

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
11	05/11/09	Open	Action	04/27/09

Subject: Approving a Work Order for Paragon Partners LTD. to Provide Right of Way Acquisition, Relocation, and Property Management Services for the South Sacramento Corridor Phase 2 Project.

ISSUE

Whether to Approve Work Order #2 for Paragon Partners, LTD. to Provide Right of Way Acquisition, Relocation, and Property Management Services for the South Sacramento Corridor Phase 2 Project.

RECOMMENDED ACTION

Adopt Resolution No. 09-05_____, Approving Work Order #2 for Paragon Partners, LTD., to Provide Right of Way Acquisition, Relocation, and Property Management Services for the South Sacramento Corridor Phase 2 Project.

FISCAL IMPACT

Budgeted:	Yes	This FY:	\$ 175,000*
Budget Source:	Capital	Next FY:	\$
Funding Source:	WBS #410.05.03.01.02	Annualized:	\$
Cost Cntr/GL Acct(s) or Capital Project #:	Federal/State/Local	Total Amount:	\$ 175,000
Total Budget:	\$ 300,000		

* Work Order #1 was executed on April 14, 2009 in the amount of \$50,000

DISCUSSION

RT has an on-call Work Order Contract for Right of Way Acquisition & Relocation Services for the South Sacramento Corridor Phase 2 Project with Paragon Partners, LTD.

In the interest of expediting work on the South Sacramento Corridor Phase 2 Project, the requested Work Order will allow Paragon Partners, LTD. Staff to continue the necessary right of way activities and coordinate with RT staff to complete the various right of way tasks to secure control of the right of way for construction and related purposes.

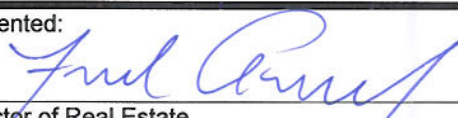
These activities include: the negotiation and acquisition of real property interests; providing relocation assistance; and property management.

Staff recommends that the Board approve Work Order #2 with Paragon Partners, LTD., in an amount not to exceed \$125,000.

Approved:


General Manager/CEO

Presented:


Director of Real Estate

RESOLUTION NO. 09-05-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

May 11, 2009

**APPROVING WORK ORDER #2 FOR PARAGON PARTNERS, LTD., TO PROVIDE
RIGHT OF WAY ACQUISITION, RELOCATION, AND PROPERTY MANAGEMENT
SERVICES FOR THE SOUTH SACRAMENTO CORRIDOR PHASE 2 PROJECT**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE
SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, Work Order #2 to the Contract between the Sacramento Regional Transit District, therein referred to as "RT," and Paragon Partners, LTD., therein referred to as "Consultant," whereby Consultant agrees to provide right of way acquisition, relocation and property management services for the South Sacramento Corridor Phase 2 Project for an amount not to exceed \$125,000, is hereby approved.

STEVE COHN, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
12	05/11/09	Open	Action	05/01/09

Subject: Approving the California Transportation Commission Policy Resolution regarding Hazardous Waste Identification and Clean-up for Rail Right-of-Way

ISSUE

Whether to adopt a resolution specifying that RT will comply with the California Transportation Commission Policy for Hazardous Waste Identification and Clean-up for Rail Right-of-Way for the South Sacramento Corridor Phase 2 Project.

RECOMMENDED ACTION

Adopt Resolution 09-05-_____, Agreeing to Comply with the California Transportation Commission Policy for Hazardous Waste Identification and Clean-up for Rail Right-of-Way for the South Sacramento Corridor Phase 2 Project.

FISCAL IMPACT

No Fiscal Impact*

*Note:

If an enforceable Agreement is entered into requiring the responsible party (ies) to remediate all hazardous waste by a date certain, with the option of funds sufficient for the clean-up costs deposited in escrow by the seller, there would be no fiscal impact.

However, In the event of failure of the grant recipient to remediate the property from hazardous waste by the date certain, the grant recipient is required to make full restitution to the state for its participation. This does not preclude the recipient from requesting re-allocation not to exceed the refunded amount after the hazardous waste(s) have been fully removed from the subject site.

DISCUSSION

On February 21, 1991, the California Transportation Commission (CTC) adopted Resolution G-91-2, Hazardous Waste Identification and Clean-up Policy, which requires agencies as a condition of state transit grant funding to:

- Exercise due diligence to identify hazardous materials on parcels being acquired,
- Provide clean-up or remediation of those hazardous materials on those parcels,
- Agree that no state funds would be sought for clean-up, damages, or liability costs associated with the hazardous materials, and
- Indemnify the State of current and future liabilities.

The CTC recognizes that, consistent with its efforts to streamline State transit grant program procedures, agencies with multi-year transit projects may seek an annual allocation of state funds for a combination of pre-construction activities, right of way acquisition, and construction activities.

Approved:


General Manager/CEO

Presented:


Fred D. Arnold

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
12	05/11/09	Open	Action	05/01/09

Subject: Approving the California Transportation Commission Policy Resolution regarding Hazardous Waste Identification and Clean-up for Rail Right-of-Way

In order to receive approval for State transit grant funding, CTC Resolution G-91-2 requires agencies to adopt a formal resolution agreeing to comply with the Hazardous Waste Identification and Clean-up Policy in carrying out project activities.

Staff recommends that the Board approve the attached resolution agreeing to comply with the CTC's Hazardous Waste Identification and Clean-up Policy for the South Sacramento Corridor Phase 2 Project.

RESOLUTION NO. 09-05-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

May 11, 2009

**AGREEING TO COMPLY WITH THE CALIFORNIA TRANSPORTATION
COMMISSION POLICY FOR HAZARDOUS WASTE IDENTIFICATION AND CLEAN-
UP FOR RAIL RIGHT-OF-WAY FOR
SOUTH SACRAMENTO CORRIDOR PHASE 2 PROJECT**

WHEREAS, the Sacramento Regional Transit District (RT) has sought and will receive funds from the California Transportation Commission (CTC) for the South Sacramento Corridor Phase 2 light rail project (the Project); and

WHEREAS, the CTC adopted Resolution G-91-2 regarding Hazardous Waste Identification and Clean-up for Rail Right-of-Way; and

WHEREAS, the CTC requires recipients, as a condition of grant funding, to adopt a formal resolution agreeing to comply with Resolution G-91-2 in carrying out project activities.

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, when using funds from the State of California (State) for acquisition of property or for capital improvements on the Project, RT has exercised due diligence in the discovery of hazardous materials; and

THAT, RT will enter into enforceable agreement(s) with any and all owners of to-be-acquired properties for clean-up of hazardous wastes pursuant to the requirements of Resolution G-91-2 regarding Hazardous Waste Identification and Clean-up for Rail Right-of-Way; and

THAT, when using state-provided and other-than-state funding for acquisition of property and for capital improvements on the Project, RT will indemnify, defend, and hold harmless the State, the California Department of Transportation, and the CTC from clean-up liability or damage, both present and future; and

THAT, no additional State funds will be requested for clean-up, damages, or liability associated with hazardous wastes on or below the acquired property; and

THAT, RT will comply with all terms and conditions set forth in Resolution G-91-2 in carrying our Project activities.

STEVE COHN, Chair

ATTEST:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary