

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
4	09/08/14	Open	Action	08/27/14

Subject: Repealing Resolution No. 14-07-0074 and Approving the First Amendment to the Watt Avenue at U.S. 50 Interchange Project Agreement with the County of Sacramento.

ISSUE

Whether or not to repeal Resolution No. 14-07-0074, approve the revised First Amendment to the Watt Avenue at U.S. 50 Interchange Project Agreement for construction-related activity within RT's right of way at Watt/Manlove Road Light Rail Station with the County of Sacramento, amend the Capital Budget, and ratify the actions of staff in continuing to perform work.

RECOMMENDED ACTION

Adopt Resolution No. 14-09-____, Repealing Resolution No. 14-07-0074, Amending the Fiscal Year 2015 Capital Budget, Approving the First Amendment to the Watt Avenue at U.S. 50 Interchange Project Agreement with the County of Sacramento, and Ratifying the Actions of Staff in Performing Work in Excess of the Approved Cap.

FISCAL IMPACT

Budgeted:	Concurrent Request	This FY:	\$	40,000
Budget Source:	Capital	Next FY:	\$	
Funding Source:	County of Sacramento	Annualized:	\$	N/A
Cost Cntr/GL Acct(s) or	A001.09	Total Amount:	\$	40,000
Capital Project #:	\$40,000 - Capital			
Total Budget:	\$ 40,000			

DISCUSSION

The County of Sacramento is constructing the Watt Avenue at US 50 Interchange Project (the Project) to reduce congestion, improve safety, and accommodate alternate modes of travel along Watt Avenue. The Project will include installing the initial working segment of a dedicated Bus Rapid Transit (BRT) facility in the median of Watt Avenue, with a dedicated driveway into the Watt/Manlove Station. The driveway and improvements to the median will impact the Watt Avenue at-grade crossing of the freight track and RT's light rail station/park and ride facility. The County is also constructing a pedestrian/bike path on the west side of RT's light rail park and ride facility.

On July 23, 2012, the RT Board approved the Watt Avenue at U.S. 50 Interchange Project Agreement. The Watt Avenue at U.S. 50 Interchange Project Agreement included reimbursement for RT's construction support. The reimbursement for construction support included construction management oversight and OCS modifications. The cap for reimbursement was \$50,000. The Project Agreement explicitly provided that once the cap of \$50,000 was reached, RT would cease

Approved:

Presented:

Final 9/2/14

General Manager/CEO

Director, Civil and Track Design

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work, to avoid any unreimbursed costs for RT, and the County was obligated to stop any work that required RT oversight.

On July 28, 2014, the Board approved a First Amendment to the Project Agreement to increase the estimated project costs by \$90,000. The County has since raised two issues regarding the previously-approved First Amendment:

- (1) The \$50,000 cap was reached in June, prior to approval of the First Amendment, and RT continued (and is still continuing) to provide support services. The County was concerned that the First Amendment did not include language explicitly permitting RT to submit an invoice for those costs and costs that RT continues to incur while the County processes the amendment for signature.
- (2) The First Amendment included funds to train RT bus operators to use the BRT lane on Watt Avenue. The County has since declined to pay for the operator training cost included in the original estimate.

Staff recommends adopting a new resolution that would: (1) repeal Resolution No. 14-07-0074; (2) approve the revised First Amendment to the Watt Avenue at U.S. 50 Interchange Project Agreement to increase the not-to exceed amount for project support by \$40,000, for a total not-to-exceed amount of \$90,000, and provide for reimbursement of already-incurred costs; (3) amend the FY 2015 Capital Budget to increase the budget for the Project; and (4) ratify the actions of staff in continuing to perform work in excess of the \$50,000 cap approved by the Board, potentially exposing RT to unreimbursed costs.

RESOLUTION NO. 14-09-_____

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

September 8, 2014

REPEALING RESOLUTION NO. 14-07-0074, AMENDING THE FISCAL YEAR 2015 CAPITAL BUDGET, APPROVING THE FIRST AMENDMENT TO THE WATT AVENUE AT U.S. 50 INTERCHANGE PROJECT AGREEMENT WITH THE COUNTY OF SACRAMENTO, AND RATIFYING THE ACTIONS OF STAFF IN PERFORMING WORK IN EXCESS OF THE APPROVED CAP

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

THAT, Resolution No. 14-07-0074 is hereby repealed.

THAT, the FY 2015 Capital Budget is hereby amended to increase the budget for the Watt Avenue at U.S. 50 Interchange Project by \$40,000, for a total budget amount of \$90,000.

THAT, the First Amendment to the Watt Avenue at U.S. 50 Interchange Project Agreement between the Sacramento Regional Transit District, therein referred to as "RT," the Sacramento Placerville Corridor Joint Powers Authority, therein referred to as "JPA," and the County of Sacramento, therein referred to as "County," for increased reimbursement by County of costs incurred by RT for continued construction support and operation coordination for the Watt Avenue at U.S. 50 Interchange Project, increasing the not-to-exceed amount by \$40,000, for a total amount of \$90,000, and permitting RT to seek reimbursement for costs already incurred, is hereby approved.

THAT, the Chair and General Manager/CEO are hereby authorized and directed to execute the First Amendment to the Agreement.

THAT, the actions of Staff in continuing to perform support services after the \$50,000 cost cap was reached are hereby ratified.

PHILLIP R. SERNA, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary