

**Duke University**  
Durham  
North Carolina 27708-0001

OFFICE OF THE PRESIDENT  
BOX 90001

TELEPHONE (919) 684-2424  
FACSIMILE (919) 684-3050

February 27, 2019

Mr. Jeff Mann  
President and CEO  
GoTriangle  
PO Box 13787  
Research Triangle Park, NC 27709

Dear Jeff,

Significant efforts by many people from Duke and GoTriangle have been made over the past year to resolve a number of critical issues connected to the proposed Durham-Orange Light Rail Transit (DOLRT) project. Notwithstanding these many good-faith efforts, it has unfortunately not been possible to complete the extensive and detailed due diligence, by the deadlines imposed by the federal and state governments, that is required to satisfy Duke University's, legal, ethical and fiduciary responsibilities to ensure the safety of patients, the integrity of research, and continuity of our operations and activities.

The DOLRT is a complex undertaking that has only become more complicated as we have mutually sought to address the numerous technical and financial challenges that come from attempting to place an elevated electric rail line within 150 feet of the most densely concentrated corridor of patient care and biomedical research facilities in the state.

I know you understand that Duke's highest priority is the health and safety of patients who have entrusted us with their care at the most perilous times of their lives. The acceptable tolerance for risk in these circumstances must be as close to zero as possible, and we have an obligation to our patients and the community to uphold that standard.

The unresolved challenges include:

**Electromagnetic interference (EMI).** It is clear that the DOLRT will create EMI that will interfere with current and future patient care and research devices. It is also clear that there have been inconsistencies in the information that has been generated to date, and we appreciate the continued efforts of GoTriangle to work with Duke to develop accurate, reliable data that can be evaluated by independent experts. As you know, EMI is not a new or unique problem for urban rail systems. Indeed, similar studies done in other cities turned out to be incorrect in their estimation of negative impact on research devices. Since the Erwin Road corridor at Duke contains numerous patient care devices for which any deviation could be catastrophic and potentially fatal, we are not yet able to determine with confidence whether the new study we

received last week can adequately address this risk. If anything, the new data and our independent expert's review of them have heightened our concerns.

**Vibration.** The proposed elevated rail line in front of Duke Hospital and the Duke Eye Center will require excavating at least nine 40-foot deep holes in Erwin Road. This excavation will cause vibrations over a construction period of years and is far beyond the acceptable levels we impose on any public or private construction project in the vicinity of our hospital and clinics. Duke surgeons perform some of the most complicated and delicate operations done anywhere, at all hours of the day and night. Even seemingly imperceptible vibrations can be dangerous. The data that Go Triangle has provided require further analysis and independent review to give us confidence that the highly sensitive patient diagnostic and clinical care devices will be unaffected.

**Potential disruption to power and other utilities.** The current DOLRT plan calls for the widening of Erwin Road and further burying the main lines that supply all electric power to the Duke campus, hospital, clinics and laboratories. Even a temporary interruption in this service would be devastating. While there continues to be an exchange of information and discussions between Duke University, GoTriangle and Duke Energy, we have yet to confirm a plan that adequately eliminates the risk of disruption and damage during what is likely to be a lengthy construction process. In addition, the proposed route will require the relocation of other utility infrastructure, including data and water. We do not know where or how to do this, but it will impose yet-undetermined costs to Duke University.

**Liability.** As a private institution, Duke does not have sovereign immunity like the State of North Carolina, City of Durham, Durham County or GoTriangle itself. In the event of a major disruption to our operations, or in the worst-case, a tragedy as a result of construction or operation of the DOLRT, Duke would likely be solely liable for damages. For that reason, we would require insurance or indemnification in an amount high enough to protect Duke University's ability to operate as an ongoing entity. We have been unable to agree on the form or amount of that coverage.

The current DOLRT Erwin Road alignment consequently bears extremely high risk for the critical research we do and the patients we are sworn to protect. We've tried very hard to make this work, doubling down on those efforts over the past several months; but the imposed deadline leaves us without the time needed to determine with confidence that the risks can be mitigated to an acceptable degree.

Duke remains dedicated to working with GoTriangle and our community to advance sustainable and workable public transit solutions that serve the needs of all citizens, especially those who depend on public transportation. We commit to working closely with the public and private sectors to find a way forward – to innovate and to lead.

You have our personal pledge that Duke will maintain – indeed, deepen – our mutual partnership and shared engagement with the community. We are unwavering in our commitment to address our shared challenges. Together, we can be a force for even greater good.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Price". The signature is fluid and cursive, with a large initial "V" and a stylized "P".

Vincent E. Price  
President

A handwritten signature in black ink, appearing to read "A. Eugene Washington". The signature is cursive and somewhat dense, with a large initial "A" and a prominent "W".

A. Eugene Washington  
Chancellor for Health Affairs  
President and CEO, Duke University Health System

A handwritten signature in black ink, appearing to read "Tallman Trask III". The signature is cursive and somewhat dense, with a large initial "T" and a prominent "R".

Tallman Trask III  
Executive Vice President