

RAMSEY COUNTY REGIONAL RAILROAD AUTHORITY

March 16, 2010

The Ramsey County Regional Railroad Authority met with the following members present: Bennett, Carter, Ortega, Parker, Reinhardt, Rettman, McDonough – 7. Absent - 0. Also present were Julie Kleinschmidt, County Manager, and David MacMillan, Assistant County Attorney.

Chair McDonough called the meeting to order at 10:15 A.M.

AGENDA

Commissioner Reinhardt moved approval of the Agenda of the March 16, 2010 Board Meeting, seconded by Commissioner Carter. Roll Call: Ayes – Carter, Ortega, Parker, Reinhardt, Rettman, Bennett, McDonough – 7. Nays – 0.

MINUTES

Commissioner Carter moved approval of the Minutes of the February 23, 2010 Board Meeting, seconded by Commissioner Parker. Roll Call: Ayes – Carter, Ortega, Parker, Reinhardt, Rettman, Bennett, McDonough – 7. Nays – 0.

1. Transitway Impacts Research Program 2010 Funding Request

Commissioner Ortega moved approval of the following resolution, seconded by Commissioner Carter. Roll Call: Ayes – Carter, Ortega, Parker, Reinhardt, Rettman, Bennett, McDonough – 7. Nays – 0. (R10-22)

WHEREAS, Ramsey County and other Railroad Authorities and the University of Minnesota have supported research initiatives to study transitway projects' economic and community impacts through the Transitway Impacts Research Program; and

WHEREAS, The Transitway Impacts Research Program has requested \$20,000 from the Ramsey County Regional Railroad Authority to research residential and commercial property values, land use patterns, neighborhood impacts, and travel behaviors; Now, Therefore, Be It

RESOLVED, That Ramsey County Regional Railroad Authority approves the expenditure of \$20,000 for Ramsey County Regional Railroad Authority's share of the Transitway Impacts Research Program for 2010.

2. Approval of the Ramsey County Regional Railroad Authority's Funding Commitment to the 2010 High Speed Rail Commission Budget

Commissioner Rettman moved approval of the following resolution, seconded by Commissioner Reinhardt.

Commissioner Rettman commented that the budget is lower than last year because of fund balance. She also extended the invitation to the High Speed Rail Commission Meeting in La Crosse to the entire Board and explained it will be an important event.

Roll Call: Ayes – Carter, Ortega, Parker, Reinhardt, Rettman, Bennett, McDonough – 7. Nays – 0. (R10-23)

WHEREAS, The Minnesota High Speed Rail Corridor begins at The Union Depot in downtown St. Paul and travels southeast along the Canadian Pacific Railway track to La Crescent prior to entering Wisconsin and continuing on to Chicago; and

WHEREAS, The Ramsey County Regional Railroad Authority adopted the Minnesota High Speed Rail Commission Joint Powers Agreement ("Agreement") on April 28, 2009; and

WHEREAS, The Agreement has since been adopted by the majority of Regional Railroad Authorities along the Corridor; and

WHEREAS, Adoption of the Agreement created the Minnesota High Speed Rail Commission (“Commission”) which allows its member parties to cooperatively advocate for and analyze the feasibility, environmental impacts, engineering, construction and operation of an integrated rail transportation system in the Corridor along with the associated land use and development impacts; and

WHEREAS, The Ramsey County Regional Railroad Authority is a Financial Party to the Agreement; and

WHEREAS, The Commission adopted its 2010 Work Plan and Budget on January 7, 2010; and

WHEREAS, The Bylaws require each Financial Party to approve its financial participation to the Commission; and

WHEREAS, The Commission’s 2010 Work Plan and Budget identified \$13,748, or 35.25% as the Ramsey County Regional Railroad Authority funding commitment. Now Therefore, Be It

RESOLVED, That the Ramsey County Regional Railroad Authority hereby approves the Commission’s 2010 Budget, and Be It Further

RESOLVED, That the Ramsey County Regional Railroad Authority approves a payment of \$13,748 to the Minnesota High Speed Rail Commission as its funding commitment to the 2010 Budget, and Be It Further

RESOLVED, That the Ramsey County Regional Railroad Authority authorizes the County Manager to make payments and any necessary budget adjustments in a form approved by Budgeting and Accounting.

3. Selection of a Consultant for the East Metro Rail Capacity and Engineering Improvements Study

Commissioner Ortega moved approval of the following resolution, seconded by Commissioner Parker. Roll Call: Ayes – Carter, Ortega, Parker, Reinhardt, Rettman, Bennett, McDonough – 7. Nays – 0. (R10-24)

WHEREAS, The Ramsey County Regional Railroad Authority has worked to advance The Union Depot Multi-Modal Transit and Transportation Hub (Union Depot) to the benefit of the citizens of Ramsey County; and

WHEREAS, The Union Depot will be a terminus for numerous transportation modes including Amtrak service, inter-city passenger rail, commuter rail, and Midwest Regional Rail (High Speed); and

WHEREAS, The railroad capacity constraints in the east metro are an obstacle to achieving RCRRA’s vision for the Union Depot; and

WHEREAS, A study of east metro rail capacity would be beneficial to identifying improvements required for enhanced freight capacity and for the implementation of increased Amtrak, commuter, inter-city, and high speed rail service to the Union Depot; and

WHEREAS, The Red Rock Corridor Commission in Resolution 2009-13 authorized the Ramsey County Regional Railroad Authority the use of \$1,600,000 in 5339 federal funds for the completion of this study; and

WHEREAS, Ramsey County Regional Railroad Authority approved a Subrecipient Agreement with the Metropolitan Council to access federal 5339 funds from the Federal Transit Administration; and

WHEREAS, Resolution R09-12 provided up to \$400,000 of Ramsey County Regional Railroad Authority levy funds to cover the 20% match to federal funds for the completion of this study; and

WHEREAS, The services of a consultant to complete an East Metro Rail Capacity and Engineering Improvements Study is helpful in assuring the success of the Union Depot as a regional multimodal transportation hub; and

WHEREAS, Resolution R09-53 authorized the Ramsey County Regional Railroad Authority to issue a Request for Proposals for an East Metro Rail Capacity and Engineering Improvements Study; and

WHEREAS, A Proposal Review Committee ("PRC"), comprised of staff members from RCRRA, Washington County RRA, Dakota County RRA, Mn/DOT, Metropolitan Council, Amtrak, Burlington Northern Santa Fe Railway, Union Pacific Railroad Company, and Canadian Pacific Railway was formed to review the three proposals submitted by consultant firms; and

WHEREAS, The PRC interviewed all three consultant firms; and

WHEREAS, The PRC recommends the selection of TranSystems Corporation to complete an East Metro Rail Capacity and Engineering Improvements study based on the firm's significant experience in rail capacity projects, experience of key personnel assigned to the project, the ability to meet the project timeline, and the ability to meet project requirements; Now Therefore Be It

RESOLVED, That the Ramsey County Regional Railroad Authority approves the selection of, and authorization to enter into negotiations with TranSystems Corporation, 2400 Pershing Road, Suite 400 Kansas City, MO 64108, for completion of an East Metro Rail Capacity and Engineering Improvements Study; and be it further

RESOLVED, That the Ramsey County Regional Railroad Authority directs staff to return to the Ramsey County Regional Railroad Authority for approval of a final contract for completion of an East Metro Rail Capacity and Engineering Improvements Study.

4. BNSF right of way (the Line) between Beam Avenue and I-694

Commissioner Reinhardt moved approval of the following resolution, seconded by Commissioner Ortega.

Commissioner Rettman asked whether it was Ramsey County or the City of Maplewood who originally sought to acquire this right of way. She also asked if it is being suggested that they sort out the issues with property before they proceed.

David MacMillan, Assistant County Attorney, said the City of Maplewood initiated the abandonment proceedings, primarily because of their reconstruction of County Road D at that time. He said in 2005, the Ramsey County Regional Railroad Authority (RCRRA), the City of Maplewood, Burlington Northern Santa Fe Railroad (BNSF), and the Minnesota Commercial Railroad entered into a multi-party agreement to permit the City to purchase the BNSF right-of-way (the Line) between Beam Avenue and I-694 and convey an easement for trail construction and use to Ramsey County, with the RCRRA then purchasing the Line from the City, subject to the County Trail Easement and a road easement retained by the City. However, BNSF never completed the abandonment process before the Federal Surface Transportation Board and an Interim Trail Use permit was granted instead. This is an issue because it reserves BNSF a reversionary interest or right to reacquire the Line at any time. At this point, the City of Maplewood has advised that it will not make any further expenditures to clean up this problem. Therefore, the recommendation is that RCRRA restart the abandonment process and negotiate with BNSF to surrender its rights to restart rail traffic. This would make it clear that the RCRRA could acquire the Line free of any reversionary interest from the BNSF. Any expense incurred by the RCRRA to clean up the problem will be deducted from the purchase price of the Line from Maplewood.

Roll Call: Ayes – Carter, Ortega, Parker, Reinhardt, Rettman, Bennett, McDonough – 7. Nays – 0. (R10-25)

WHEREAS, The Ramsey County Regional Railroad Authority desires to purchase the BNSF right-of-way (the Line) between Beam Avenue and I-694 in Maplewood; and

WHEREAS, The abandonment process before the Surface Transportation Board was not completed and specialized outside counsel is required to complete the abandonment process; and

WHEREAS, An appraisal of the property is necessary to establish an equitable price to pay Maplewood; and

WHEREAS, A new deed is necessary whereby the BNSF will surrender its right to repurchase the property and restart rail service; Now Therefore Be It

RESOLVED, The Ramsey County Regional Railroad Authority authorizes staff, working with the County Attorney, to retain outside counsel specializing in the area of railroad abandonment for the purpose of restarting rail abandonment proceedings before the Surface Transportation Board and pursue abandonment of the Line; and be it further

RESOLVED, The Ramsey County Regional Railroad Authority authorizes staff to obtain an appraisal of the property to establish an equitable price to pay Maplewood; and be it further

RESOLVED, The Ramsey County Regional Railroad Authority authorizes staff to negotiate with BNSF to obtain a new deed whereby the BNSF will surrender its right to repurchase the property and restart rail service; and be it further

RESOLVED, The Ramsey County Regional Railroad Authority will incur expense to accomplish steps 1, 2, and 3 above and all associated costs shall be deducted from the purchase price to be offered and paid to Maplewood.

ADJOURNMENT

There being no further business, Chair McDonough declared the meeting adjourned at 10:25 A.M.

EXECUTIVE SESSION

The Ramsey County Regional Railroad Authority Executive Session was called to order at 10:37 A.M., with the following members present: Bennett, Carter, Ortega, Parker, Reinhardt, Rettman, and Chair McDonough – 7. Also present were: Julie Kleinschmidt, County Manager; Darwin Lookingbill, Director, Civil Division, County Attorney's Office; David MacMillan, Assistant County Attorney; Tim Mayasich, Director, Ramsey County Regional Railroad Authority; Paul Nahurski, Project Manager, Ramsey County Regional Railroad Authority; Jolly Mangine, Director, Property Management; and Bruce Thompson, Assistant Director, Property Management.

RE: First Floor Condominium Units located at 214 4th Street East, St. Paul, MN 55101

Commissioner Reinhardt moved the following resolution, seconded by Commissioner Bennett. Roll Call: Ayes - Bennett, Carter, Ortega, Parker, Reinhardt, McDonough – 6. Nays – Rettman - 1. (R10-26)

NOW THEREFORE, BE IT RESOLVED, That the Ramsey County Regional Railroad Authority Board authorizes the Director of the Ramsey County Regional Railroad Authority and the Director of Property Management to proceed in the manner as discussed in this Executive Session.

The Executive Session was adjourned at 11:30 A.M.