

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
5	08/24/15	Open	Action	08/07/15

Subject: Approving the Right of Way Agreement for RT Coordination to Support Construction of the "Across the Top" Project with the State of California

ISSUE

Whether or not to approve the Right of Way Agreement for RT coordination to support construction of the "Across the Top" Project with the State of California.

RECOMMENDED ACTION

Adopt Resolution No. 15-08-___, Approving the Right of Way Agreement for RT Coordination to Support Construction of the "Across the Top" Project with the State of California.

FISCAL IMPACT

Budgeted:	No	This FY:	\$	66,000
Budget Source:	Capital	Next FY:	\$	N/A
Funding Source:	Caltrans/FHWA	Annualized:	\$	N/A
Cost Cntr/GL Acct(s) or	910800	Total Amount:	\$	66,000
Capital Project #:	G237.04.01			
Total Budget:	\$ 66,000			

All costs incurred by RT must be reimbursed by Caltrans within 45 days after receipt by Caltrans of an invoice documenting the costs.

DISCUSSION

The California Department of Transportation (Caltrans) is adding high occupancy vehicle lanes on both sides of Interstate Highway 80 (Del Paso Overhead Structures). The widening of these structures interferes with RT's existing facilities.

On September 13, 2010, by Resolution 10-09-0107, the Board of Directors approved a Service Contract with Caltrans for RT to review the existing conditions and complete a preliminary engineering design effort for the modifications to RT's overhead contact system (OCS) and wayside equipment to eliminate interference between the OCS/wayside equipment and the Del Paso Overhead structure. The agreement allowed RT to be completely reimbursed, in arrears, for all preliminary design costs, including staff costs, incurred in support of the Caltrans project.

On February 28, 2011, the Board of Directors, by Resolution 11-02-0024, approved a second Service Agreement for final design work.

Approved:

Presented:

Final 08/17/15

General Manager/CEO

Director, Civil and Track Design

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On June 27, 2011, the Board of Directors approved a third Service Contract with Caltrans for RT to be reimbursed for facility relocation and construction support needed for the Project. The Project is not complete but the Service Contract expired and additional construction support is required for the Project. The last Service Agreement expired in February, but Caltrans continued to pay invoices through the end of May. RT has incurred approximately \$1,200 of unreimbursed support costs since that time.

Caltrans has changed the form of Agreement from a Service Contract to a Right of Way Agreement, but the terms remain substantially the same. The Agreement will provide for RT to be compensated for costs incurred from the execution of the new agreement through completion of the Project or five years from the effective date, whichever is sooner. Caltrans staff indicated to RT that they cannot commit to reimbursing RT for the previously-incurred costs, so RT will have unreimbursed expenses of approximately \$1,200 in support of the Project.

Staff recommends approval of the Right of Way Agreement for RT Coordination to Support Construction of the "Across the Top" Project with the State of California.

RESOLUTION NO. 15-08-_____

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

August 24, 2015

**APPROVING THE RIGHT OF WAY AGREEMENT FOR RT COORDINATION TO
SUPPORT CONSTRUCTION OF THE "ACROSS THE TOP" PROJECT WITH THE
STATE OF CALIFORNIA**

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

THAT, the Right of Way Agreement by and between the Sacramento Regional Transit District (therein "RT") and the State of California, acting by and through its Department of Transportation (therein referred to as "State") whereby State agrees to compensate RT for costs incurred by RT to provide construction support and facility relocation for State's "Across the Top" High Occupancy Vehicle Lane Project EA 03-379709, as further set forth therein, is hereby approved.

THAT, the General Manager/CEO is hereby authorized to execute said Right of Way Agreement.

JAY SCHENIRER, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary