



Hennepin County purchased about two acres of property at 5170 West Broadway in Crystal to prevent a rail project that would route more freight traffic through the northwest metro. (Submitted photo: CoStar)

County's land buy could block Crystal rail connection

By: Cali Owings March 18, 2015 3:15 pm 0

Hennepin County will purchase a two-acre property in Crystal to prevent two railroads from building a connection that would increase freight traffic in the northwest suburbs and north Minneapolis.

The Hennepin County Board on Tuesday approved a \$1.8 million purchase agreement for the property at 5170 West Broadway, a strategic move meant to block a proposed connection between a Burlington Northern Santa Fe Railway Co. spur and Canadian Pacific Railway Ltd. tracks. The sellers are Jon Horkey and Tom Bergen.

BNSF had been negotiating for the same property to complete the connection in Crystal, said Amy McBeth, a spokeswoman for BNSF. The railroads began reaching out to property owners in 2014 about acquiring the land needed to connect the east-west Canadian Pacific line to a lightly used north-south BNSF spur.

The project is an effort to route freight traffic more efficiently through the metro region in response to concerns from customers and elected officials. McBeth said Wednesday that BNSF is still evaluating its options for improving service in light of the county's purchase.

The move is the county's "best attempt" at protecting public safety in a situation where local and state governments have little to no authority, Hennepin County Commissioner Peter McLaughlin said at Tuesday's meeting. Longer trains could potentially block five intersections at one time and create access challenges for first responders. Freight traffic could also limit access to the North Memorial Medical Center in Robbinsdale, he said.

"In terms of health and public safety ... the proposed change by the railroad would compromise that," he said.

Even Commissioner Jeff Johnson, who rarely supports the county investing in property, said he supported the purchase agreement because the change presents a significant public safety issue.

Since learning of the proposed connection, city, county and state officials have sought a full environmental review of the proposed project and its impacts to emergency routes, park land and congestion.

Seller Jon Horkey told Finance & Commerce on Wednesday that the railroad expressed interest, but never made an offer. Horkey and Bergen owned the property for about 30 years and intended to sell it to one of the tenants. Hennepin County values the property at \$1.255 million for tax purposes.

The property, now home to a towing company and an auto shop, is the only land planned for purchase, according to Commissioner Mike Opat's office, which represents the project area. The county thinks it would be difficult for the railroad to complete the proposed connection without this strategic parcel. The hope is that with the property under county ownership, the railroad will have to consider other options for routing trains and alleviating freight congestion. The county plans to keep the property as is with the current tenants, according to Opat's office.

Meanwhile, proposed legislation could further the county's efforts by reducing railroads' eminent domain power over county-owned property.

Legislation supported by a bipartisan group of lawmakers from the affected area would prevent railroads from condemning Hennepin County-owned property if the county determines that a project would negatively affect public safety and emergency response capability. So far, the proposal has bipartisan support and has passed two committees. The companion bill is working its way through the state Senate.

The bill's chief author, Rep. Sarah Anderson, R-Plymouth, said Wednesday that the proposal is designed to give communities more leverage when railroads propose major changes and clarifies what could prevent eminent domain proceedings when there is a threat to public safety.

"Without this, the railroad can condemn the property," she said. "They don't have to do a whole lot of outreach to the local communities or even listen to the communities' concerns."

Anderson noted that local governments weren't notified of the proposed connection by the railroad first. A property owner that had been contacted by the railroad told city officials.

While the bill in its current form only includes Hennepin County, Anderson said it might be worth having a conversation at the statewide level. It's also important to balance the needs of commerce in the region and the state with public safety, she said.

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