

12173

Westchester  
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Memorandum  
Department of Transportation

DATE: June 8, 2010

TO: The Honorable Board of Acquisition and Contract

FROM: Lawrence C. Salley, Commissioner of Transportation

RE: Authority to enter into (i) a grant agreement with the State of New York acting through the Department of Transportation to accept funding under the Multi-Modal Program and (ii) an inter-municipal agreement with the City of White Plains to coordinate the upgrading of City owned traffic signals on Central Avenue.

Authorization is requested for the County of Westchester ("County"), acting by and through its Department of Transportation ("Department"), to enter into a grant agreement with the State of New York, acting through the Department of Transportation ("NYSDOT"), to accept funding under the Multi-Modal Program for the construction of Central Avenue (Route 100) traffic flow improvements, including signalization, intersection reconfiguration, and queue-jumping lanes. The County has been designated to receive \$2.5 million in funding for capital projects through the Multi-Modal #4 Program from NYSDOT. Pursuant to the grant, the County will be required to pay in the first instance 100% of the cost of design, engineering and construction work for the project.

In addition, authorization is requested for the County to enter into an inter-municipal agreement with the City of White Plains ("City") whereby the County and the City will coordinate the upgrading of City owned traffic signals on Central Avenue in order to facilitate transit signal priority and improve overall operations for the County's Bee-Line Bus System in the Central Avenue Corridor. Under the terms of the proposed IMA, the City will be required to procure and install traffic control equipment for the City on Central Avenue in White Plains and on Central Avenue in the Town of Greenburgh for traffic control equipment that is controlled by the City. The County will use a portion of the Multi-Modal funding it receives from the State to reimburse the City. The County will pay the City an amount not-to-exceed One Hundred and Fifty Thousand (\$150,000.00) Dollars. The City will be responsible for all costs in connection with carrying out the work that are in excess of the County's monetary contribution. The IMA will be for a term commencing upon execution and continuing for five (5) years. The City, at its sole cost and expense, will be responsible to operate and maintain the traffic control equipment for the useful life of the equipment which is a minimum period of ten (10) years from completion of the project.

The goals and objectives of these agreements are to improve and upgrade traffic signals on Central Avenue in order to facilitate transit signal priority and improve overall operation for the County's Bee-Line Bus System in the Central Avenue Corridor. These improvements will impact the public's

use of the roadway and the bus system in a positive manner by reducing bus travel times, attracting more riders and improving corridor mobility and overall operating efficiency.

The proposed agreement is in the public's best interest and will promote the public's safety and general welfare by improving the efficiency of Bee-Line bus operations and encouraging automobile users to ride the bus, thereby alleviating traffic congestion and improving air quality.

The Department will be able to monitor the effectiveness of these agreements through a series of performance measures and record keeping guidelines required by NYSDOT. These will include maintaining accurate records and accounts of all financial transactions and certifying that work is performed in accordance with NYSDOT's design and contractual requirements.

The Westchester County Board of Legislators authorized the grant agreement at a meeting duly held on May 24, 2010 by Act No. 53-2010 and Resolution 55-2010 and the inter-municipal agreement with the City was authorized by the Board of Legislators at a meeting duly held on May 10, 2010, by Act No. 52-2010.

Based upon the foregoing, I most respectfully recommend approval of the attached Resolution.

LCS/TSA/ta  
Att.

APPROVED BOARD OF ACQUISITION & CONTRACT - 6-24-2010 - JOMARY VEIRA, SECRETARY

# RESOLUTION

Upon a communication from the Commissioner of Transportation, be it hereby

RESOLVED, that the County of Westchester (“County”), acting by and through its Department of Transportation (“Department”), is hereby authorized to enter into a grant agreement with the State of New York, acting through the Department of Transportation (“NYSDOT”), to accept \$2.5 million in funding under the Multi-Modal #4 Program for the construction of Central Avenue (Route 100) traffic flow improvements, including signalization, intersection reconfiguration and queue-jumping lanes. Pursuant to the grant the County will be required to pay in the first instance 100% of the cost of design, engineering and construction work for the project; and be it further

RESOLVED, that the grant agreement with NYSDOT shall commence upon execution and continue in full force and effect so long as applicable Federal aid and Multi Modal funding authorizations are in effect and funds are available; and be it further

RESOLVED, that the County is hereby authorized to enter into an inter-municipal agreement with the City of White Plains (“City”) whereby the County and the City will coordinate the upgrading of City owned traffic signals on Central Avenue in order to facilitate transit signal priority and improve overall operations for the County’s Bee-Line Bus System in the Central Avenue Corridor. The City will be required to procure and install traffic control equipment for the City on Central Avenue in White Plains and on Central Avenue in the Town of Greenburgh for traffic control equipment that is controlled by the City. The County will use a portion of the Multi-Modal funding it receives from the State to reimburse the City. The County will pay the City an amount not-to-exceed One Hundred and Fifty Thousand (\$150,000.00) Dollars. The City will be responsible for all costs in connection with carrying out the project that are in excess of the County’s monetary contribution. The IMA will be for a term commencing upon execution and continuing for five (5) years. The City, at its sole cost and expense, will be responsible to operate and maintain the traffic control equipment for the useful life of the equipment which is a minimum period of ten (10) years from completion of the project; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/Credited

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub-Object | Trust Account | Dollars          |
|------|------|--|--------------------|---------------|------------------|
| 365  | 44   | T0041                                  | 9634               |               | \$2,500,000      |
| 365  | 44   | T0041-00-C                             | 6210               |               | \$ 150,000 (IMA) |
|      |      |  |                    |               |                  |

Budget Funding Year(s) for Grant 2010-2015

Start Date: upon execution

End Date: based on fund availability

Budget Funding Year(s) for IMA 2010-2015

Start Date: upon execution

End Date: 5 years

(must match resolution)

Funding Source Tax Dollars \_\_\_\_\_

State Aid \$2,500,000 \_\_\_\_\_

\$ 2,500,000 Federal Aid \_\_\_\_\_

(must match resolution)

Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 6-24-2010 - JOMARY VIEIRA, SECRETARY