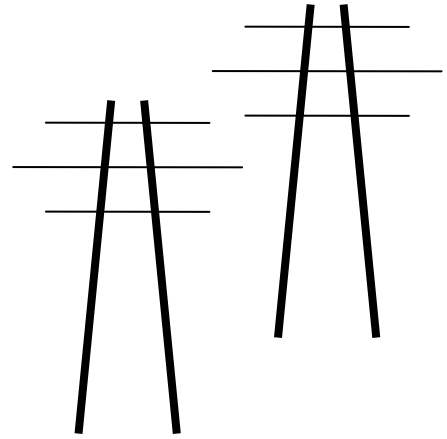


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August 22, 2014

MN DOT Passenger Rail Office
ATTN: Zip Rail Comments
395 John Ireland Blvd., MS 470
St. Paul, MN 55155

Via email: info@goziprail.org

RE: Zip Rail Comment for Tier 1 EIS

Dear Sir or Madam:

Thank you for the opportunity to Comment on the scoping for the Tier 1 Zip Rail environmental review. I am making these Comments as an individual, and not in the course of representation of any party.

I've been very concerned about the paucity of information about Zip Rail. More information is available on the Midwest High Speed Rail Assoc. site, with more extensive details.

SUMMARY COMMENT: In looking at the Zip Rail, I would be more amenable to a light rail line up and down Hwy. 52 with stops along the way, based on much lower impact, primarily in road closings, and much higher benefit, providing transport to more than just the privileged few.

Viability of Metro-Rochester: This project is a segment of a larger project, from the Minnesota Metro area to Chicago. Zip Rail promoters claim it will "compliment the plans of the Midwest Regional Rail Initiative and Minnesota Comprehensive Statewide Freight and Passenger Rail Plan." It's a part of that plan, but Wisconsin's Walker has vetoed the Zip Rail through Wisconsin.

- The EIS must consider the meaning of removal of Wisconsin to the rest of the project.
- The EIS must consider whether the Metro to Rochester segment is viable as a stand-alone project.¹

¹ See p. 106, *The Economic Impacts of High Speed Rail: Transforming the Midwest (2011) Midwest HRSA*, <http://legalelectric.org/f/2014/07/EconomicImpactsofHSR2011.pdf>

Experience and the results of this study have demonstrated that true HSR (operating at 220-mph) can be competitive "door-to-door" with regional airline service and automobile travel at distances where the travel time is about three to four hours (door-to-door) by train, which for Chicago would provide access to the principal metropolitan areas within an approximate 350-mile radius.

- The EIS should establish a viability threshold of ridership and revenue levels, and cost/benefit ratio of sustainability.
- The EIS must consider the impacts of this segmentation when considering the markets on which the larger proposal is based, i.e., Intercity Travel Market, Tourism Market, Business Travel Market, and uses such as day trips, airport connecting trips, and overnight trips.



Id., Figure 7: Chicago to Minneapolis/St. Paul Potential 220 mph High-Speed Rail Route

Purpose & Need Statements: According to a Zip Rail powerpoint, the “Purpose & Need... guides all alternatives evaluation efforts.” This is problematic because the foundational work on this project was put together pre-recession, and it’s a new and very different world. I’ll say this in a number of different ways to touch on the many angles:

- The EIS must not use the existing “purpose and need” statements to “guide all alternatives evaluation efforts” or ANY alternatives efforts – the assumptions for the existing statements of purpose and need are no longer valid.
- The EIS must not perform any analysis of purpose, need, or impacts using or relying on pre-recession information.
- The EIS must not perform any analysis of purpose, need, or impacts relying on previous analysis using or relying on pre-recession information.

Need for Project:

- Need for the project must be characterized and defined. The “need claim” must be more than just a dream, desire, something more than a conclusory claim.
- For alternatives development, the EIS must sufficiently define need to answer the question “alternatives to what?” Without a well-defined need, it is impossible to determine “reasonable” alternatives.

- The EIS must also consider system alternatives, not just route alternatives, and must consider the no-build option.
- The EIS must disclose and verify ridership estimates. No numbers are available yet this project marches forward?
 - Claims for rider ship are unsubstantiated and not plausible, ridership demographics must be provided.
 - Employees? Not probable due to time and cost, not many would rely on Zip Rail to get to work. Medical consultants/sales? Adjunct professors couldn't afford to use it to teach in the Roch U of M extension. Occasionally perhaps, but not often, it's just too time consuming.
 - Sick people going to hospitals? Someone sick is not going to wait around for a train and the "getting to/from station" hassle.
 - Tourists? Day trips for tourists is likely, but not a strong source of regular ridership.
- In considering Improvements of safety, convenience and time of travel, the EIS must also consider impacts on safety, convenience and time of travel for all those impacted while NOT using the Zip Rail.
 - Safety: those with roads closed in their area where public safety and rescue will have to travel much longer distances to get around to those in need;
 - Convenience: those who have to drive long distances around the Zip Rail due to blocked off roads, ranging from school busses;
 - Time of travel: Rochester area employees on the way to work (on the west side of the Zip Rail from Rochester) and employees on either side who have to get to the other side. Those of us in rural areas often have to travel 15 miles to the nearest grocery store, and this would be exacerbated by road closures.

Cost of Metro-Rochester:

Chuck Michael/SEH hasn't been willing to give out any cost numbers. It's absurd to embark on a Tier 1 environmental review without solid cost numbers. Utility infrastructure projects are able to estimate cost, and I imagine SEH has sufficient information and experience to develop a ballpark figure with a standard 15% contingency.

- The EIS must be based on, and must disclose, a reliable cost estimate.
- The EIS must address impact of segmentation of this route. Corridor costs for Chicago-Twin Cities (and Chicago-Detroit/Cleveland) would have highest per-mile cost of the Midwest proposals².
- The EIS must address whether the Corridor Cost of the Chicago to Minneapolis/St. Paul (220 mph) presents a reasonable cost estimate from which to extrapolate MSP-Rochester costs.³
- The EIS must address whether the "Planning Level Contingency (35%)" is a reasonable contingency (MN Dept. of Commerce testified in a recent utility infrastructure case that 30% contingency was too high, not reasonable).

² P. 96, *The Economic Impacts of High Speed Rail: Transforming the Midwest (2011) Midwest HRSA* <http://legalelectric.org/f/2014/07/EconomicImpactsofHSR2011.pdf>.

³ Id., p. 99.

Table 14: Corridor Cost - Chicago to Minneapolis/St. Paul (220-mph)

455 Route Miles	
Item	Unit Cost (\$ Million 2010)
<u>Civil and Structures</u>	
Embankment	\$41
At-Grade	\$1,651
Retained Fill	\$56
Structures	\$411
Aerial	\$7,986
Tunnel	\$1,067
Stations (9)	\$280
Trackwork	\$1,790
Systems ¹	\$4,001
Subtotal: Infrastructure	\$17,283
Right-of-Way Allowance	\$1,167
Subtotal: Preliminary Estimated Construction Cost	\$18,450
Project Development Soft Cost (15%) ²	\$2,767
Planning Level Contingency (35%)	\$7,426
Preliminary Planning Level Total Cost	\$28,643
<u>Notes:</u>	
¹ Includes overhead catenary, traction power, signaling and communications and miscellaneous systems	
² Allowance for planning and environmental, preliminary and final design, construction management and program/agency cost	

Source: AECOM. 2010.

Table 18: Capital Cost Comparison Summary

Corridor	HSR – 150 / 220-mph		
	Miles	Project Cost \$-Billions (2010)	
		150-mph	220-mph
CHICAGO – MINNEAPOLIS / ST. PAUL	442	25.7	28.6
CHICAGO – ST. LOUIS ¹	311	14.1	15.9
CHICAGO – CINCINNATI ²	284	12.6	14.2
CHICAGO – DETROIT	420	23.8	26.5
CHICAGO – CLEVELAND			
CHICAGO TERMINAL STATION	–	0.450	0.475
SYSTEM TOTALS³	1,430	74.7	83.6

Id. p. 99 and 103.

NEPA REVIEW:

- **NEPA REQUIRES THAT PROJECTS BE CONSIDERED IN TOTO, SEGEMENTATION IS PROHIBITED. The impacts of the Midwest High Speed Rail projects should be considered.**

Alternatives: The Notice of Intent states that “route alternative analysis will involve a screening process to identify reasonable and feasible alternatives for evaluation in the Tier One EIS.”

- The EIS process of route alternative selection process must be open to the public. It appears that the screening process has not been public
- The EIS must present specific criteria, and citation, under which the alternative routes will be determined.

Notice: Notice of this Tier 1 EIS was published May 13, 2013, over a year ago. Meetings were held in the area near that time.

- I have requested information on Notice for this part of the process, occurring now, and have not received a response. It looks like there’s been no Federal Register Notice since May 13, 2013.
- There were few newspaper notices published, and some were published by interested citizens, not the project proponents. **FAIL.** At least one of the published notices was not published until the day of or the day before the hearing. **FAIL. Additional noticed (at least 2 weeks) meetings should be held in the area.**

Tier 1 v. Tier 2 Review: The May 13, 2013 notice states that:

The Tier Two assessment(s) would address component projects of the overall rail corridor alternative selected in the Tier One EIS, and would incorporate by reference the data and evaluations included in the Tier One EIS. The Tier Two NEPA evaluations would: concentrate on the site-specific issues and alternatives relevant to implementing component projects of the selected Tier One alternative; and identify the environmental consequences and measures necessary to mitigate environmental impacts at a site-specific level of detail.

- The Tier 1 EIS must disclose and provide notice and opportunity for comment on the many aspects of this project that have not been disclosed such as cost and ridership/revenue.
- The Tier 1 EIS must provide citation for, and an analysis of, whether this project meets criteria to move forward to Tier 2.

Economic Impacts:

- The EIS must address economic impacts such as impact on the web of commuter busses currently serving the area. This project would serve the metro and Rochester ends of that web and would have an impact on those businesses and riders.
- The EIS must address the economic impacts of loss of property tax revenue if this land is taken out of the tax base.
- The EIS must address the economic impacts of loss of ag production for land taken for this project.

- The EIS must address the economic impacts of loss of roads, such as increased time for routes that would be rerouted, increased fuel consumption, increased wages for increased time driving, loss of workforce productivity due to increased travel/commute.

Impacts on Rural Counties, Cities and Townships:

- The EIS must consider impacts on rural counties. I live in Goodhue County and Goodhue County has passed a resolution recently. This project would have a significant impact on Goodhue County, as a pass through county receiving no benefit, whichever route might be chosen. The Hwy. 52 route cuts the county in half, and has already had several significant infrastructure projects, such as the DOT's Hwy. 52 Corridor project with removal of at grade crossings and widening nearer Rochester, and the CapX 2020 Hampton – La Crosse transmission project, which is condemning land in the area for pass through transmission, from which we receive no benefit.
- The EIS must consider the cumulative impacts of multiple projects in the study area.
- The EIS must consider corridor fatigue – how much can an area stand?

Again, I personally would be more amenable to a light rail line up and down the Right of Way for Hwy. 52, with stops along the way, based on much lower impact, primarily in road closings, and much higher benefit, providing transport to more than just the privileged few.

Please add me to the list to receive Notices for this project, including DEIS/FEIS Comment Notices, the Scoping Decision, the DEIS, Notices of Financial Grants/Loans/Awards, Press Releases, and anything else issued by the State DOT, Federal DOT and/or Federal Railroad Administration regarding this project.

Thank you for this opportunity to comment. Please let me know if you have any questions or require anything further.

Very truly yours,



Carol A. Overland
Attorney at Law

cc: Colleen Vaughn
Environmental Protection Specialist
FRA - Office of Railroad Policy and Development
1200 New Jersey Avenue SE., (Mail Stop 20),
Washington, DC 20590,