

## **STAFF REPORT**

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**DATE:** September 25, 2023  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Jamie Adelman, VP, Procurement, Real Estate and Special Projects  
**SUBJ:** APPROVING THE FIRST AMENDMENT TO THE LICENSE AGREEMENTS FOR UNDERGROUND CONDUIT AND FIBER WITH MCIMETRO ACCESS TRANSMISSION SERVICES LLC AT THREE LOCATIONS

### RECOMMENDATION

Adopt the Attached Resolutions.

### RESULT OF RECOMMENDED ACTION

Approval of the recommended action will result in the extension by one year of licenses granted by SacRT to MCImetro Access Transmission Services LLC (MCImetro) to operate and maintain transverse fiber crossings within SacRT owned property subject to Federal Transit Administration (FTA) approval at:

Location 1: 39th Street and R Street  
Location 2: 65th Street and Q Street  
Location 3: 59th Street North of S Street

### FISCAL IMPACT

In consideration of SacRT renewing these licenses, MCImetro will pay SacRT a one-year license fee of \$7,347 for each license. This anticipated revenue was included in the FY2024 Operating Budget.

The proposed fee for this year reflects the prior year license fee of \$7,140, escalated for a cost-of-living increase.

### DISCUSSION

On September 12, 2022, the Board approved three License Agreements with MCImetro a one-year license to operate and maintain fiber below and perpendicular to SacRT tracks at these three locations, which were executed on September 30, 2022.. MCImetro requested renewal of the licenses for an additional year to operate and maintain 864 strands of fiber in a transverse presentation in each location.

The three properties are located within APN 011-0010-003-0000 and are located in Fee Schedule Zone 1. In consideration for SacRT authorizing MCImetro to continue to operate and maintain its fiber within SacRT's right of way, MCImetro will pay an annual license fee of \$7,347 for each license. The fee amount was determined by SacRT's Board-adopted fee structure with a Consumer Price Index (CPI) annual adjustment.

Staff recommends approval of the First Amendments to the three licenses over the area described above with MCImetro for fiber operation and maintenance at each of the above locations for an additional one-year term.

RESOLUTION NO. 2023-09-088

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

September 25, 2023

**APPROVING THE FIRST AMENDMENT TO THE LICENSE AGREEMENT FOR UNDERGROUND CONDUIT AND FIBER WITH MCIMETRO ACCESS TRANSMISSION SERVICES LLC AT 39TH STREET AND R STREET**

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

THAT, the First Amendment to the License Agreement for Underground Conduit and Fiber (39<sup>th</sup> Street and R Street – APN: 011-0010-003-0000) by and between the Sacramento Regional Transit District (therein “SacRT”) and MCImetro Access Transmission Services LLC (therein “Licensee”), whereby SacRT grants MCImetro a license renewal for a term of one year subject to payment of a license fee of \$7,347 for 864 strands with a SacRT right to terminate pending Federal Transit Administration’s concurrence, is hereby approved.

THAT, the General Manager/CEO is hereby authorized and directed to execute the foregoing First Amendment to the License Agreement.

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PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

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

RESOLUTION NO. 2023-09-089

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

September 25, 2023

**APPROVING THE FIRST AMENDMENT TO THE LICENSE AGREEMENT FOR UNDERGROUND CONDUIT AND FIBER WITH MCIMETRO ACCESS TRANSMISSION SERVICES LLC AT 59<sup>TH</sup> STREET NORTH OF S STREET**

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

THAT, the First Amendment to the License Agreement for Underground Conduit and Fiber (59<sup>th</sup> Street North of S Street – APN: 011-0010-003-0000) by and between the Sacramento Regional Transit District (therein “SacRT”) and MCImetro Access Transmission Services LLC (therein “Licensee”), whereby SacRT grants MCImetro a license renewal for a term of one year subject to payment of a license fee of \$7,347 for 864 strands, with a SacRT right to terminate pending Federal Transit Administration’s concurrence, is hereby approved.

THAT, the General Manager/CEO is hereby authorized and directed to execute the foregoing First Amendment to the License Agreement.

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PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

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

RESOLUTION NO. 2023-09-090

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

September 25, 2023

**APPROVING THE FIRST AMENDMENT TO THE LICENSE AGREEMENT FOR UNDERGROUND CONDUIT AND FIBER WITH MCIMETRO ACCESS TRANSMISSION SERVICES LLC AT 65<sup>TH</sup> STREET AND Q STREET**

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

THAT, the First Amendment to the License Agreement for Underground Conduit and Fiber (65<sup>th</sup> Street and Q Street – APN: 011-0010-003-0000) by and between the Sacramento Regional Transit District (therein “SacRT”) and MCImetro Access Transmission Services LLC (therein “Licensee”), whereby SacRT grants MCImetro a license renewal for a term of one year subject to payment of a license fee of \$7,347 for 864 strands with a SacRT right to terminate pending Federal Transit Administration’s concurrence, is hereby approved.

THAT, the General Manager/CEO is hereby authorized and directed to execute the foregoing First Amendment to the License Agreement.

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PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

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