

News Release

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Citizen Group Sues Met Council on SWLRT, Citing violations of state and federal environmental law

MINNEAPOLIS, MINN., SEPT. 8, 2014/ Today a grassroots citizen group filed suit in Federal District Court against the Metropolitan Council, its chair Susan Haigh, and the Federal Transportation Authority. The suit was announced by George Puzak, board member of the Lakes and Parks Alliance and former Minneapolis Park and Recreation Board commissioner, at a news conference held today in front of the Hennepin County Government Center. The Alliance, a nonprofit group, was organized to protect Minneapolis's signature asset, its Chain of Lakes.

Below is the text of Mr. Puzak's prepared remarks.

Good afternoon. Thank you for coming. My name is George Puzak. I am a board member of the Lakes and Parks Alliance and a former commissioner on the Minneapolis Park and Recreation Board. Standing with me are citizens who represent several groups, including LRT Done Right, the Kenilworth Preservation Group, and the Lakes and Parks Alliance.

We are here because we expect our government, specifically the Met Council, to respond to repeated citizen requests to follow state and federal laws — that is, to complete a thorough environmental study of Southwest LRT **before** taking actions that we are convinced will harm our treasured lakes and parks and threaten the safety of citizens.

Today, with the help of our legal team of Tom Johnson and Lewis Remele, the Lakes and Parks Alliance has filed a lawsuit in Federal District Court against the Met Council, Met Council Chair Susan Haigh, and the Federal Transit Administration. We are asking for two things:

- **First**, a declaration by the Court that by failing to complete an Environmental Impact Statement, the Met Council has broken both state and federal laws; and

- **Second**, a declaration that the approvals obtained from Minneapolis and the other municipalities be declared null and void.

In the past few months, the Met Council — an **unelected** body — has bullied cities along the proposed line, forcing **elected** municipal officials to consent to the current proposal before they or the public have the information needed to make an informed decision.

An environmental impact study, or EIS, would have provided this information, but one has not been done.

An EIS would identify the dangers of co-locating light rail in the same dangerously narrow corridor as freight trains carrying highly flammable cargo.

It would evaluate the risk of running ethanol-loaded freight trains a mere 11 feet from passengers on the LRT and its electrical wires overhead.

It would assess the risk to thousands of citizens, LRT riders, and children at Kenwood Elementary School who would be within the blast zone if an ethanol train exploded.

It would examine the disastrous impact of an ethanol spill into Kenilworth Channel and connecting lakes.

An EIS would identify the project's impact on ground water, a risk inherent in constructing the shallow tunnel. The extent and effect of "de-watering" the tunnel and the impact on water quality in our precious Chain of Lakes is, without an EIS, unknown.

An EIS would determine how, or even if, freight rail could operate with heavy construction equipment operating only 11 feet away while building the so-called "shallow tunnel." It would assess the safety and costs of such a plan.

An EIS would determine if freight tracks would be moved onto park land as Hennepin County tax maps indicate, or onto BNSF land as the Met Council claims.

An EIS would evaluate the impact of the proposed plan on the **hundreds of thousands** of walkers, joggers, bikers, canoers, kayakers and skiers who use the corridor each year.

The Met Council also needs to address the fact that this route bypasses Minneapolis' densest neighborhoods; it fails to serve those most in need of affordable and reliable regional transit. **To build it would "hardwire" transportation inequity into the regional infrastructure for generations to come.** As Louise Erdrich wrote in the Star Tribune, "Real equity is about having fantastic transportation where the people are." [Star Tribune letter 8/27/14].

Ethically and legally, the Met Council is obliged to study these questions and then provide meaningful answers. Without them, elected officials can't give informed consent, nor can members of the public, such as those gathered here today, provide informed input to their officials.

It should be noted that a previous **Draft EIS** was released in 2012. It evaluated a **different** plan, one that did **not** include running LRT in a shallow tunnel or co-locating freight trains next to LRT.

Importantly, that study concluded that co-location would not adequately preserve the environment or protect the quality of life. It therefore recommended **against** locating freight and LRT side by side in the corridor.

Nothing has changed since the 2012 Draft EIS, yet the Met Council's latest unstudied plan calls for co-location.

Both the region and local residents are entitled to the thorough, legally required review of the environmental impacts, economic costs, and human hazards of this new plan **before** the Met Council triggers the municipal consent process.

At \$1.7 billion dollars, SWLRT is the most expensive and complex public project in Minnesota history. Both state and federal law — not to mention common sense — dictate that public officials have the facts **before** acting on a project with so much potential for damage — and even disaster.

Minnesota's elected governmental bodies have consistently complied with these environmental laws since they were enacted more than 40 years ago. Now an unelected body, the Met Council, intends to ignore them. The Met Council must be stopped in its tracks until it does the right thing – comply with the law.

We are happy to take questions from the press. Thank you.

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