

44034

DATE: December 23, 2014

TO: The Honorable Board of Acquisition and Contract

FROM: Jay T. Pisco, P.E.
Commissioner of Public Works and Transportation

SUBJECT: **Authority to enter into a permit agreement with the City of Yonkers to coordinate the upgrading of City owned traffic signals on Central Park Avenue. (Permit Agreement No. DOT-NYS-15-02)**

By Act No. 53-2010 and Resolution 55-2010 adopted by the Board of Legislators at a meeting held on May 24, 2010, the County of Westchester ("County"), acting by and through its Department of Public Works and Transportation ("Department"), was authorized 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 "Grant Agreement"). By Resolution approved on June 24, 2010, your Honorable Board authorized the County to enter into the Grant Agreement with NYSDOT.

The County now wishes to expend the funds it received through the Grant Agreement. Accordingly, authorization is requested to enter into an agreement with the City of Yonkers ("City") whereby the City will grant the County a permit to install transit signal priority equipment ("TSP Equipment"), queue jumps and side street signal detection (the "Project") at certain locations on Central Park Avenue in Yonkers that are controlled by the City and perform maintenance on the TSP Equipment and queue jumps for a term to commence upon execution and continue for a period of ten (10) years from Project completion or the useful life of the Project, whichever is greater. The County will not be paying any permit fees in connection with this agreement to the City of Yonkers.

The County has been designated to receive \$2.5 million in funding for capital projects through the Multi-Modal #4 Program from NYSDOT. The purpose of this agreement is to use a portion of the grant funds that the County has been designated to receive through the Grant Agreement in order to procure and install TSP Equipment, queue jumps, and side street signal detection at certain locations on Central Park Avenue in Yonkers that are controlled by the City. The County requires a permit from the City in order to install and maintain this Project. A similar request to enter into an agreement with the City of White Plains is being submitted under separate cover.

The goals and objectives of this agreement are to improve and upgrade traffic signals on Central Park 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.

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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.

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

APPROVED BOARD OF ACQUISITION & CONTRACT 01/22/2015 JOHANNY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation, be it hereby:

RESOLVED, that the County of Westchester ("County"), acting by and through its Department of Public Works and Transportation ("Department"), is hereby authorized to enter into an agreement with the City of Yonkers ("City") whereby the City will grant the County a permit to install transit signal priority equipment ("TSP Equipment"), queue jumps and side street signal detection (the "Project") at certain locations on Central Park Avenue in Yonkers that are controlled by the City and perform maintenance on the TSP Equipment and queue jumps for a term to commence upon execution and continue for a period of ten (10) years from Project completion or the useful life of the Project, whichever is greater; and be it further

RESOLVED, that the County will not be paying any permit fees in connection with this agreement to the City; 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

Permit Agreement No. DOT-NYS-15-02

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
			N/A			N/A

Budget Funding Year(s): N/A Start Date: upon execution End Date: 10 years from project completion
(must match resolution)

Funding Source: Tax Dollars: N/A
(must match resolution) State Aid: _____
Federal Aid: _____
Other: _____