

Management Committee

Meeting date: October 25, 2017

For the Metropolitan Council meeting of October 25, 2017

Subject: Southwest Light Rail Transit (Green Line Extension) Amendment #4 to the Legal Services Contract (14P026) with Nossaman, LLP

District(s), Member(s): All

Policy/Legal Reference: Minnesota Statutes 473.399, Minnesota Statutes 473.129

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Division/Department: Office of General Counsel and Metro Transit / Green Line Extension LRT

Proposed Action

That the Metropolitan Council authorize the Regional Administrator to execute Amendment #4 to the legal services contract (14P026) with Nossaman, LLP related to freight rail for the Southwest Light Rail Transit (Green Line Extension), to add \$500,000 for a total authorized contract value of \$1,300,000.

Background

Authorization to amend the Nossaman, LLP legal services contract is required because the current contract value of \$800,000 is anticipated to be fully expended by the end of October 2017.

The amendment is needed because the agreements negotiation process has extended beyond 2016 as originally anticipated. Additionally, through negotiations with Canadian Pacific (CP) and Twin Cities and Western Railroad (TCWR), additional ancillary agreements have been identified as required. For example, CP very recently informed the Council and TCWR that through the transactions it desires to keep trackage rights in the Kenilworth Corridor. As such, the parties have developed amendments to existing trackage rights agreements and developed new supplementary agreements to address CP potential continued use of the corridor. An amendment will allow the Council to continue utilizing Nossaman's services to complete the agreements and manage terms requiring legal assistance through 2018.

The original contract was executed on August 28, 2014 for \$95,000. Amendment #1 was executed on October 13, 2015 to increase the total contract value to \$250,000. Amendment #2 was executed on July 6, 2016 to increase the total contract value to \$500,000. Amendment #3 was executed on June 15, 2017 to increase the total contract value to \$800,000. Amendment #4 will add \$500,000 for a total authorized contract value of \$1,300,000.

Rationale

The contract amendments are for additional time needed to advise the Southwest Project Office on the critical freight rail agreements with CP and TCWR. The need for additional hours is due to ongoing negotiations.

Thrive Lens Analysis

Coordination with freight rail companies is necessary to construct and operate the Green Line Extension that will increase the region's prosperity as it will provide access to 80,900 forecasted jobs and a new transportation option for 55,600 forecasted residents within ½ mile of the planned new stations in addition to the 145,300 forecasted jobs and 35,600 forecasted residents in downtown Minneapolis.

Funding

Legal Services is a project budgeted activity and a project eligible expense.

Known Support / Opposition

There is no known opposition to amending the Nossaman, LLP contract.