

January 26, 2022

Legislative Commission on Metro Government
Minnesota State Capitol
75 Rev Dr. Martin Luther King Jr. Boulevard
St. Paul, MN 55155l

Delivered by email

Dear Commission Members:

I am a Minneapolis resident who has for more than eight years followed closely the debacle of Southwest Light Rail. As you well know, the project is important if for no other reason that it is the single costliest public works undertaken in the history of the State of Minnesota.

Throughout those eight years, many of us residents have continually warned the Met Council against problems they would face in the construction and operation of SWLRT. Also, throughout those years, the Met Council dismissed us as NIMBYs, giving themselves cover to ignore our warnings and push the project through. That disrespect is now coming back to bite them.

Problems were not “unforeseen” — but predicted

Virtually all the problems we residents predicted have materialized, several months ago causing the project, only halfway into construction, to exceed its entire contingency fund.

Today we learn that the project will be *delayed by nearly three more years* and the already *astronomical* costs have grown by yet additional hundreds of millions of dollars and may well grow even more. Remember that this project was sold to the public at around \$975 million but now looks like \$2.5 billion or more.

I call the costs “astronomical” comparing the project to NASA’s New Horizons spacecraft — to Pluto and beyond — which cost about a third as much as SWLRT: a total of \$780.6 million — \$565 million on development and launch, and \$215.6 million on 12 years of prime mission operations.

Among other things, over many years we residents repeatedly told the Met Council:

- The space between the Kenilworth Channel and Lake Street would be too narrow to accommodate the project; consequently, the Met Council was forced to build the costly tunnel;
- The tunnel would be too close to the grain-elevator condominium buildings foundations (18 inches); hence the secant walls;
- SWLRT would run too close to the railroad line; hence BNSF demanded the concrete safety wall;
- Construction would be dangerous due to the SWLRT line being built immediately adjacent to the currently operating freight rail; hence there were two potentially fatal instances of safety-flagger failures and the collapse of a crane above a residence; note that the project has continuously sustained an above-industry standard safety incident rate;
- The geology of the Chain of Lakes area — shaped by glacial activity — is extremely complex, unstable and problematic; hence the leaky pilings and the need to hire divers to swim underwater to detect the leaks;
- The Met Council grossly underestimated costs; hence the coming fiscal raid on the Hennepin County taxpayers.

But now that the problems have manifested and can no longer be dismissed, the Met Council has the temerity to claim that they were “unforeseen.” This is astonishing because anyone so inclined can easily document our warnings by checking the appendices of the Final Environmental Impact Statement (FEIS); the minutes of your own legislative committees and those of other government agencies including City of Minneapolis, Park Board, and Hennepin County; and the archives of news organizations such as MPR and the Star Tribune.

Future could be worse

So far I’ve only mentioned the predictions we made that have already come true. We made other predictions that will be tested in the future.

- We said the Met Council’s ridership estimates were inflated. Post-pandemic, it is likely that more people will work from home and there will be less need for mass transit between Eden Prairie and downtown Minneapolis. Thus, actual SWLRT ridership will likely be well below the original inflated estimates.

This raises the question as to whether it would be smarter and cheaper to modify, repurpose or abort this project now, before it becomes a full-blown catastrophe surpassing the North Star as a useless and expensive white elephant.

- We insistently called attention to an even more serious concern. For years we harped on the catastrophic potential of an accident involving both the SWLRT — which runs by overhead electric wires — and the immediately adjacent freight train, which regularly hauls millions of gallons of explosive ethanol. We said this is an explicit design for disaster — literally a case of storing the matches next to the lighter fluid — on a massive scale. The worst-case scenario would be an explosion such as the one that destroyed the town of Lac Mégantic, Quebec, in 2013, killing 47 people. In the case of SWLRT, a similar accident would instantly incinerate the urban neighborhood in which I live, one which encompasses thousands of homes, a grade school, and a nursing home. But the Met Council dismisses this warning as it has dismissed all the others that we have — correctly — raised.

There is no satisfaction in having been proved correct in all our previous predictions. There will only be hideous grief if we are proved correct in this one as well.

Conclusion

We urge the legislature to charge the Legislative Auditor with investigating the Met Council’s handling of SWLRT, and in the process to identify the root causes of its dysfunction. In our view, those causes are:

1. Primarily, *and demonstrably*, the Met Council is not accountable to voters, to the public it is supposed to serve, because its members are appointed by the governor. While any incumbent governor may be reluctant to cede control over this exceedingly rich and powerful agency, he or she should be even more reluctant to bear the responsibility of managing the malfunction that seems to be inevitable in an authoritarian structure.
2. As a result of its authoritarian character, the Met Council has developed a culture that reeks of arrogance. That was obvious in its disregard of the resident comments over the years and was duly noted last week by Minneapolis Park board member Elizabeth Shaffer. The [Star Tribune](#) reported:

She expressed frustration at Wednesday's Park Board meeting that the light rail is encountering the same setbacks that neighbors predicted before the route was chosen years ago. "Now not just Minneapolis but all of Hennepin County is going to be reaping some of the cost of not respecting our voices through this process."

3. Also as a result of its authoritarian character, the Met Council has overreached, extending its mission beyond planning and into a vast construction operation for which it has no knowledge, experience or competence.

Recommendations

- That the Legislative Auditor be charged with and funded to conduct an in-depth investigation of Southwest Light Rail Transit project costs, cost overruns, delays, and management, as well as the process by which it failed to heed the insistent and well-founded concerns of the public about the project.
- That in the short term, at a minimum the part of the Met Council that manages SWLRT construction be put into receivership, perhaps under the Minnesota Department of Transportation.
- That the Met Council membership be restructured to be comprised at least in part, either by officials who are elected to that role or else elected officials who serve on the board ex-officio.
- The Met Council be divested of its transportation construction and operation functions, and those responsibilities be given to a different agency or agencies.

Thank you for your attention to the serious concerns we raise about this enormous and costly project and the well-funded but dysfunctional Metropolitan Council.

Very truly yours,

Mary Pattock

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