

T Transportation Committee

Meeting date: May 14, 2007

ADVISORY INFORMATION

Date:	May 7, 2007
Subject:	Northstar and Minnesota Ballpark Intergovernmental Cooperation Agreement
District(s), Member(s):	Annette Meeks, District 7, 612-341-8168
Policy/Legal Reference:	MN Statutes 174.82, 174.90, 473.4051 related to commuter rail and light rail MN Statute 398A.04, subd 1 related to Hennepin County Regional Rail Authority MN Laws 2006, Ch. 257 related to Minnesota Ballpark
Staff Prepared/Presented:	Brian Lamb, General Manager, 612-349-7510 Mark Fuhrmann, Deputy General Manager, 612-349-7513 Phil Walljasper, Risk Manager, 651-602-1787
Division/Department:	Metro Transit

Proposed Action/Motion

Authorize the Regional Administrator to negotiate and execute the Intergovernmental Cooperation Agreement Regarding Northstar and Ballpark Projects.

Issue(s)

- Delineating responsibilities for design and construction of commuter rail and light rail facilities next to the Ballpark that will affect commuter rail and light rail operations.
- Indemnification and insurance requirements and responsibilities for the construction of Northstar Commuter Rail, light rail and Ballpark projects.
- Agreement calls for a more detailed operations agreement between the parties.

Overview and Funding

The Intergovernmental Cooperation Agreement Regarding Northstar and Ballpark Projects sets forth the roles and responsibilities for design, construction and costs for all the participating parties where Northstar Commuter Rail, Hiawatha Light Rail and the new Minnesota Twins Ballpark come together in downtown Minneapolis. It is the intent of the parties to assign costs that are reasonably attributable to the Ballpark to the Ballpark and assign costs attributable to Northstar be assigned to Northstar. There are four key areas where the agreement delineates the parties' responsibilities.

Vertical Circulation Building - This structure connects the upper level of Hiawatha LRT which is at the same level of the main concourse of the Ballpark with the lower level Northstar Commuter Rail platform. Hennepin County will pay for the cost to design and construct the building to include enclosed and heated lobby areas at both levels, a stairway, dual escalators and an elevator for ADA compliance. Northstar Project is responsible for the cost and installation of all wiring and equipment in the signal communications room and systems electrical room. If the Ballpark project is halted or relocated for any reason, the County is still responsible to provide the permanent vertical circulation building at no cost to Northstar.

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North 5th Street Bridge Modifications - The Ballpark Project needs to demolish the west bridge abutment, extend the length of the last span to accommodate BNSF trains operating adjacent to the Ballpark and reconstruct the abutment. The cost of the redesign, demolition and reconstruction of the abutment will be borne by the County.

Commuter Rail Storage Track and Cedar Lake Bike Trail - The County needs to shift the BNSF track alignment adjacent the Ballpark to enhance the design and construction of the Ballpark Project and to accommodate the city of Minneapolis' Cedar Lake Bike Trail. This impacts Northstar as it is the track area where Northstar will store two trains during the midday. The County will pay for the design and construction including new rail, ties, ballast and a new switch.

Utilities – The County will provide all utilities to the vertical circulation building and the south storage track head-end power unit for the locomotives. This includes primary and secondary electrical power, water, sanitary sewer and storm sewer connections. Northstar Project will be responsible for design and determination of capacity requirements for all equipment, utilities and systems.

Construction Timetables and Northstar Access – The agreement establishes critical dates for the County to provide access to Northstar and MnDOT contractors. This includes initial access in early June 2007 to begin demolition of the south half of the 5th Street Bridge; substantial completion of the vertical circulation building by February 1, 2009 and beneficial use for pre-revenue training by May 1, 2009.

In addition to these commitments by Hennepin County, the Hennepin County Regional Railroad Authority (HCRRRA) has approved making payment of \$300,000 to Northstar to pay for a portion of additional costs for designing and constructing a second boarding edge of the Northstar Minneapolis platform and a tie-in track to the south storage track.

Indemnification and Insurance – The County and Northstar each have insurance requirements for work related to BNSF and non-BNSF related construction activity. The County will be required to provide insurance for its construction related activities, with such insurance also protecting the interests of the Council, relative to the Vertical Circulation Building and the Fifth Street Bridge work. The County will also acquire the necessary rights from BNSF for such construction. Once construction is complete, Northstar will acquire the necessary rights from BNSF in a Platform Lease that will allow for the ongoing operation of the Vertical Circulation Building that is on BNSF's right-of-way. The insurance and indemnification requirements in the Northstar Platform Lease will be covered under the overall Commuter Rail insurance program outlined in the Joint Use Agreement and will not require an additional policy for Northstar.