

# HENNEPIN COUNTY

## MINNESOTA

### **FINAL BOARD AGENDA**

#### **BOARD OF HENNEPIN COUNTY COMMISSIONERS**

#### **Hennepin County Regional Railroad Authority**

Tuesday, March 20, 2018

1:30 PM

Chair: Peter McLaughlin, District 4

Vice-Chair: Jan Callison, District 6

Members: Mike Opat, District 1

Linda Higgins, District 2

Marion Greene, District 3

Debbie Goettel, District 5

Jeff Johnson, District 7

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**1. Approval of the Agenda**

**2. Old Business**

**A. 18-HCRRRA-0011**

Approve Agmts A165479 and A188711 and related agmts for SWLRT Project

# HENNEPIN COUNTY

## MINNESOTA

### Regional Railroad Authority Board Action Request 18-HCRRRA-0011

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**Item Description:**

Approve Agmts A165479 and A188711 and related agmts for SWLRT Project

**Resolution:**

BE IT RESOLVED, that the Board of Commissioners of the Hennepin County Regional Railroad Authority authorizes negotiation of a revised property transfer agreement A165479 with the Metropolitan Council in furtherance of the Southwest Light Rail Transit project; authorizes negotiation of freight easements and assumption of a trackage rights agreement associated with the property transfer; authorizes negotiation of a joint and cooperative exercise of powers agreement A188711 with the Metropolitan Council relating to costs and obligations of freight agreements; authorizes the filing and prosecution of documents with the Surface Transportation Board as necessary to seek approval for one or more of the agreements referenced above; authorizes the negotiation of any follow-on agreements or amendments to agreements necessary to implement or in furtherance of the agreements referenced above; and after review and approval by the County Attorney's Office, the Chair be authorized to sign such documents and agreements on behalf of the authority.

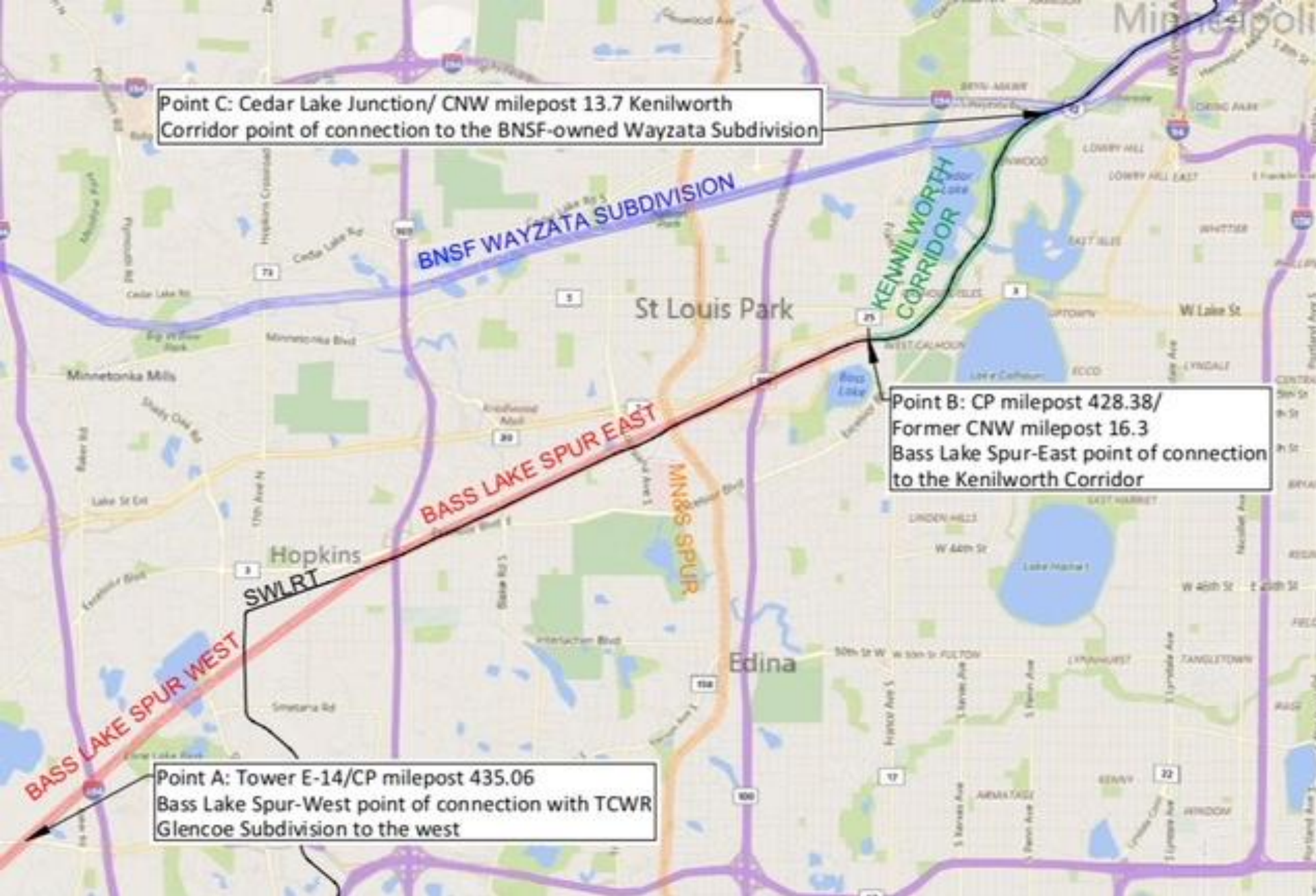
**Background:**

The Southwest Light Rail Transit Project (SWLRT) will be located in part in two freight railroad corridors (Kenilworth and Bass Lake Spur). As part of the project, the Metropolitan Council will be acquiring the Kenilworth Corridor from Hennepin County Regional Railroad Authority (HCRRRA) and the Bass Lake Spur Corridor from Canadian Pacific Railway (CP). HCRRRA will also be transferring to the Metropolitan Council for the project certain land adjacent to the CP Bass Lake Spur Corridor. The project will be constructed on the land described above, with freight tracks and the HCRRRA-owned bicycle/pedestrian trail undergoing certain adjustments to accommodate light rail in those corridors.

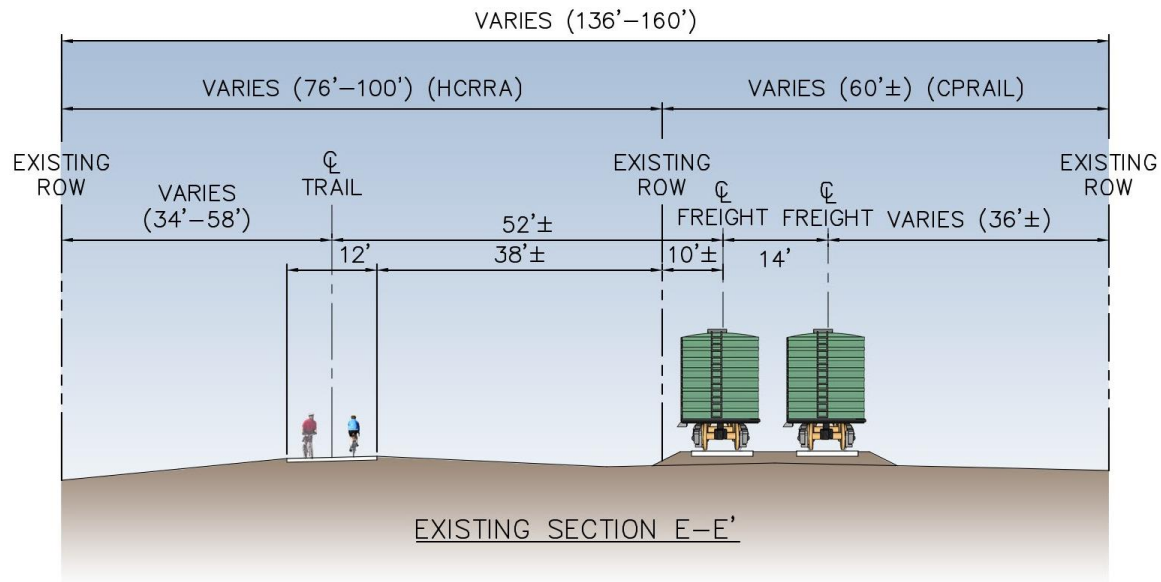
When HCRRRA and CP transfer the corridors identified above to the Metropolitan Council for the project, there are certain federal requirements that must be maintained relating to the provision of common carrier freight service in the corridors. HCRRRA and the Metropolitan Council had previously negotiated a property transfer agreement (which was never executed) relieving the HCRRRA of all such responsibilities, assuming that the Twin Cities and Western Railroad Company (TC&W) would assume the responsibilities. However, contemplated agreements with TC&W were not consummated, which caused the structure of the HCRRRA and CP property transfers to be re-evaluated. The new revised agreements now provide that HCRRRA will be responsible for that federal common carrier obligation in the event that a shipper requests service on those lines, and that HCRRRA will have freight easements and trackage rights agreements appropriate to provide such service. However, under the Joint and Cooperative Exercise of Powers Agreement, the Metropolitan Council will assume on HCRRRA's behalf the responsibility for securing a freight carrier if needed; the Metropolitan Council will also assume on HCRRRA's behalf the responsibility for assuring the associated operations, maintenance and capital repair obligations; and the Metropolitan Council will make HCRRRA whole for any financial responsibility or exposure, without Metropolitan Council recourse to Hennepin County to pay for these expenses.

**ATTACHMENTS:**

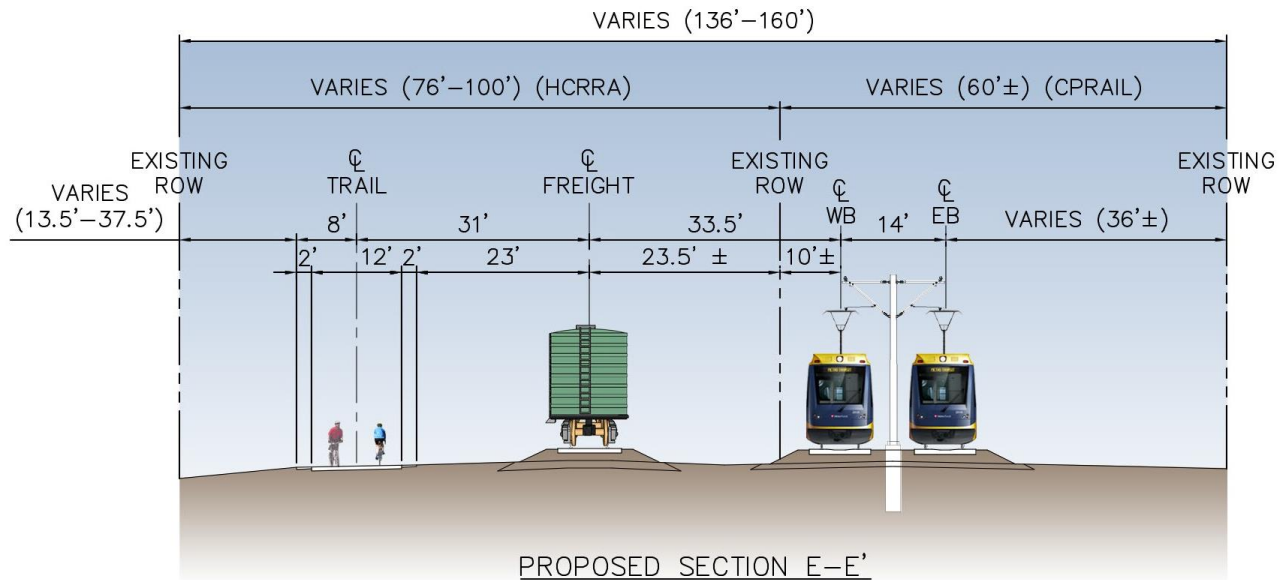
Description	Upload Date	Type
Kenilworth Property Transfers Plan B	3/14/2018	Backup Material



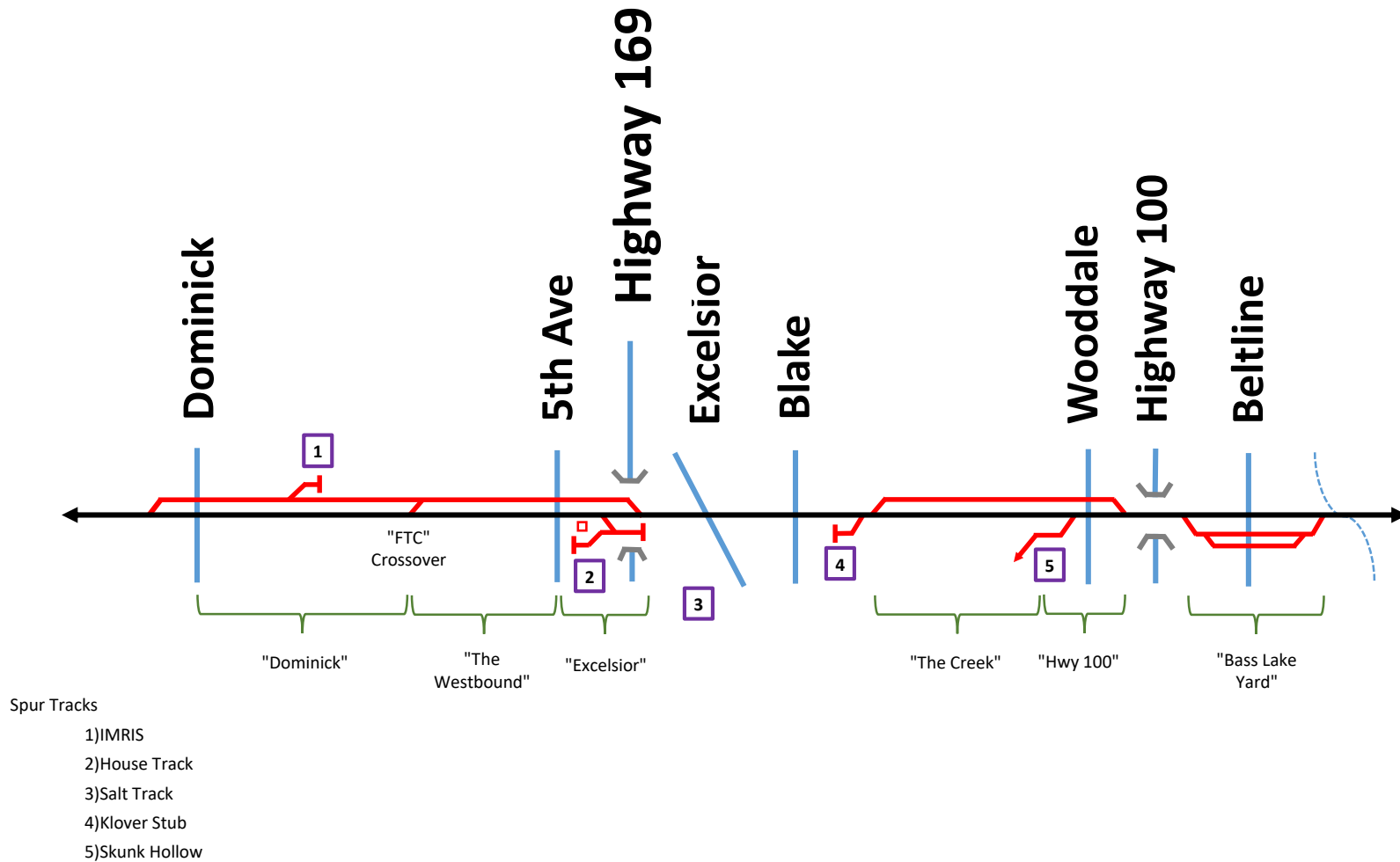
## Corridor Limits



Existing

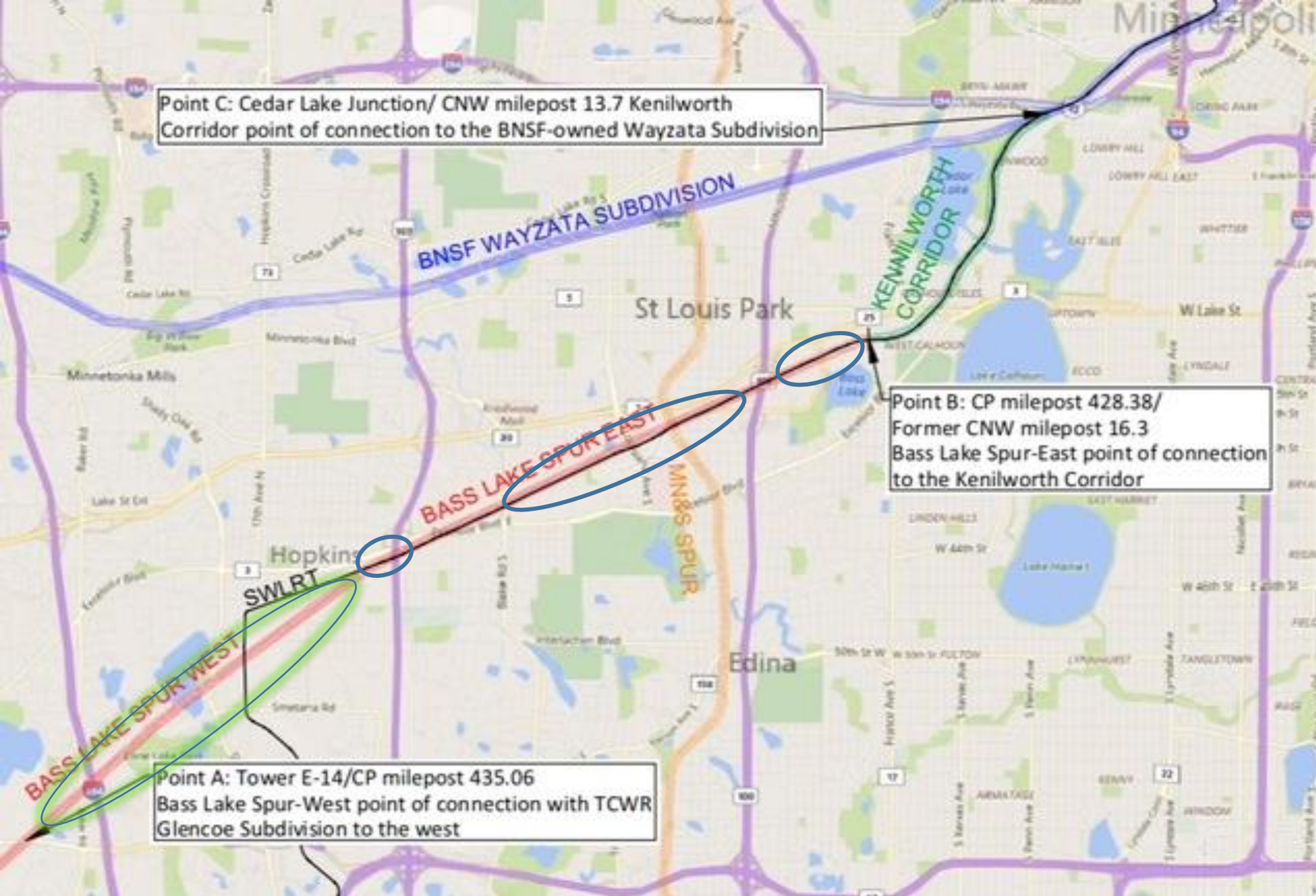


Proposed



# Siding Trackage





Point C: Cedar Lake Junction/ CNW milepost 13.7 Kenilworth  
Corridor point of connection to the BNSF-owned Wayzata Subdivision

Point B: CP milepost 428.38/  
Former CNW milepost 16.3  
Bass Lake Spur-East point of connection  
to the Kenilworth Corridor

Point A: Tower E-14/CP milepost 435.06  
Bass Lake Spur-West point of connection with TCWR  
Glencoe Subdivision to the west

<u>Responsibility</u>	<u>Current</u>	<u>Original Proposal</u>	<u>New Proposal</u>
<b>Common Carrier</b>			
Kenilworth	HCRRA	TCW	HCCRA (Met Council)
Bass Lake Spur	CP	TCW	HCRRA (Met Council)
<b>Ownership</b>			
Kenilworth	HCRRA	Met Council	Met Council
Bass lake Spur	CP	Met Council	Met Council
<b>Bike Trail Ownership</b>	HCRRA	HCRRA	HCRRA

# Shifting of Responsibilities