

T Transportation Committee
For the Metropolitan Council meeting of July 8, 2009

ADVISORY INFORMATION

Date Prepared: June 24, 2009

Subject: Northstar/Minnesota Twins Ballpark Operation and Maintenance Agreement

Proposed Action:

That the Metropolitan Council authorize the Regional Administrator to negotiate and execute the Operations and Maintenance Agreement by the Metropolitan Council, Minnesota Ballpark Authority, Minnesota Twins Ballpark, LLC, and Minnesota Twins, LLC for the purpose of establishing responsibility between the parties for the ongoing operation and maintenance for the Northstar Commuter Rail Minneapolis Station, Hiawatha Light Rail Transit Ballpark Station and the Vertical Circulation Building connecting the two stations.

Summary of Committee Discussion / Questions:

Mark Fuhrmann presented this item. Fuhrmann answered questions on the train testing schedule. A motion was made by Steffen, seconded by Beach and the business item passed unanimously.

T Transportation Committee

Meeting Date: June 22, 2009

For Metropolitan Council Meeting: July 8, 2009

ADVISORY INFORMATION

Date: June 18, 2009
Subject: Northstar/Minnesota Twins Ballpark Operation and Maintenance Agreement
District(s), Member(s): District 7: Annette Meeks, 612-341-8168
Policy/Legal Reference: Cooperation Agreement Regarding Northstar and Ballpark Projects
Staff Prepared/Presented: Brian J. Lamb, General Manager, 612-349-7510
Vince Pellegrin, Chief Operating Officer, 612-341-5612
Peter Hanf, Associate General Counsel, 651-602-1749
Phil Walljasper, Director of Risk Management, 651-602-1787
Mark W. Fuhrmann, Deputy General Manager, 651-602-1942
Division/Department: Metro Transit / Northstar Project Office

Proposed Action/Motion

That the Metropolitan Council authorize the Regional Administrator to negotiate and execute the Operations and Maintenance Agreement by the Metropolitan Council, Minnesota Ballpark Authority, Minnesota Twins Ballpark, LLC, and Minnesota Twins, LLC for the purpose of establishing responsibility between the parties for the ongoing operation and maintenance for the Northstar Commuter Rail Minneapolis Station, Hiawatha Light Rail Transit Ballpark Station and the Vertical Circulation Building connecting the two stations.

Background

The Metropolitan Council entered into the Northstar and Minnesota Ballpark Intergovernmental Cooperation Agreement in 2007 to set forth the 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. See Exhibit E.1. The Cooperation Agreement assigns capital costs attributable to the Ballpark's presence to the Ballpark and assigns capital costs related to Northstar Commuter Rail to Northstar. This Agreement provides the cooperative framework for the on-time and on budget delivery of the two largest publicly funded construction projects in Minnesota. The Northstar project will open for passenger service late 2009 with the Ballpark first pitch slated for April 2010. The 2007 Agreement calls for a more detailed operations and maintenance agreement which is the purpose of this business item. Action on the Operation and Maintenance Agreement is being requested at this time to enable execution of the Agreement prior to the Metropolitan Council beginning to operate Northstar and Hiawatha test trains in the area of the Ballpark in July.

Rationale

The Minnesota Ballpark Authority (MBA) has acquired property over which a portion of the Northstar Project will operate. Northstar has constructed improvements over some of this property for commuter rail and light rail service just as the MBA has constructed improvements, namely the Vertical Circulation Building (VCB), that will directly benefit passengers utilizing Northstar and Hiawatha LRT. Just as the 2007 Cooperation Agreement assigns capital costs generally to the primary beneficiary, the Operations and Maintenance Agreement seeks to assign operation and maintenance costs to the party who benefits. For example, Metropolitan Council will be responsible for maintaining the rail passenger areas of the Vertical Circulation Building and the Minnesota

Twins will be responsible for maintaining the area of the Vertical Circulation Building where they have ticket windows and concessions. See Exhibit E.2.

The Operations and Maintenance Agreement sections related to advertising on the rail platforms and in the Vertical Circulation Building and the rail station naming rights continue to be negotiated and will require future Metropolitan Council consideration and action.

The Operations and Maintenance Agreement will also address the allocation of liability related to each Party's activities. The Minnesota Ballpark Authority and the Metropolitan Council are public entities and are governed by certain statutory immunities and liability caps. The allocation of liability in this agreement will be consistent with such immunities and caps and will not look to create any liability in excess of such caps.

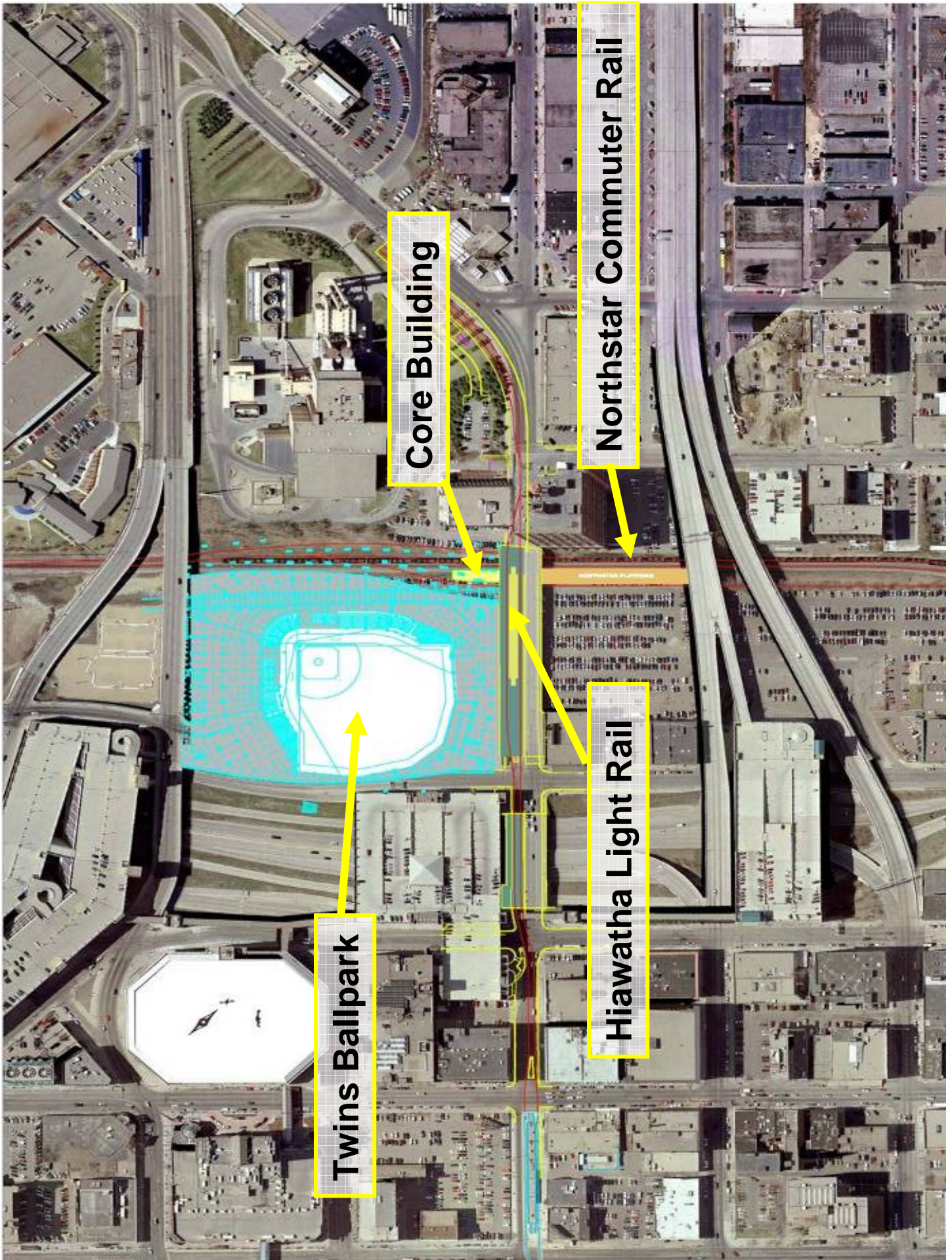
The Minnesota Ballpark Authority has entered into a lease with the Minnesota Twins for 30 years with two 10-year options. The term of this Operations and Maintenance Agreement is perpetual. If the Ballpark is removed someday, the Ballpark Authority may elect to terminate the Agreement with the Metropolitan Council with six months notice. If transit service ceases for a continuous period of 180 days, the Agreement may be terminated.

Funding

The cost of operation and maintenance of the Northstar, Hiawatha and Vertical Circulation Building areas have been included into the overall commuter rail and light rail operating budgets beginning late 2009.

Known Support/Opposition

The Minnesota Ballpark Authority and Minnesota Twins support this Operations and Maintenance Agreement.



Twins Ballpark

Core Building

Hiawatha Light Rail

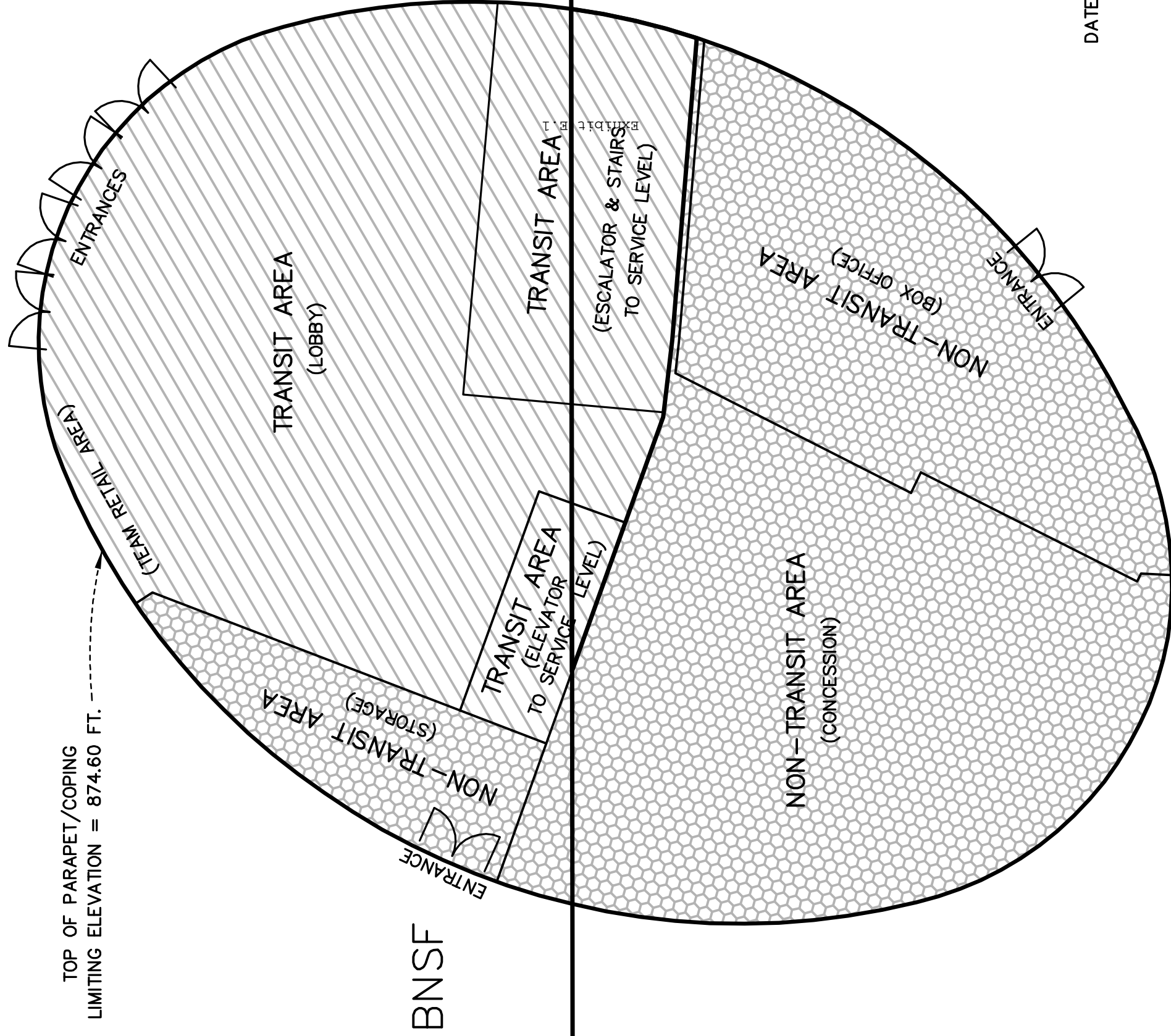
Northstar Commuter Rail

EXHIBIT E.2

DEPICTION OF VERTICAL CIRCULATION BUILDING
(TRANSIT AND NON-TRANSIT AREAS)
AT MAIN CONCOURSE LEVEL

OPERATIONS AND MAINTENANCE AGREEMENT

TOP OF PARAPET/COPING
LIMITING ELEVATION = 874.60 FT.



RAILROAD PROPERTY

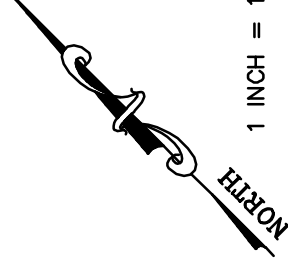
MINNESOTA
BALLPARK
AUTHORITY
PROPERTY

TRANSIT AREA OF VERTICAL
CIRCULATION BUILDING

NON-TRANSIT AREA OF
VERTICAL CIRCULATION
BUILDING

ENTRANCES SHOWN PER PLAN

1 INCH = 10 FEET



DATE OF PREPARATION: JUNE 12, 2009
SHEET 2 OF 3 SHEETS
31810149 TBP-EX67.DWG BUY
(TBP-EX99, TBP-108)



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