work teams, and the faculty committee charged with review of the consultant's work will need at least four to six weeks to validate the model and its efficacy.

Vibration

Based on consultant and faculty analysis, the University believes there is a solution to the vibration problem—a floating slab. The University's consultant has designed a dozen floating slabs in the last decade. They have proven to be an effective solution for the vibration impact on several rail lines around the world. The parties are now discussing this solution.

Construction

The CCLRT project staff has just begun work on this very complex schedule. The construction schedule will need to align with the University's research, class, and event schedules such as graduation; provide for the sequencing of work on the CCLRT, the duration of the construction, and the types of construction equipment that is used (e.g., does it minimize noise and vibration); coordinate any necessary moves with ongoing research; provide alternate traffic routes and access to campus and Fairview; and address many other concerns.

Monitoring

The Metropolitan Council has just begun to discuss the monitoring of the CCLRT trains once the line is operational. A monitoring plan is critical to ensuring that the research mitigations put into place continue to protect the University's research infrastructure.

It is unlikely an agreement, such as what was envisioned for MOU II, can be codified in the next few weeks, simply because very complicated data must be thoroughly examined for EMI, and agreement on construction and monitoring plans must be reached, as described above.

On August 26, the Metropolitan Council took a vote to certify that the FEIS also meets the requirements of the state's environmental act. The vote, which certifies the adequacy of the FEIS, triggers a 30-day period during which the University can file a claim against the Metropolitan Council asserting the inadequacy of the FEIS under the Minnesota Protection Act (MEPA). The University will continue to work with the CCLRT project staff and the project partners, Hennepin County, Ramsey County, Minneapolis, and St. Paul, to reach agreement on identifying scientifically proven solutions that will protect the large investment of public tax dollars in the University's research infrastructure. However, the University must use all appropriate political, regulatory, and legal means to protect its research. As the situation unfolds, I will continue to update you. Additional information can be found at www.lightrail.umn.edu.