

D. Scott Dibble
Senator
Frank Hornstein
Representative



Minnesota Senate
Minnesota House
Districts 61 and 61A

January 23, 2018

Alene Tchourumoff, Chair
Metropolitan Council
390 N Robert St.
St. Paul, MN 55101-1805

Gail Dorfman, Council Member
Metropolitan Council
390 N Robert St.
St. Paul, MN 55101-1805

Dear Chair Tchourumoff and Council Member Dorfman,

We are writing in part to indicate our thanks for the Metropolitan Council's work with neighbors at the Calhoun Isles Condominium Association (CICA) in compliance with legislative direction to *“develop and implement a project-eligible plan to prevent vibration impacts to the Calhoun Isles property, including the high-rise building, townhomes, and parking ramp, due to Southwest light rail transit project construction activities and operations.”* There are some good first steps taking place to develop before and after building inspections, testing and monitoring of vibrations, building and ground movements, and construction equipment.

However, a fundamental problem remains. The Met Council continues to refuse to consider compelling evidence that the high-rise may well be less than 1% likely to be a standard-issue “Category I” building, akin to a wood frame, sheetrocked structure and/or a modern reinforced concrete steel structure, able for the most part to absorb and withstand construction and operations vibrations. Substantiated information suggests that it is more likely than not that this almost 100 year-old concrete, former grain elevator, to be a “Category IV” structure, “extremely susceptible to vibration damage.” The Met Council now has a four to five month window to complete the Supplemental Environmental Assessment for the BNSF crash wall, and to revise the contractor bidding process for the project. We implore you to use this time frame to also reconsider your conclusions regarding the implications of vibrations from SWLRT construction and operations on the Calhoun Isles condominiums and high-rise.

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In short, the condo association's engineering consultant has concluded that the high-rise is extremely likely very sensitive to vibrations. Vibrations from a building construction project much farther away damaged the high-rise and the town homes in 2015. 13 units reported damage. Documented impacts included cracks in walls, shelving knocked from walls, vibrations in the elevators, chandeliers swinging, livability impacts on the higher floors. At least two households were forced to leave for a period of time. A monetary settlement was paid to address the damages. Inexplicably, the Met Council has decided that the allowable level of LRT construction phase vibration is three times greater than was experienced during that project.

There are also implications for the long term, with the condo association engineer's conclusion that vibrations from LRT activity being above FTA guidelines. Aside from being merely annoying, there is growing evidence that exposure to continuous vibration has human health consequences.

Residents are also concerned that damage that is not immediately apparent, or that which results in exacerbation of underlying building challenges owing to its age, will not result in neither reimbursement by the Met Council nor their own insurance.

The language in statute reads:

"The council must categorize the Calhoun Isles property buildings based on criteria established by the Federal Transit Administration."
and

"The council must make reasonable efforts to coordinate and cooperate with the Calhoun Isles Condominium Association for... activities to establish valid categorization of buildings."

The Met Council's refusal to reconsider the categorization of the high-rise is a plain and clear violation of the legislative requirement and of legislative intent. The Met Council claims that this will reopen the EIS, and offers nothing to support this argument. However, there is now the opportunity and time to determine the truth of the matter given the fact that a fuller study of the crash wall needs to be completed, and the time it will take as a consequence of Met Council's decision to reject all of the initial bids, revise the project to attract better bids, and revamp guidelines on who may bid.

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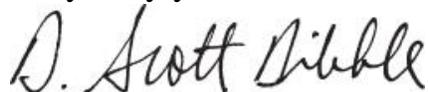
If the Met Council has a reason or rationale for their original building categorization, evidenced by the level of vibration they're willing to subject it to, we haven't seen it. In contrast, there is ample evidence to support CICA's contention that the building is highly susceptible to consequences from vibrations: damage from the Trammel Crow project and the findings of a number of engineering firms about the reasons for that damage, the nature of the soils in the area, and the composition and construction facts of the grain towers themselves.

Imagine the implications if the council is wrong and in the midst of construction serious damage occurs to the high-rise. The Met Council states in the Record of Decision, "*During Project construction, continual monitoring and visual inspection of the CICA building will be required to identify if any vibration-caused issues are developing.*" The question begs, what then? The damage may be too great and it may well be too late to make any kind of fundamental change to the project to avoid what may have been quite predictable and extremely disruptive to the lives, finances and health of our constituents, and enormously expensive, or even fatal, to the project.

The plans being put in place are made moot if the underlying assumptions are in error. It is imperative that a susceptibility study, carried out under the direction of an objective third party, be conducted. This can be completed over the course of a few months at a cost of under \$100,000. If CICA's engineers are wrong, then that would be great and everyone will be the wiser for it, having risked very little.

Our constituents have made a reasonable request to get a second opinion on this matter prior to the Met Council's final application for a full funding grant agreement or initiating any construction on the project. We respectfully request that you proceed immediately on addressing these concerns through a third-party susceptibility study.

Very truly yours,



D. Scott Dibble
Senator, District 61



Frank Hornstein
Representative, District 61A