

Legislative Coordinating Commission
Legislative Commission on Metropolitan Government

Rep. Hornstein moves that the Legislative Commission on Metropolitan Government:

1. Recommend that the Metropolitan Council conducts a susceptibility study – executed by an objective third party with the appropriate technical knowledge and capability, and in a transparent, collaborative manner – to determine and establish:
 - a. Proper building categorizations to ascertain how the buildings are likely to respond to vibrations from both the construction and operation of the South West Light Rail line;
 - b. Appropriate vibration thresholds for the physical structure and resident experience;
 - c. Necessary mitigation measures to protect the structures and the residents from vibratory issues during construction;
 - d. Necessary mitigation measures to ensure residents do not experience excessive noise and vibrations from the operations of light rail trains.

2. The preceding recommendations to the Metropolitan Council are based upon:
 - a. The Legislative Commission on Metropolitan Government’s concerns that should the Metropolitan Council be incorrect in its assumption about the level of vibrations that the high-rises can withstand, the implications may be very consequential for all stakeholders;
 - b. The 2017 Legislature passed a bill requiring the Metropolitan Council to “categorize the Calhoun Isles property buildings based on criteria established by the Federal Transit Administration,” “to coordinate and cooperate with the Calhoun Isles Condominium Association,” and to “develop and implement a project-eligible plan to prevent vibrations impacts to the Calhoun Isles property;”
 - c. Testimony at the Legislative Commission on Metropolitan Government hearing on January 24, 2018 when the Calhoun Isles Condominium Association stated that the high-rise buildings were damaged, and suffered other impacts, from vibrations during a construction project 160 feet away; and that the damage sustained exceeded expectations given the distance and level of the resulting vibrations;
 - d. Testimony at the Legislative Commission on Metropolitan Government hearing on January 24, 2018 when the Calhoun Isles Condominium Association stated that engineers hired to evaluate the reasons for damage to the buildings during previous construction projects found strong evidence that the buildings do not respond to vibrations as other reinforced concrete structures would, likely due to the buildings unique design acting as a vibratory accelerator;

- e. The Metropolitan Council's conclusions that the Calhoun Isles high-rise can withstand vibrations almost three times greater than the vibrations that caused damage during a previous construction project, and for which the Metropolitan Council has provided no information explaining the reasons, evidence, or rationale;
- f. Testimony at the Legislative Commission on Metropolitan Government hearing on January 24, 2018 when the Calhoun Isles Condominium Association stated that they have provided comments to the Southwest Light Rail Environmental Impact Statement and the Record of Decision, have met numerous times with the Metropolitan Council leadership and Project Office staff requesting a fair consideration of the evidence and further testing to ascertain the truth;
- g. Testimony at the Legislative Commission on Metropolitan Government hearing on January 24, 2018 when the Calhoun Isles Condominium Association stated that engineers hired to evaluate concerns about vibration impacts on livability from post construction operations of light rail cited evidence that assumptions by the Metropolitan Council on distance and level of vibration may be in error;
- h. Other factors that have caused a pause in the bidding and construction of the Southwest Light Rail project, allowing for time needed to design and conduct modeling and testing to determine proper categorization of the building and establish acceptable vibration threshold for both construction and operation of light rail.

Adopted 02/08/2018