GENERAL POLICY STATEMENT FOR THE CONSTRUCTION OF THE SAINT PAUL SKYWAY SYSTEM

Adopted By The
City Council Of
Saint Paul, Minnesota
January 8, 1980
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Amended February 14, 2002
Amended February 24, 2006

DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT
OF THE CITY OF SAINT PAUL, MINNESOTA

This Policy Statement supersedes
and replaces the
General Policy Statement
Pedestrian Concourse System
Downtown Urban Renewal Project
Minn. R-20
Adopted by the
Housing and Redevelopment Authority
of the City of Saint Paul, Minnesota

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A. PURPOSE AND GENERAL DESCRIPTION

Beginning with the Downtown Urban Renewal Project Area - Minn. R-20, the Housing and Redevelopment Authority of the City of Saint Paul has developed a skyway system in downtown Saint Paul.

As used herein, the term "skyway system" encompasses the following: (1) concourse corridors; (2) node points in the concourse corridors, including, where feasible, one major node central to each block, generally at the point where several concourse corridors intersect; (3) bridges spanning streets; (4) certain vertical access facilities connecting the concourse corridors to public streets or other public property. The original purpose of this skyway system was to divert pedestrians from the minimal-width street-level sidewalks, enabling pedestrian traffic to move in an enclosed environment protected from adverse weather and vehicular traffic. The skyway system has significantly reduced pedestrian-vehicle conflicts at street level, particularly during periods of peak traffic, thereby permitting a smoother flow of vehicular traffic and greater safety for the pedestrian.

The skyway system has served Saint Paul well in the years since its inception. It has become a key factor in maintaining the economic viability of downtown. It has afforded developers the opportunity to provide shop and office space abutting the concourse, allowing people to circulate throughout downtown unhindered by adverse weather conditions and traffic. The skyway system, through the efforts of the developers, also may contain sculpture, water displays, artworks, and other elements contributing to the aesthetic and cultural enrichment of the citizens of the City, thereby becoming a focus of activity in the downtown area. The general location of the existing skyway system, including concourse corridors, nodes, vertical access facilities and bridges, is shown on the attached map.

Saint Paul has chosen a neutral, standardized design for its public skyway system to allow the architecture of the connecting buildings to be a more prominent feature of the streetscape. The key elements of this neutral design include the Vierendeel truss, a deep brown color and clear glass. In particular, the Vierendeel truss was chosen because it reflects the architecture of most of the buildings in downtown (i.e. simple horizontal and vertical lines), and it is more transparent than other truss types. With the truss, the other standard design elements help the skyway system act as a backdrop to the architecture of the city and minimize visual obstructions at the street level. In addition, designing the skyways as a system (not as a series of individual bridges), with a standard design, provides physical and visual continuity and cohesiveness throughout downtown. Architectural tradition is important in Saint Paul. With 38 skyways built over the last 30 years, the standard skyway design has now become part of that tradition.

B. DEVELOPMENT PREMISES AND CONSIDERATIONS

Incorporation of the public skyway system into private development and building ownership presents some unique implications for the public, owners, and developers. With recognition of the public and private interests involved in the skyway system,

certain premises have been established relating to the system, and these premises are basic to the regulations and development criteria established for the skyway system as set forth in the succeeding section. The following premises apply to the entire skyway system, even though portions of the system may be built by private building owners or developers:

1. The skyway system is an above-ground pedestrian system. It is one component of a larger downtown transportation system, which also includes tunnels, arcades and other forms of at-grade, weather-protected pathways. While this policy addresses the elevated skyway system only, the vitality of downtown depends on maintaining a balance between at-grade and non-at-grade pedestrian systems, and fostering investment and activity at all levels. As currently conceived, the skyway system is the dominant non-at-grade-system in downtown.

2. The skyway system will be entirely enclosed and capable of being heated and cooled to temperatures comparable to that maintained in adjacent office and retail areas, and in compliance with Chapter 140 of the Saint Paul Legislative Code. The term "enclosed" will mean protected from the weather, though the area of the skyway system need not necessarily be confined by its own walls. The concourse corridors and bridges will be constructed with a minimum width of 12'- 0" unless, in the judgment of the City, physical limitations of existing buildings, such as column spacing, fixed vertical element locations, window opening, etc., render the 12'- 0" width impractical, or would constitute an undue hardship to the owner. In such instances, a lesser width, to be approved by the City, may be allowed.

3. The success, that is the degree of utilization of the skyway system, will be directly related to the convenience, comfort, safety and efficiency it affords pedestrians in the downtown. The safety of system users will be maintained in compliance with Chapter 140 of the Saint Paul Legislative Code and the document “Design for Public Safety: A Guide for Making a Safer Public Realm.”

4. Any and all public expenditures for the skyway system must be limited only to those improvements that are of public benefit. While adjacent buildings may derive peripheral benefit from a public skyway abutting their properties, no segment of the skyway system or its facilities that are of primary benefit to private interests can be constructed with public monies. The City reserves the right to determine what improvements are of public benefit.

5. The skyway system must have a design identity of its own, distinguishing it from other areas with public access within buildings as an aid to citizens in finding their way throughout the system. Further, where there is a public easement in the skyway system, it must be possible to readily identify those public areas so that citizens are cognizant of the location of the skyway path. The system must possess directional clarity and be accessible, identifiable and continuous.

6. The skyway system must functionally and visually help to unify the downtown

and reinforce the compactness of downtown. Concourse corridors should be urban in character and will provide a variety of special experiences; they will not be of monolithic design throughout the system's length. The skyway system will possess a variety of floor to ceiling heights and abut spaces of varying design and activities. Nevertheless, it must still possess enough common elements to provide directional clarity, continuity and identity.

7. The present skyway system standard exterior design, with its vierendeel truss and uniform color, has provided a system that is a functional, consistent, transparent and neutral backdrop to the architecture of the city. The City will continue to employ this design. Any exceptions will be evaluated by the City on the basis of specific conditions and constraints.

8. Skyway access continues to be a major factor in downtown development decisions and the overall economic vitality of downtown. As such, the system needs to be retained and provisions must be made for its extension, but new investments in the system need to be balanced with investments in the street-level pedestrian realm.

9. Proposals to extend the skyway system will be considered based on the following criteria:

    a. The density of new development to be served by the proposed extension;
    b. The architectural significance of the buildings to be connected by the proposed extension;
    c. The impact on views of significant natural and built features;
    d. The impact on at-grade pedestrian activity and vitality;
    e. The feasibility of alternative connections such as tunnels, at-grade weather-protected walkways, etc.; and
    f. The impact on system continuity.

C. COST SHARING AND FUNDING POLICY

The following cost sharing and funding policy applies to all skyway system elements (concourse corridors, nodes, bridges, bridge support structures and services and vertical access facilities) not under a construction contract at the time of the adoption of this policy by the City Council, unless otherwise specifically exempted from this policy by the City Council. Such skyway system elements specifically exempted by the City Council will be covered by this policy statement.

This cost sharing and funding policy is considered to be consistent with Saint Paul's adopted Capital Allocation Policies. The skyway system is considered to be a Service System Improvement, and any proposal for an addition to the existing skyway system must be based on the merits of each proposal as to its economic benefit to the City. The sole and final determination for each addition to the existing skyway system will rest with the City Council. Adjoining property owners must agree to share in the cost of subsequent improvements to skyway system elements.

1. Bridges - The City may pay a portion of the total cost of each skyway bridge, including construction costs, architect's fees and other associated costs. The exact amount will be negotiated between appropriate City staff and benefiting building owners or developers based on the City's downtown development priorities. The City Council will make the final determination on the exact cost to be borne by the City.

2. Concourse Corridors and Nodes - Benefiting building owners or developers will pay all costs for constructing, remodeling or reconstructing their buildings to provide acceptable concourse corridors and nodes through their buildings.

3. Bridge Support Structures and Services - The developer or building owner at each end of the bridge will be responsible and will pay all costs for the provision of structural supports within their respective properties, which are necessary to accommodate the bridge. The City will not be financially responsible for such increased support structure, nor will the City build independent supports for the bridge upon private property at either end at its expense. With respect to bridge services, the building owner or developer, at his/her expense, will provide and connect the mechanical and electrical systems of his/her buildings to the bridges and supply to all necessary facilities for fresh air, heating, cooling, and electrical power, unless the building owner or developer is advised that a previously constructed building already supplies such facilities. Where a bridge connects the improvements of one developer or building owner with that of another developer or building owner, each party so connected will be responsible for agreeing as to how they will share the cost of providing the required mechanical and electrical services to the bridge. Such a cost-sharing agreement must be reached by the affected parties and submitted to the City for its review prior to the start of bridge construction.

   For bridges connecting new buildings for which the location is determined at the time of working drawing preparation, the developer's working drawing and specification will include mechanical and electrical equipment design, location and connections to supply necessary services to the bridges. For bridges where precise location is not yet determined at the time of working drawing completion on the building, the developer must agree to retain the service of an architect and/or engineer, at the time such bridge location is determined, to provide necessary design services as stated above.

   The building owner or developer must agree to retain the services of an architect/engineer to provide information, drawings, documents, and to spend the time necessary with City staff in order to coordinate the provision of mechanical and electrical facilities to the bridge and to resolve all structural, aesthetic and related matters relative to bridge design, structure and utility connections/easements.

   All such design, consultation and coordination will be accomplished in a timely

manner so as to permit construction of the bridge as soon as the two buildings to which the bridge connects are capable of receiving the bridge.

4. Vertical Access Facilities - Vertical access facilities will be installed by the benefiting building owner or developer at no cost to the City. Existing vertical access facilities will be used wherever possible. The City Council may require the installation of escalators or elevators as part of the skyway system. The benefiting building owner or developer will pay all costs of such vertical access facilities.

5. Directional Signs - Building owners and/or developers will pay for the initial manufacture, upkeep and replacement of all directional signage enclosures (the metal-framed boxes that hold the signs). Building owners and/or developers will pay a pro-rata cost for directional sign faces based on where their building name appears on such sign faces. The benefiting building owner and/or developer will pay all costs for supports, electrical service, installation, operation, maintenance, repair and replacement of such signs. Such directional signs will be installed by the building owner and/or developer upon completion of construction of the Skyway bridge(s).

D. DESIGN AND MATERIALS REQUIREMENTS AND STANDARDS

The skyway system's identity, design consistency, and ease of orientation are necessary if the skyway system is to function effectively. The City has established design and materials requirements for the skyway system and its five elements: concourse corridors, nodes, bridges, bridge support structures and vertical access facilities. The design of the skyway system within each block will adhere to these requirements. Two major components of the skyway system, bridges and the concourses/nodes, need to be treated differently. While the exterior design and materials of the bridges will stress uniformity and consistency throughout the downtown, the concourse corridors and nodes will provide a variety of experiences for the skyway pedestrian. Nothing in these requirements will prohibit or excuse any element of the system from complying with pertinent local, state and federal requirements, such as the Americans with Disabilities Act, Chapter 140 (Skyway Conduct) of the Saint Paul Legislative Code, Chapter 12 (Public Art and Design) of the Saint Paul Administrative Code, Chapter 73 (Heritage Preservation Commission) of the Saint Paul Legislative Code, the State Building Code, the City’s Design for Public Safety Initiative, etc.

1. Concourse Corridors

Concourse corridors will run through a block from building face to building face connecting to a skyway bridge. The primary public purpose of such concourse corridors in the accommodation of pedestrian travel from point to point, and, as such, a minimum width of 12'-0" is established for such elements.

Concourse corridors will be light, airy, animated civic places with memorable character. Long, blank-walled corridors will be avoided. The pedestrian will encounter a variety of design experiences while traversing the system.

(a) Skyway System Symbol - A graphic symbol has been developed for the skyway system. Such symbol will be used to indicate the location of the skyway system within the building in a manner approved by the City, and on such skyway signage as the City may provide. No other use of the symbol will be permitted.

(b) Skyway System Graphics - Graphics will play a vital role in orientation in the skyway system, and through consistency of design and placement, will also constitute a vital element in achieving skyway system identity. The City will be responsible for the design and location of all skyway system graphics; the types of graphics and general location criteria are as follows:

i. Directional Signs - Directional signs are the largest and most conspicuous signs in the skyway system. They are used to give directions to streets and identify building names (not individual businesses) in the skyway system. All directional signs will be suspended below the concourse ceilings, perpendicular to the axis of the concourse area in which they are located, and the only such signs to be mounted in this manner.

The building owner will provide: 1) support for the directional signs above the ceiling; 2) electrical services to the signs; 3) the pendants which connect the signs to the structure above the ceiling. The City has developed standard designs for the directional signs and will advise the developer or building owner of the specific location and content of the pendants and signs, including the following:

1. Directional signs that are located at skyway intersections and suspended below the concourse ceilings at the end of the skyway bridges or in the buildings adjacent to the skyway bridge entrance will contain the following content and format.

Signs read upon leaving a building and entering the skyway bridge should read:

Top line of sign: Building(s) Name(s) you are entering
Bottom line of sign: Street name you are crossing over

Signs read upon entering a building and leaving the skyway bridge should read:

Top line of sign: Building(s) Name(s) you are entering

2. Building owners and/or developers will have 180 days after

final adoption by the City Council (but, no later than 180 days after April 15, 2006 for all existing bridges) to conform to the sign content and placement standards, and design specifications contained herein.

3. Directional signs will be internally illuminated.

4. The color of the directional sign background will be white. The font style will be High Perpetua with a minimum height of 3 inches. Letters/characters will be Black. Signage will conform to ADA standards, as set forth in the Code of Federal Regulations 28 CFR Part 36 4.30 Signage; and specifically 4.30.3 Character Height and 4.30.5 Finish and Contrast.

5. The metal-framed boxes that hold the signs will be 6'-0" in length, 9" high, with non-glare plastic glass. The metal surfaces will be painted Architectural Bronze. Building owners/ developers will be permitted to continue to use the metal box enclosures that were installed in the skyway bridges and concourses prior to 1990, if available.

6. The existing signs attached to directional signs indicating Gold, Red and Blue paths will be removed. Any references to the color directional system will be removed.

ii. Maps and Route Directories - Wall-mounted or free standing maps and route directories of the skyway system will be placed in prominent locations at the head of vertical access facilities, within nodes, or in other appropriate locations so that the pedestrian may, together with the directional signs, determine the skyway route to be used in order to arrive easily and quickly at the desired location. A current Standard Skyway Map will be placed within the skyway building corridors, a minimum of one (1) at each major skyway system intersection and a minimum of one (1) at the entrance to and exit from each skyway bridge. Any existing Standard Skyway Maps showing the original color-coded skyway routes will be removed and replaced with the current version of the map. A "You Are Here" sticker will be applied to each map by the property owner indicating where the pedestrian is in the skyway system. The Standard Skyway Map should be free and clear of advertising.

iii. Entry Signs - Entry signs displaying the skyway logo and the International Access Symbol, if appropriate, will be posted on building entrances which identify access points to the system. Entry signs will include, or be located next to, a listing of the building hours. When building entries cannot allow disabled

access to the skyway system, the building owner will post directional signs to the nearest accessible system entry.

iv. Exit signs - Exit signs displaying the skyway logo and the name of the street to which access is available will be posted in the concourse corridors near vertical access facilities.

v. Skyway Information Signs - The City should supply signs containing the skyway logo and the international information symbol to volunteer skyway small businesses. These businesses should be given a supply of skyway maps and should act as informal skyway information centers.

(c) Floor Materials - In concourse corridors running between bridges and nodes, a consistency of floor material that meets ADA standards for concourse corridors must be maintained throughout each building. A change in floor material will help to define the concourse corridors from private areas. If the building owner chooses to use carpet or other non-permanent flooring material for concourse corridors, the building owner must agree to replace such carpet with new carpet or other material matching as closely as possible the original in color and texture at such intervals as may be determined by the City.

(d) Concourse Ceilings and Lighting - Minimum ceiling height will be 8'-0",and no signs or other graphics other than as specified above will be fastened to, or suspended from, the ceiling. Lighting fixtures will be installed in such a manner as to not visually block skyway signage. Luminous ceilings are permitted. Artificial lighting intensity will comply with the minimum lighting levels established in Chapter 140 of the Saint Paul Legislative Code. The artificial lighting will be supplied with electricity so that the interruption of service in any circuit inside the building will not result in total interruption of the required lighting.

(e) Skyway System Walls - Where the skyway system is defined by walls or partitions separating the concourse from adjacent private building areas, such walls may be of a design and function consistent with the use and architectural design of such private building areas. Skyway system walls will be of durable, easily maintained, finished materials.

(f) Business Signs - One projecting business sign per business is allowed, provided that it meets the following criteria:

i. It includes only the business name and/or symbol.
ii. It does not exceed four square feet in size;
iii. It is located eight feet above the floor;
iv. It is not internally lit or made of neon, and does not flash.
v. It does not block views of directional signs.

All other business signs will be parallel to adjacent concourse walls.

(g) Skyway Colors - Skyway related signs and other graphics will employ a specific color scheme throughout the skyway system as developed by the City. Non-skyway related signs and graphics in proximity to the concourse or node area utilizing the same color scheme as skyway-related graphics will not be permitted.

(h) Temperature - Heating, venting and air conditioning will be provided as required in Chapter 140 of the Saint Paul Legislative Code.

2. Nodes - Nodes are the points of intersection of two or more concourse corridors and/or the location of a vertical access facility. At such points, pedestrian traffic is likely to be heavier and moving in varying directions, directional decisions are made, and other activities may be occurring. Such nodes must clearly possess a design identity and character separating them from abutting private areas, and must be primarily oriented to the public purpose of accommodating pedestrian travel in the skyway system, including orientation, direction changes, and congregation or vertical movement to street level. The size and configuration of the node will be dependent upon the number of concourse corridors intersecting its location within the downtown and the overall skyway system, and the amount and nature of anticipated pedestrian activity within the node. The node must be large enough to accommodate anticipated pedestrian activity and to constitute a special area of importance within the overall skyway system. Therefore, a wider than 12 foot concourse area may be required, where possible, at one major node in each block and may be necessary at other nodes. Secondary nodes may also occur in some instances, especially at points of vertical access to the street. Where appropriate, such areas will also have a width wider than the 12 feet appropriate for concourse corridors. It is desirable to achieve an integration of the street and skyway levels at the node areas; therefore, exposure to the ground level is encouraged.

To achieve prominence and identity for major node areas, the building owner, with the approval of the City, is encouraged to provide and maintain skyway furnishings in and near the node areas. Such furnishings may include sculptures, decorative fountains, public telephones, public restrooms, drinking fountains, kiosks for display of material of public interest, benches, trash receptacles, planter boxes and other furnishings and public art as approved by the City and in accordance with Chapter 12 (Public Art and Design) of the Saint Paul Administrative Code. The location of such furnishings in or near node areas will be determined jointly by the City and the building owner or developer, based on analysis of expected traffic patterns within the node and to adjacent private areas. The City and the building owner or developer will jointly approve the design of all such elements to be placed within the skyway system.

3. Bridges - Bridges generally span streets and sidewalks between property lines

and perform essentially the same public function as concourse corridors; therefore, the bridges will be built with a minimum clear width of 12'-0". Also, the City of Saint Paul currently requires a minimum bridge height clearance of 17'-4" at the center of the street which it spans. Bridges may span private property but must connect to an acceptable segment of the basic skyway system, giving access to a public street or other public property. Bridges will be of a consistent exterior design and materials throughout the downtown area. It is important that the skyway bridges reflect consistency in design and materials throughout downtown. Such consistency results in easier orientation for pedestrians, including people with visual disabilities, and allows the system to be read as a system, not just a collection of individual bridges. It is also important for bridges to emphasize neutrality, becoming a part of the urban streetscape rather than making their own architectural statement.

(a) Floor Materials - The preferred floor material for all skyway bridges is a neutral-colored terrazzo floor, herein referred to as "skyway terrazzo". However, as with concourse corridors, adjoining building owners may agree to use carpet or some other non-permanent flooring material for skyway bridges as long as such affected parties agree to maintain and/or replace such carpet with new carpet or other approved material matching the original as closely as possible in color and texture at such intervals as may be determined by the City. The City will also approve the quality and type of carpet to be used.

(b) Bridge Ceilings and Lighting - The standard bridge ceiling is linear metal with recessed filler strips and fluorescent lighting. Supplemental decorative lighting may be considered. Ceiling heights and lighting levels will meet the minimum requirements established in Chapter 140 of the Saint Paul Legislative Code.

(c) Bridge Walls - Bridge curtain walls will consist of clear glass to provide maximum visibility and include exterior dark bronze mullions. The preferred interior mullion color is also dark bronze, but in special circumstances, other neutral colors may be considered by the City. The vierendeel truss and related elements such as window washing ladders, ladder carriages, exposed icicle melting systems and ramp profiles will be painted a deep brown color.

(d) Window-Washing Ladders - Two window-washing ladders per bridge are required, one on each side.

(e) Temperature - Heating, venting and air conditioning will be provided as required in Chapter 140 of the Saint Paul Legislative Code.

(f) Exterior Accent Painting - The flanges (beam and truss details) will be painted in Western Automotive Finishes, Hi-Glo - W593, medium gold metallic.

(g) Exterior Accent Lighting - Accent lighting on the exterior of bridges will be of a consistent design throughout the system.

(h) Length - Long bridges will be avoided by not placing them over open space, surface parking lots, empty blocks, or intersections.

(i) Number per Block - Visual clutter will be avoided by allowing only one skyway bridge connection for each block face. Mid-block bridges are preferred, intersecting connecting buildings at 90 degrees (i.e. perpendicular to the street).

(j) Bridge Doors and Ramps - Bridge doors are required. The design, configuration, etc. of bridge doors and ramps will comply with the Americans with Disabilities Act. New doors installed after the effective date of this skyway policy will be equipped with motion detectors or other automatic opening devices. Bridge doors already in place on the effective date of this skyway policy will be equipped with automatic opening devices according to a schedule determined by the City.

(k) Exceptions from Standard Design - Requests for exceptions from these guidelines will be evaluated on the basis of specific conditions and constraints, and will be strictly viewed in terms of maintaining skyway design continuity and integrity.

(i) Exterior Paint Color Specifications - The following paint types and colors will be used: bare steel/metal decking primer: Tnemec Zinc 90-97, Green; for tie coats: as recommended by the paint (Tnemec) manufacturer; for the finish coat: Tnemec Series 73 Endurashield, IN 02, Medium Bronze, Semi-Gloss; and for the exterior accent stripe: Western Automotive Finishes, Hi-Glo, W 593, Medium Gold Metallic.

4. Bridge Support Structures and Service - Bridge support structures will support the bridges at either end and will be contained within the buildings unless it is structurally necessary to provide bridge supports independent of the building. New buildings that will connect to the skyway system will be designed to “grasp” the standard bridge design, so that the bridge and its connection are an integral part of the original facade design, rather than treated as an add-on. All supports independent of buildings will be outside existing or proposed rights-of-way of public streets, wherever possible. Bridge services are defined as those electrical and mechanical systems which supply fresh air and provide heating, cooling and electrical service to the bridge. Also included is the roof drainage system.

5. Vertical Access Facilities - Vertical access facilities in the form of stairs, escalators and elevators provide access to the concourse nodes, corridors, and the bridges from the street. Vertical access between the concourse and street level is required throughout the skyway system, with escalators or elevators

being required at the principal points of access to the skyway system. Elevators are encouraged in order to retain accessibility of the skyway system to all persons. Generally, vertical access will be provided at or near each end of the bridges crossing streets and may also is required at other locations within the system. Vertical access points will be adequately signed so that the pedestrian can both visually and physically connect the skyway system to the ground. New buildings that will connect to the skyway system will be designed to clearly show the vertical connection between the skyway and the ground.

E. PUBLIC ART

Future skyways may incorporate public art in accordance with Chapter 12 of the Saint Paul Administrative Code, provided that such public art does not detract from or otherwise negatively affect pedestrian safety, movement and visibility; or the function, maintenance or design continuity of the system.

F. SUBMISSION OF PLANS

Plans will be submitted by the building owner for approval by the City, indicating all materials, finishes, signage, etc. used in the skyway system and the architectural manner in which the skyway system is separated from abutting private building areas where the concourse occurs within the owner's building. The City may make certain additions to such drawings, including signs and other graphics, furniture, and other elements consistent with achieving identity and design continuity for each segment of the skyway system. Any requested exceptions from the City's design guidelines for skyway concourses and bridges will be reviewed and approved by the City, with input from the Heritage Preservation Commission (as appropriate), the District 17 Community Council, and the Building Owners and Managers Association. The City may establish an ad hoc design review committee, composed primarily of qualified design professionals, to review requests for exceptions to this policy.

G. EASEMENT REQUIREMENTS

In order to assure a public benefit from the public investment made in development of the skyway system in the downtown, all areas of the skyway system must be located either on public property or within a public easement granted by the developer or building owner. Such easements will be coterminous with the designated areas of concourse corridors, nodes and vertical access facilities and will extend on the ground floor from the foot of vertical access facilities to a public sidewalk or other public property, giving access to a public sidewalk. Such easements will be required for both those skyway system elements for which the City is responsible and those elements constituting a link in the basic system for which private parties may be responsible. The easements will be in form satisfactory to the City and will be limited to the life of the improvements constituting the skyway system. The easements will grant to the public the right of use of the skyway system for purposes of ingress and egress and pedestrian transit without limitation, except that such easements may attach reasonable conditions regarding closing parts or all of the skyway system within the developer's or owner's

structural improvements during non-business hours as dictated by reasonable security requirements of the buildings through with the concourse passes. The City will attempt to negotiate 24 hour easements.

In order to assure the possibility of future expansion of the skyway system, when a building is connected to the skyway system the developer or building owner will grant to the City an easement which assumes expansion of the system beyond the building and/or block immediately being connected.

The developer or building owner will have the right at any time to change the locations or alignments of such easements provided that 1) new easements are granted which permit the continuity of the skyway system; 2) the developer or owner installs a new pedestrian concourse on the new easement area at the developer's or owner's sole cost and expense; and 3) the new easement meets the City's minimum requirements for width, height, etc.

In the event the developer or owner elects to substitute a new easement location, it will submit to the City an easement survey and legal description thereof, the plans and specifications therefore, and proof of ability to pay and method of payment therefore for City approval. The City will have 90 days after the submission in which to approve or reject the proposal. If the City rejects the proposal, it must do so in writing within the 90-day period and, in such writing, set forth in detail the valid reasons for such rejections. In the event the City fails to reject the proposal within said 90-day period, the City's consent will be conclusively presumed. The City will not be required to approve any change in easement location unless the easement to be submitted contains at least the same area and dimensions of the existing easement; and the improvements are of the same character, quality and functional characteristics of the initial concourse, including replacement of signs, graphics and furniture provided in the original skyway system. When the City approves the substitution, the parties will then join in the execution and delivery of an amendatory agreement in recordable form which designates the substitute location and terminates the easement over the old location effective upon completion of the construction of the new concourse and skyway system.

H. OPERATION AND MAINTENANCE REQUIREMENTS

The skyway system, including all future additions, is located on public property or within public easements. As such the City has a proprietary obligation for operation, maintenance, repair and replacement of the skyway system. Nevertheless, the City will require, as part of the easement agreement, that the developer or building owner assume the full responsibility for the operation, maintenance, repair and replacement for all segments of the skyway system located within its property, for bridges over streets abutting its property, and carry out such operation, maintenance, repair and replacement at its own expense without cost to the City. In the event that the developer or building owner fails to operate, maintain, repair or replace the concourse system, or any part thereof, in compliance with Chapter 140 of the Saint Paul Legislative Code, the City may perform such operations and assess all costs incurred in so doing against the developer or building owner in accordance with the normal procedures for assessments related to

sidewalk maintenance, repair and replacement in the City of Saint Paul.

Where skyway bridges connect the property of one developer or owner with that of another, the developers or owners may share equally, or on whatever other basis is mutually agreeable, the bridge operation, maintenance, repair and replacement costs. Public liability and casualty insurance coverage including required surety bonds indemnifying and holding harmless the City will be included as part of this operation/maintenance agreement between connecting developer(s) or owner(s). Such written agreement must be submitted to the City for review prior to commencement of bridge construction.