



## STAFF REPORT

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**DATE:** June 14, 2021  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Brent Bernegger, VP, Finance/CFO  
**SUBJ:** DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO APPROVE A CHARGING STATION SITE LICENSE AGREEMENT (POWER INN STATION) WITH GIDDYUP EV CHARGING INC.

### RECOMMENDATION

Adopt the Attached Resolution.

### RESULT OF RECOMMENDED ACTION

Approval of this action will delegate authority to the General Manager/CEO to approve and execute a Charging Station Site License Agreement (Power Inn Station) with GiddyUp EV Charging, Inc. (Licensee).

### FISCAL IMPACT

Under the terms of the agreement, the Licensee will pay Sacramento Regional Transit District (SacRT) a License Fee each month with the following three components: (a) a Property Fee based on a fair market value appraisal; (b) an Administrative Fee for administrative and facilities costs associated with the License Agreement; and (c) a share of all net revenues generated from the Charging Station during the preceding month. The Licensee will also pay SacRT's \$7,000 costs for the appraisal and all plan review and oversight costs related to the construction or reconstruction of the charging station.

The License Fee will be fixed for the first 5-year term. At the expiration of the first five year term, the Licensee will be entitled to renew for an additional 5-year term, with the General Manager/CEO executing the amendment to extend, so long as the Licensee commits to pay the escalated License Fee. The Property Fee component will be escalated based on either (a) a CPI adjustment; or (b) new appraisal, whichever is higher; and the Administrative Fee will be escalated based on the CPI.

Subsequent renewals after the first 10 years will be subject to a more substantial review and renegotiation process and will be subject to future Board action.

### DISCUSSION

On May 24, 2021, SacRT staff presented to the Board a proposed public-private partnership with the State of California, Sacramento Municipal Utility District (SMUD), and GiddyUp EV, Inc., at the Power Inn Light Rail station. This public-private

partnership would deliver a state-of-the-art charging solution for Sacramento's emerging electric vehicle market, meet the region and state's sustainable goals, and provide a revenue sharing model for SacRT.

The proposed new charging station would use 55 underutilized parking spots out of 299 in the light rail station parking lot at the Power Inn Road Light Rail Station. Please note there is another agenda item this evening providing information regarding the possible disposition of the unimproved portion of the parcel that is adjacent to the Power Inn station. This proposed license agreement would occupy approximately 0.25 acres of the 12.65 acre property.

The Licensee would purchase, install, own, maintain, and operate infrastructure for the fastest DCFC/Level 3 chargers in the industry, which will have the ability to recharge light and medium vehicles simultaneously in minutes compared to hours-longer than a typical plug-in charger. The license would include up to 20 charging stations that would accommodate up to 40 vehicles, installation of solar canopies, Wi-Fi, 2MWh battery storage, signage, electrical backbone, and an automated teller machine for public/private use. The Licensee would be obligated to remove this equipment at SacRT's request at the conclusion of the License term. The Licensee will be solely responsible for the safety and security of the installed equipment. SacRT will provide the same level of maintenance to this area (trash collection, parking lot sweeping, pavement maintenance) that it provides to the remainder of the lot.

The proposed license agreement with the Licensee is currently under negotiation and will require concurrence from the Federal Transit Administration. The License Agreement will be for an initial 5-year term, with a unilateral right for Licensee to obtain a 5-year renewal subject to payment of an increased License Fee. The License Agreement will provide for up to 8 further 5-year extensions (for a total possible term of 50-years), but extensions beyond the first 10 years will be the subject of future negotiations and require subsequent Board approval.

RESOLUTION NO. 21-06-0077

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

June 14, 2021

**DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO APPROVE A CHARGING STATION SITE LICENSE AGREEMENT (POWER INN STATION) WITH GIDDYUP EV CHARGING INC.**

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT (SACRT) AS FOLLOWS:

THAT, conditioned upon concurrence by the Federal Transit Administration, the General Manager/CEO is hereby authorized to negotiate and execute a Charging Station Site License Agreement with GiddyUp EV Charging, Inc., (“Licensee”) authorizing Licensee to install, maintain, operate an EV Charging Station at the Power Inn Light Rail Station with up to 20 DC fast chargers, an automated teller machine, signage, solar canopies, battery storage, and infrastructure to support this equipment, in consideration for payment of License Fees to SacRT, for an initial 5-year term, with a 5-year extension to be approved by the General Manager/CEO upon agreement by Licensee to pay the escalated Total License Fee, with options for up to 8 additional 5-year terms upon future agreement by the parties for the terms of the extension and with concurrence by the FTA for any extended term.

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STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary