

Department of Transportation

TO: Board of Acquisition and Contract

FROM: Lawrence C. Salley
Commissioner of Transportation

DATE: March 11, 2010

RE: AUTHORITY TO AMEND ALLOCATIONS TO LIBERTY LINES
TRANSIT, INC., AND PORT CHESTER-RYE TRANSIT, INC. FOR
THE PROVISION OF PUBLIC TRANSPORTATION SERVICES
FOR THE PERIOD JANUARY 1, 2010 THROUGH DECEMBER
31, 2010

On December 30, 2009, this board authorized payments of amounts not to exceed as follows: Liberty Lines Transit, Inc. \$91,931,758; P.T.L.A. Enterprise, Inc. \$2,346,008 and Port Chester-Rye Transit, Inc. \$94,433, for a total not to exceed amount of \$94,372,199, under the terms of the existing agreements, for bus operating assistance in connection with the operation of the County's Bee-Line Transit System for the period January 1, 2010 to December 31, 2010. The County is required under its agreements to reimburse Liberty Lines Transit, Inc., P.T.L.A. Enterprise, Inc. and Port Chester-Rye Transit, Inc. for their actual net operating expenses.

The Westchester County Bee-Line Transit System is the second largest transit system in New York State and will carry over 31 million passengers in 2010. The services are provided by Liberty Lines Transit, Inc., P.T.L.A. Enterprise, Inc., and Port Chester-Rye Transit, Inc.

Pursuant to service adjustments implemented on February 15, 2010, a re-allocation of bus operating assistance between bus companies is now required.

It is estimated, upon approval of this resolution, that the total bus operating assistance required to fund the operations of the County's Bee-Line System for 2010 will remain in an amount not to exceed \$94,372,199 as follows:

<u>Bus Company</u>	<u>Original Allocation</u>	<u>Allocation Adjustment Requested</u>	<u>Amended Allocation</u>
Liberty Lines Transit, Inc.	\$91,931,758	\$ -250,000	\$91,681,758
P.T.L.A. Enterprise, Inc.	\$ 2,346,008	\$ 0	\$ 2,346,008
Port Chester-Rye Transit, Inc.	\$ 94,433	\$ +250,000	\$ 344,433
Total	\$94,372,199	\$ 0	\$94,372,199

The attached resolution indicates the amount allocated to each bus company so that they may be reimbursed according to their monthly financial reports. The \$94,372,199 reflects the amount approved by the Westchester County Board of Legislators on December 14, 2009 in the adoption of the County budget for 2010.

The goal of this service is to provide safe, reliable and efficient bus service to the riders of the Westchester County Bee-Line Transit System. This service benefits the public and the economic well-being of the County by providing a means of transportation to work, school and shopping.

The service will continue to be monitored by the Westchester County Department of Transportation's Surface Transportation Division by means of "on-road" oversight of the bus service being provided. It will also be monitored by the Westchester County Department of Transportation's Fiscal Operations Division by means of monthly financial reports that the bus companies are required to submit. Payment for reimbursement will be made only after approval of these reports by the Fiscal Operations Division.

In view of the importance of this public transportation, I recommend the approval of the attached resolution.

APPROVED BOARD OF ACQUISITION CONTRACT 325011 - COUNTY CLERK SECRETARY

RESOLUTION

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

RESOLVED, that pursuant to the terms of the County's Agreements with Liberty Lines Transit, Inc., P.T.L.A. Enterprise, Inc. and Port Chester-Rye Transit, Inc., the not to exceed amounts authorized for payments is hereby amended at no additional cost to the County for a total not to exceed amount of \$94,372,199, for service adjustments incurred during the period January 1, 2010 to December 31, 2010 as follows:

<u>Bus Company</u>	<u>Original Allocation</u>	<u>Allocation Adjustment Requested</u>	<u>Amended Allocation</u>
Liberty Lines Transit, Inc.	\$91,931,758	\$ -250,000	\$91,681,758
P.T.L.A. Enterprise, Inc.	\$ 2,346,008	\$ 0	\$ 2,346,008
Port Chester-Rye Transit, Inc.	\$ 94,433	\$ +250,000	\$ 344,433
Total	<u>\$94,372,199</u>	<u>\$ 0</u>	<u>\$94,372,199;</u>

and be it further

RESOLVED, that these Agreements and authorization for payments are subject to County appropriations; and be it further

RESOLVED, that these Agreements and authorization for payments are 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 these Agreements. The County shall retain the right, upon 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 these Agreements or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Mass Transportation Companies, then they shall have the right to terminate their Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby empowered to execute any and all instruments and take such other actions as may reasonably be necessary to effectuate the purposes thereof.

Original Agreements	\$94,372,199
This First Amendment	<u>\$ 0</u>
TOTAL	<u>\$94,372,199</u>

Account to be
Charged/Credited

		Major	
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Fund	Dept	Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	44	2100	4924	NA	\$ N/A

Budget Funding Years: 2010 Start Date 1/1/10 End Date 12/31/10
(must match resolution)

Funding Sources	Tax Dollars	<u>0</u>
\$	State Aid	<u>0</u>
	Federal Aid	0
	Other	<u>0</u>

APPROVED BOARD OF ACQUISITION & CONTRACT - 3-25-2010 - JOMARY VIEIRA, SECRETARY