

18989

TO: Board of Acquisition and Contract

FROM: John J. Hsu, P.E.
Commissioner of Public Works and Transportation

DATE: May 4, 2011

SUBJECT: AGREEMENT NO. 11-909
Authority to Execute an Entry Permit and Enter into a Force Account Agreement with the Metro-North Commuter Railroad Company in Connection with the Replacement of the Bronx River Parkway Bridges over the Bronx River and MTA Metro-North Railroad at Crane Road (BINs 3348779 & 3348789), Town of Greenburgh and Village of Scarsdale, Westchester County, New York

Authority of your Honorable Board is requested for the County of Westchester ("County") to execute an Entry Permit and enter into a Force Account Agreement with the Metro-North Commuter Railroad Company ("Metro-North") in connection with the replacement of the Bronx River Parkway Bridges over the Bronx River and MTA Metro-North Railroad at Crane Road (BINs 3348779 & 3348789), Town of Greenburgh and Village of Scarsdale, Westchester County, New York ("Project").

The property is owned by Midtown Trackage Ventures, LLC ("Midtown Trackage") and leased to the Metropolitan Transportation Authority ("MTA"). As your Honorable Board is aware, the County is currently seeking to acquire easement rights to the property, which is the subject of the Entry Permit and Force Account Agreement, from Midtown Trackage. Pursuant to the MTA lease with Midtown Trackage, the MTA has the right to sublet the premises and also to allow the premises to be used or occupied by the County (among others). Metro-North is an agency of the MTA. Metro-North operates certain railroad rights-of-way that are used to provide commuter rail service to Westchester County and other Counties. Metro-North is willing to grant permission to the County to enter the property in order to carry out the Project. In addition to the Entry Permit, Metro-North also requires a Force Account Agreement. Such an agreement will provide flagmen, watchmen, linemen, ground men and/or communication and signal services desirable or necessary to protect its property or operations, or its employees, patrons or licensees, during the construction phase of the Project. Metro-North has submitted a Force Account estimate to the County in an amount not to exceed \$3,000,000.00. Invoices for all labor and materials provided by Metro-North will be based on actual cost at the time that the services are provided. The term of these agreements will commence June 1, 2011 and continue through December 30, 2015.

Since the Project is eligible for federal funding, the County will be reimbursed by the State of New York in a sum not to exceed \$2,400,000.00 which is eighty (80) percent of the total cost for the Force Account Agreement. The County will provide funds in a sum not to exceed \$600,000.00, representing twenty (20) percent of the cost for the Force Account Agreement. Receipt of State Marchiselli Program funds in the amount not to exceed \$450,000.00 will reduce the County's contribution for this phase to a sum not to exceed \$150,000.00, representing five (5) percent of the Force Account cost. The County Capital Plan reflects receipt of these federal and state funds.

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This Project is in the public's best interest in that successful completion of the Project will increase motorist safety through the replacement of a substandard bridge while keeping roadway and railroad passengers safe during construction. Likewise, the use of federal and state funds reduces the impacts of this Project on the local tax base. Energy and environmental effects are positive as closure of the bridge would result in significant detours and congestion.

This Department will track scheduling and accomplishments during construction to insure the successful completion of this Project.

The proposed form of Resolution to accomplish the foregoing is attached hereto.

JJH/KMR/TSA

Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/19/09 - JUMRY VIEIRA, SECRETARY

RESOLUTION

Upon communication from the Commissioner of Public Works and Transportation,

WHEREAS, the County of Westchester (“County”) shall be responsible for undertaking the engineering, right-of-way acquisition, construction and construction inspection phases for the Reconstruction of the Bronx River Parkway Bridges over the Bronx River and MTA Metro-North Railroad at Crane Road (BINs 3348779 & 3348789), Town of Greenburgh and Village of Scarsdale, Westchester County, New York, following federal and New York State guidelines and procedures; now, therefore, be it

RESOLVED, that the County be, and hereby is, authorized to execute an Entry Permit and enter into a Force Account Agreement with the Metro-North Commuter Railroad Company (“Metro-North”) in connection with the Replacement of the Bronx River Parkway Bridges over the Bronx River and MTA Metro-North Railroad at Crane Road (BINs 3348779 & 3348789), Town of Greenburgh and Village of Scarsdale, Westchester County, New York, and be it further

RESOLVED, that the term of these agreements will commence June 1, 2011 and continue through December 30, 2015; and be it further

RESOLVED, that the County of Westchester is authorized to make payments to Metro-North in conjunction with the Force Account Agreement in an amount not to exceed \$3,000,000.00, and invoices for all labor and materials provided by Metro-North will be based on actual cost at the time that the services are provided; and be it further

RESOLVED, that the County Executive or his duly appointed designee be, and hereby is, authorized to take such actions and execute such documents as may be necessary and appropriate to effect the purposes hereof.

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Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	371	46	P001800C	6210-99		\$3,000,000.00

Budget Funding Year(s) 2011 Start Date 6/01/11 End Date 12/30/15
 (must match resolution)

Funding Source:	Tax Dollars	\$ <u>150,000.00 (County Funds)</u>	Contractor Federal I.D. No./ Social Security No.: _____
	State Aid	\$ <u>450,000.00 (Marchiselli Program)</u>	
	Federal Aid	\$ <u>2,400,000.00 (Federal HBRR)</u>	Vendor No.: <u>996322</u>
	Other	_____	Encumbrance No.: _____

\$ 3,000,000.00
 (must match resolution)