

October 11, 2010

Sheila M. Reger
Commissioner of Administration
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Re: Cooperation Letter Agreement - CCLRT Construction

Dear Commissioner Reger:

The purpose of this letter is to memorialize the agreement that the State of Minnesota, Department of Administration ("State") and the Metropolitan Council ("Met Council") have reached regarding the construction of the Central Corridor Light Rail Transit ("CCLRT") project in and around the Capital Area (defined below).

The following represents the parties' agreement with respect to the above:

Article 1 Construction

On or before twenty (20) days prior to beginning construction in the Capitol Area, (for purposes of this letter agreement, "Capitol Area" is defined to mean the area under Capitol Area Architectural and Planning Board jurisdiction), the Met Council agrees to provide a detailed project schedule to the State for work to be completed in the Capitol Area and weekly detailed updates thereafter until completion of the project. The Met Council agrees to conduct all excavation, utility relocation and construction related to the CCLRT, in the Capitol Area in a manner that minimizes the disruption of state operations. The Met Council agrees to ensure that utility service will be continuously maintained to state facilities except during momentary "cut over" periods that the Met Council and State have jointly coordinated and which, to the fullest possible extent, will be conducted outside of normal business hours and/or on weekends. If utilities are to be relocated to accommodate the CCLRT, the Met Council will ensure that adequate provisions are made to supply all necessary, suitable and uninterrupted substitute utilities to state facilities to permit state government to continue its operations without interruption. Moreover, during periods of excavation, utility relocation and construction in the Capitol Area, the Met Council agrees to coordinate work schedules reasonably in advance with the State, and to cause its contractors and suppliers to stage and schedule work and deliveries so that the duration, and the noise and vibration impacts, of such work are minimized, with respect to state government facilities, to the full extent practical. In addition, the Met Council agrees to provide the State with as much advance notice of impending excavation, utility relocation and construction work as reasonable and practical to allow the State to appropriately schedule its operations.

To the extent reasonably practical, the Met Council agrees to use its best efforts to minimize disruptive construction (e.g. earth work, site preparation, etc.) in the Capitol Area between January 1 and May 31 in each of the years beginning 2010 and continuing until construction is complete.

Article 2
Vibration

The Met Council assessed vibration impacts to state government facilities and existing sensitive equipment contained within such properties adjacent to CCLRT and concluded that there should be no adverse impacts to equipment, operations or state government facilities in the Capitol Area resulting from vibration due to CCLRT construction or operations. The State is relying upon the Met Council's conclusion.

The Met Council agrees to complete a pre-construction and post-construction survey and will monitor vibration impacts periodically during the construction, pre-revenue testing and revenue operations of the CCLRT for the Minnesota State Capitol Building, 691 Robert/Powerhouse, Freeman, Stassen, MDA/MDH Laboratory Building, National Guard Armory and Andersen Building.

The Met Council has included in its Civil East contract specifications requirements to monitor vibration at the following properties, the Minnesota State Capitol Building, 691 Robert Street / State Capitol Power Plant, Freeman, Stassen, MDA/MDH Laboratory Building, National Guard Armory, and the Andersen Building. One of the requirements of these specifications is development of a Vibration Control Plan that would identify all properties being monitored, and describe methods to monitor and control for vibration generated during the performance of the work. A copy of the Vibration Control Plan for construction work completed within the Capitol Area will be transmitted to the State. Weekly vibration control reports will be generated by the Met Council's Contractor as part of implementing the Civil East Vibration Control Plan. Upon request, copies of such reports generated for work in the Capitol Area will be transmitted to the State within three (3) days of such requests.

In the event vibration impacts due to CCLRT construction or operations adversely impact, as determined by the State, any state government facilities, or equipment or operations in state government facilities, the Met Council agrees to promptly meet with State representatives to develop reasonable mitigation measures and at its full cost promptly address those adverse impacts to the State's reasonable satisfaction in a timely manner.

Article 3
Noise

The Met Council assessed noise impacts to operations in state government facilities adjacent to CCLRT and concluded that there should be no adverse impacts to operations in state government facilities in the Capitol Area resulting from noise due to CCLRT construction or operations. The State is relying upon the Met Council's conclusion.

The Met Council will ensure that the tracks at University Avenue/Robert Street; Robert Street/12th Street; and 12th Street/Cedar Avenue are sufficiently designed, maintained and trains operated to avoid excessive squealing as trains turn corners, including but not limited to installation of track technology to provide lubricant in the rails at the above mentioned corners.

The Met Council will establish train operation procedures that prohibit LRT vehicles from sounding horns adjacent to state government facilities, except in emergencies.

The Met Council agrees to set LRT bells in the Capitol Area to ring at levels no higher than the levels, and for durations no longer than allowed under CCLRT's adopted operating procedures, which shall be consistent with those levels and durations required in the MPR Mitigation Plan.

In the event noise impacts due to CCLRT construction or operations adversely impact, as determined by the State, any state government facilities, or equipment or operations in state government facilities, the Met Council agrees to promptly meet with State representatives to develop reasonable mitigation measures and at its full cost promptly address those adverse impacts to the State's reasonable satisfaction in a timely manner.

Article 4 **EMI**

The Met Council assessed electromagnetic interference ("EMI") impacts to properties and existing sensitive equipment contained within such properties adjacent to CCLRT and concluded that there should be no adverse impacts to equipment or operations in state facilities in the Capitol Area resulting from EMI or Radio Frequency Interference (RFI) due to CCLRT construction or operations. The State is relying upon the Met Council's conclusion. Nonetheless, should CCLRT construction or operations later be shown to produce EMI or RFI that interferes with, as determined by the State, state operations in the Capitol Area, the Met Council agrees to promptly meet with State representatives to develop reasonable mitigation measures and at its full cost promptly address those adverse impacts to the State's reasonable satisfaction in a timely manner.

Article 5 **Traffic**

The Met Council assessed traffic impacts in the Capitol Area and concluded that there should be no adverse impacts to traffic in the Capitol Area resulting from CCLRT. The State is relying upon the Met Council's conclusion. Nonetheless, should CCLRT operations later be shown to have an adverse safety impact for pedestrians or vehicular travel or a greater adverse impact than reasonably expected by the State on the efficient vehicular travel in the Capitol Area, as determined by the State, the Met Council agrees to promptly meet with State representatives to develop reasonable mitigation measures and at its full cost promptly address those adverse impacts to the State's reasonable satisfaction in a timely manner.

Article 6 **Signal Bungalow**

A. Signal Bungalow - 12th Street. Under a CCLRT Mitigation Agreement between MPR and the Met Council, the Met Council agreed to move the planned crossover switch from a location near MPR to a new location north of I-94, removing another source of CCLRT-generated vibration adjacent to MPR facilities.

The State is concerned with additional vibration adjacent to state facilities, including the MDA/MDH Laboratory Building. As noted in Article 3, the Met Council has concluded that there should be no adverse impacts to equipment, operations or state government facilities in the Capitol Area.

In the event vibration impacts due to CCLRT construction or operations adversely impact, as determined by the State, any state government facilities, or equipment or operations in state government facilities the Met Council agrees to promptly meet with State representatives to develop reasonable mitigation measures and at its full cost promptly address those adverse impacts to the State's reasonable satisfaction in a timely manner.

The signal bungalow will be located on the south side of 12th Street between Robert Street and Minnesota Street on property under the custodial control of the Minnesota Department of Transportation.

The Met Council agrees to minimize the visual and aesthetic impact from location of the signal bungalow in the Capitol Area in accordance with the design approved by the Capitol Area Architectural and Planning Board.

B. Signal Bungalow - University Avenue. The Met Council agrees to minimize the impact on future redevelopment and the visual and aesthetic impact of the crossover switch bungalow in accordance with the design approved by the Capitol Area Architectural and Planning Board.

Article 7 Existing Tunnels

The Met Council agrees to design and construct structural supports to protect the existing tunnel beneath University Avenue between the Admin Ramp and the Minnesota State Capitol Building, the cost of which shall be included in the project baseline budget.

The Met Council agrees to design and construct structural supports to protect the existing tunnel beneath University Avenue between the Ford Building and Leif Erikson Park, the cost of which shall be included in the project baseline budget.

Article 8 Betterments

A. Future University Avenue Pedestrian/Materials Handling Tunnel. In accordance with the requirements of M.S. 16A.695 and 16C, and other applicable statutes, the State shall oversee and manage the planning, design and construction of the pedestrian and

materials handling delivery tunnel in the Capitol Complex, subject to the availability of State funds for this purpose.

In 2009 the Met Council received an appropriation from the State of Minnesota, Chapter 93-H.F. No. 855, Sec. 12, Subd. 2, (9), (c), in the amount of “\$313,000 for the purpose of preliminary engineering and final design for betterments in the State Capitol areas related to the Central Corridor Light Rail Transit Project”.

On or before ten business days following execution of this Agreement, the Met Council and State shall execute a Joint Powers agreement in a form approved by the Office of the Attorney General, Minnesota Management and Budget and the Met Council, to complete an appropriation transfer in the amount of Three Hundred Thirteen Thousand and No/100 dollars (\$313,000.00) to the State.

On or before ten business days following the execution of this Agreement , the Met Council shall request Minnesota Management and Budget (MMB) to complete an appropriation transfer in the amount of Three Hundred Thirteen Thousand and No/100 Dollars (\$313,000) to the Department of Administration for the purpose of designing and engineering the University Avenue Pedestrian / Materials Handling Tunnel as authorized in the 2009 state bonding bill. The State shall utilize these funds for the purposes authorized in the appropriation.

The Met Council and State agree to coordinate construction activities related to the CCLRT Civil East construction phasing and University Avenue Pedestrian and Materials Handling Tunnel construction phasing to minimize impact on vehicular traffic on University Avenue.

The Met Council will apply for and receive a construction permit at its expense from Ramsey County to undertake CCLRT construction work on Ramsey County Right-of-Way. The Met Council expects to grant Limited Notice to Proceed to its Civil east contractor in July 2010 for construction work to begin along Robert Street and 12th Street. Full notice to proceed to the Civil East contractor is expected on or about January 1, 2011 with heavy construction work expected to begin in the reach between Rice Street and Cedar Street upon completion of the 2012 regular legislative session in May 2012. The State will apply and receive a construction permit at its expense from Ramsey County to undertake University Avenue Pedestrian / Materials Handling Tunnel construction work on Ramsey County Right-of-Way.

The Met Council agrees to request the Commissioner of Minnesota Department of Transportation to issue Notice and Orders to private utilities to relocate their private utilities related to CCLRT per the CCLRT Civil East Bid Package dated March 4, 2010 at private utility expense by October 30, 2011. The Met Council agrees to relocate all public utilities related to CCLRT per the CCLRT Civil East Bid Package dated March 4, 2010 as part of the reconstruction of the University Avenue segment between MLK/Park and Robert Street scheduled for May 2012 to November 30, 2012 at project expense.

The State agrees to relocate any utilities not related to CCLRT but related to the University Avenue Pedestrian / Materials Handling Tunnel at its expense in coordination with the reconstruction of the University Avenue segment between MLK/Park and Robert Street scheduled

for May 2012 to November 30, 2012, subject to the availability of funding for this purpose. If in the event the Met Council or the State is unable to satisfactorily complete its respective utility relocations they are responsible for by November 30, 2012, either party may engage the other to consider change order(s) work under the other parties' contract.

The Met Council agrees to coordinate with the State design and construction necessary for structural support under the CCLRT embedded track for the University Avenue Pedestrian / Materials Handling Tunnel.

The Met Council will enter into an Operations and Maintenance Agreement with Ramsey County for the purposes of operating CCLRT on Ramsey County Right-of-Way. The State will enter into an Operations and Maintenance Agreement with Ramsey County for the purposes of operating its University Avenue Pedestrian / Materials Handling Tunnel on Ramsey County Right-of-Way.

Subject to the availability of funding as determined by the State, the State agrees to issue notice to proceed to its contractor to undertake construction of the University Avenue Pedestrian / Materials Handling Tunnel on or before June 2012.

B. Aesthetic Elements. The Met Council will fund from its own capital fund resources \$392,000 for the approved Capitol Area Architecture Planning Board betterments as presented to the Board October 16, 2009. The Met Council will include in its Civil East contractor scope these same elements for construction.

Article 9 State-owned Real Estate

The Met Council has concluded that access is being eliminated to the three properties shown on the attached map (hereinafter "Attachment 1") that border the state-owned Lot AA (collectively "University Avenue Properties").

The Met Council is currently completing appraisals of three properties that border the state-owned Lot AA, which will determine if a total or partial taking of the University Avenue Properties is required for the CCLRT project. In the event it is determined to be a total taking and the properties are acquired for the CCLRT project, the Met Council agrees to declare the University Avenue Properties surplus consistent with Federal surplus property regulations set forth in the Federal Transit Administration Circular 5010.1.D. If no federal agencies acquire the real estate, the Met Council will immediately notify the State upon expiration of the option for federal agencies to acquire the real estate. Upon such notice, the Met Council will provide reasonable access to the University Avenue Properties to the State for purposes of conducting Phase I and Phase II Environmental Site Assessments. The State will have no less than 150 days from the date of such notice to request the Met Council to convey fee title to the University Avenue Properties to the State. Upon the request of the State, the Met Council agrees to convey fee title to the University Avenue Properties to the State at no cost to the State.

All buildings, including below-grade foundations, will be abated, demolished and removed by the Met Council, at its costs, prior to conveyance of fee title of the University Avenue Properties to the State. Any hazardous materials required to be removed as part of demolition activities under Federal or Minnesota Pollution Control Agency guidelines, rules, regulations or directives shall be removed by the Met Council, at its costs, prior to conveyance of fee title to the State.

Article 10
Pedestrian Safety/Building Access

The Met Council recognizes that the location of the CCLRT tracks are in close proximity from the main pedestrian access for several state facilities including the Minnesota State Capitol Building, Freeman Office Building, Stassen Building, MDA/MDH Laboratory Building and Andersen Building. The Met Council has represented that the CCLRT design, as proposed, will not adversely affect pedestrian mobility, building access, snow removal/storage and pedestrian safety. If the State determines, after completion of construction and implementation of CCLRT operation, that such issues have not been satisfactorily designed, the Met Council will take the steps necessary to design, test and implement, at its full cost, all necessary changes required to address the adverse impacts related to pedestrian mobility, building access, snow removal/storage and pedestrian safety to the State's reasonable satisfaction in a timely manner.

Article 11
Maintenance

The Met Council acknowledges that a rigorous program of LRT vehicle, rail and rail bed maintenance is essential for the CCLRT to operate at peak levels of efficiency and safety. The Met Council further acknowledges that wheel flats, corrugated rail and other elements of a deteriorated rail system, including poorly maintained rail beds, can exacerbate the effects of CCLRT-caused vibration and ground-borne noise. The Met Council hereby agrees to maintain its vehicle fleet and infrastructure, including the rails and rail bed in the Capitol Area, in excellent condition, implementing all manufacturer maintenance and operation criteria, on a preventative maintenance frequency as defined by the manufacturers.

The State will continue to be responsible for the maintenance of the existing state-owned land and improvements currently maintained by the State.

The Met Council is responsible for maintenance of all improvements related to CCLRT, unless otherwise agreed to in writing by the parties.

Article 12
Easements

The Met Council shall provide the State drawings of all proposed easement areas, temporary and permanent, of state owned property under the custodial control of the Department of Administration for the purpose of construction and operation of the CCLRT project. The Met Council shall include the applicable plans and specifications, as amended, for improvements to be

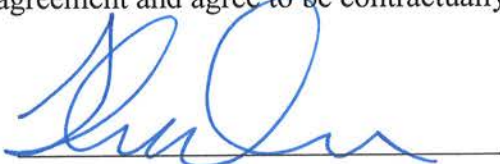
constructed in the easement areas and a description of all work to be completed on the easement areas.

The State shall provide any required changes in writing to the Met Council within ten business days of receipt of drawings, applicable plans and specifications, and the description of work to be completed in the easement areas. Upon approval by the State, such approval will not be unreasonably be withheld, the Met Council shall prepare and provide to the State a certificate of survey and legal description for each easement area. Upon receipt, the State shall provide an easement agreement(s) to the Met Council for execution within ten business days following the execution of this Agreement.

Article 13
Power Plant Building

Upon request by the State, the Met Council agrees, at no cost to the State, to de-energize the overhead catenary system (OCS) and suspend operation of the Central Corridor Light Rail Transit line in order to provide the State access for replacement of cooling chiller equipment located south of University Avenue and west of Robert Street. Operations will be suspended on a weekend, and an additional weekend if necessary, agreed to by both the Met Council and the State. Notwithstanding the foregoing, the State shall notify the Met Council of any event requiring immediate access for emergency replacement of cooling chiller equipment. Upon such notice, the Met Council agrees to suspend evening/overnight operations to facilitate such emergency replacement.

By signing this letter the parties agree that they have the requisite authority to enter into this letter agreement and agree to be contractually bound by the above-referenced terms and conditions.



Thomas H. Weaver
Regional Administrator

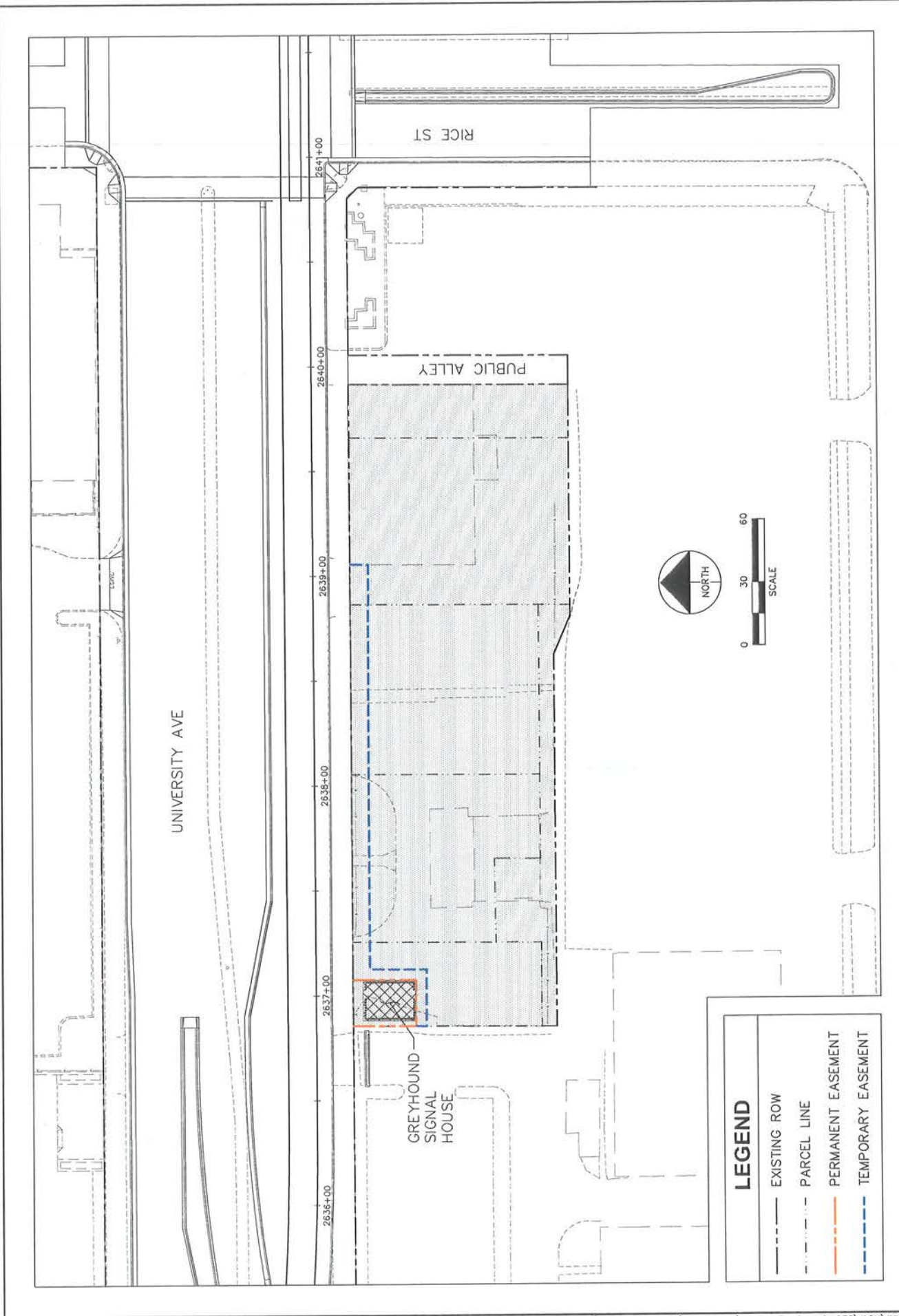
10-12-10
Date

Agreed to by:



Sheila Reger
Commissioner of Administration

12/16/10
Date



LEGEND	
—	EXISTING ROW
- - -	PARCEL LINE
- · - · -	PERMANENT EASEMENT
- - - - -	TEMPORARY EASEMENT

ATTACHMENT 1

Vap, Alicia

From: Peach, Diane
Sent: Wednesday, September 13, 2017 8:48 AM
To: Vap, Alicia
Subject: Summary of landscaping meeting regarding Capitol Area

From: Vap, Alicia
Sent: Wednesday, April 23, 2014 1:35 PM
To: Chris Guevin (chris.guevin@state.mn.us); (joe.dinnebier@state.mn.us); John Maczko; Paul Mandell (paul.mandell@state.mn.us)
Cc: Sorensen, Greg; O'Brien, Kathryn; CCPODMC
Subject: 4/16/14 Landscaping Meeting re Capitol Area Summary

Summary of April 17 Landscaping Meeting re Capitol Area

Attendees:

Chris Guevin, Joe Dinnebier, Sandia O'Brien, Department of Administration
Paul Mandell, Capitol Area Architectural and Planning Board
John Maczko, City of St. Paul
Alicia Vap, Kathryn O'Brien, Greg Sorensen, CCPO

Landscaping Maintenance

Four areas remain outstanding in terms of who would maintain the landscaping--east of Rice Street station, at Robert and University, north/south of the Robert Street station, and at Robert and 12th. Admin agreed to maintain these areas, but would like CCPO to review the corner of Robert and University. This corner has experienced trucks jumping the curb and damaging the landscaping. CCPO will review. Department of Administration (Admin) would also like irrigation record drawings of this area; CCPO will provide.

Other/Outstanding Issues:

12th Street Plantings

During CCLRT construction, trees on the south side of 12th St from Robert to Minnesota were removed. The state would like to replant, but would like asbuilts to see what they can plant—there may be conduit, etc., in the area that may prohibit much plantings. CCPO will provide.

Maintenance Staircase

Admin brought up an issue regarding access to the Maintenance Building. Employees are access this building from the south via the maintenance road as there is no longer a sidewalk to the building after CCLRT construction and they are concerned regarding safety--this issue has been reviewed previously by CCPO. Admin requested CCPO review the constructing a staircase to the west of TPSS 11 with access from the Judicial Parking Lot. CCPO expressed concern regarding accessibility as there would not be adequate slope for a companion accessible path. Admin indicated the building is not an accessible building, and they discuss this issue with State Disability Council prior to additional review.

Snow maintenance

Admin requested a meeting with Metro Transit to discuss snow maintenance. CCPO to schedule.

Outstanding plantings

Admin has additional areas of plantings that need to be restored. They will share that information with CCPO.

Action Items:

- CCPO to provide Admin with Metro Transit safety training information. **UPDATE: AV EMAILED to JD 4/16/14**
- CCPO to provide irrigation record drawings.

- CCPO to provide asbuilts of underground conduit, of 12th Street from Robert to Minnesota.
- CCPO to review Robert/University corner.
- Admin will meet with State Disability Council to discuss access to the Maintenance Building.
- CCPO to schedule a snow maintenance meeting with Admin staff. **UPDATE: MEETING SCHEDULED FOR 4/24/14**
- Admin to share planting areas to be restored with CCPO.

Alicia Vap
Project Manager
Central Corridor Project Office
540 Fairview Avenue North, Suite 200
St. Paul, MN 55104
work: 651-602-1961
cell: 612-210-1366
alicia.vap@metc.state.mn.us