



Why did MPR sue the Metropolitan Council?



Rendering of planned CCLRT outside MPR

Minnesota Public Radio filed a lawsuit on February 4th to enforce a contract the Met Council signed last April. We acted to protect the programming and services 16 million people rely on each week.

MPR is the second largest producer of public radio programming in the United States and produces three regional broadcast channels enjoyed by 950,000 people each week. MPR is Minnesota's largest cultural non-profit and has been called "essential to the fabric of Minnesota." These programs and the investments of our members are at risk unless our facilities are protected from the severe noise and vibration that will be created by the Central Corridor light rail (LRT) project,

planned to run a mere 12 feet from our broadcast center.

The Met Council agreed to provide those protections. It signed a binding contract (not a "memorandum of understanding" as the Met Council has repeatedly misstated) that requires the use of "best efforts" and proven technology in mitigation designs. In return, MPR withdrew its objection to the planned LRT route.

Unfortunately, the rubber pad floating slab design currently proposed by the Met Council fails to live up to the requirements of our agreement. Here's why:

- **There is no rubber pad system with a proven track record in protecting vibration-sensitive buildings in extremely close proximity to light rail trains.**

The Met Council's website stated that "...the most analogous rubber pad installation [is] the New Jersey Performing Arts Center (NJPAC) in Newark, N.J., which is adjacent to a street-running LRT line."¹ **What was not stated is the crucial fact that the NJPAC is 300 feet away from LRT, more than 20 times the distance between LRT and MPR.**

The effects of vibration and noise can be dramatically reduced by distance. Calling MPR's situation (12 feet from the tracks on shallow bedrock which could increase vibration impacts) "analogous" to NJPAC's is misleading. In fact, the Met Council has agreed that the planned proximity of its trains to MPR is "...**unique and without precedent among modern-day LRT lines in the United States.**"²



Aerial image of NJPAC and LRT line

- **The only vibration mitigation solution proven in an analogous situation uses steel springs to support a floating slab of concrete.** The Met Council brought this system to MPR's attention and arranged for a meeting between MPR and its designers.³ It was this discovery – and the adoption of the performance standards this technology makes possible – that cleared the way for April's agreement.
- **The Met Council agreed to use "best efforts" to mitigate noise and vibration impacts at MPR.** Our April contract sets rigorous design and performance criteria, including requirements for performance in Minnesota's demanding climate, performance on a grade and the ability to effectively maintain and repair under revenue service conditions.⁴ The proposed rubber pad system fails to meet all of these requirements.
- **The difference in cost between steel-springs and rubber pads is less than one-tenth of one percent of the overall light rail project budget.** It is a solution that affects just 700 feet of an 11-mile project. It is a solution with a proven track record that can work for light rail's 100+ years of planned operations.

¹ Met Council Website "Met Council defends mitigation for LRT in front of MPR" Feb. 9, 2010 <http://www.metrocouncil.org/>

² CCLRT Mitigation Agreement (Met Council and MPR) April 8, 2009, Agreement / Page 7.

³ A steel spring system has proven effective mitigating the vibration impacts of an LRT line in extreme proximity to a concert hall in Basel, Switzerland.

⁴ CCLRT Mitigation Agreement (Met Council and MPR) April 8, 2009, Plan / Page 6,7.