

**56006**

TO: Honorable Board of Acquisition and Contract

FROM: Vincent F. Kopicki, P.E.  
Commissioner of Public Works and Transportation

DATE: March 21, 2017

SUBJECT: Authorization to enter into a Seventh Amendment to Agreement No. DOTOP03-17 with MTA Metro-North Commuter Railroad Company ("Metro-North") to extend the term of the current agreement through December 31, 2021.

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On May 1, 1997, your Honorable Board approved a Resolution authorizing the County of Westchester (the "County") to enter into an agreement with the MTA Metro-North Commuter Railroad Company ("Metro-North") for Metro-North to provide financial assistance with bus service between corporate employers and certain commuter train stations. The agreement was for a five (5) year term.

On October 26, 2000, your Honorable Board approved a Resolution to replace the 1997 Agreement with one terminating on April 30, 2003. On February 20, 2003, your Honorable Board authorized a Second Amendment to that Agreement and an extension of the term through December 31, 2008. On March 27, 2003, your Honorable Board approved a Resolution authorizing a Third Amendment to the Agreement to reflect a change in the price structure for the "UNITICKET" and the reimbursement rate to provide for Bee-Line Bus System fare increases, as well as specifying that Metro-North's payments would be made on a semi-annual basis.

On June 7, 2007, your Honorable Board approved a Fourth Amendment to the Agreement to extend the term through December 31, 2013, with a mutual option to extend it for an additional three (3) years through December 31, 2016. In addition, the Fourth Amendment provided for Metro-North to pay the County a flat rate subsidy of \$200,000.00 for the 2007 calendar year. This amount formed a base rate that was adjusted each subsequent year according to the Consumer Price Index for Wage Earners and Clerical Workers in New York, Northern New Jersey and Long Island.

On December 18, 2008, your Honorable Board approved a Fifth Amendment to the Agreement with Metro-North with respect to additional work required under Metro-North's contract with Gannett Fleming Engineers and Architects, P.C. to analyze and prepare an Environmental Review pursuant to the relevant requirements of the National Environmental Policy Act of 1969 and its amendments, as well as other pertinent environmental regulations for a proposed garage at the Metro-North-owned site opposite the North White Plains Station at 525 North Broadway, White Plains, New York. This additional work included planning for improvements to the County-owned surface lot on the west side of the tracks to minimize impacts of frequent flooding in the facility. The County also agreed that Metro-North would take as an offset to payments otherwise due pursuant to the Amendment and Restated Agreement, an amount equal to the County's share of this additional work up to a maximum amount of \$350,000.00.

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Agreement No. DOTOP03-17, Seventh Amendment  
MTA Metro-North Commuter Railroad Company  
Shuttle Agreement  
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On February 10, 2017, your Honorable Board approved a Sixth Amendment to the Agreement with Metro-North to exercise the renewal option through December 31, 2016, and to extend the term of the Agreement through April 30, 2017.

Authorization is now sought by the Department of Public Works and Transportation for a Seventh Amendment in order to extend the term of the current Agreement through December 31, 2021.

I recommend approval of the attached proposed Resolution.

VFK/DLV/dv

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/13/2017 - LISAMUJAJ, SECRETARY

# RESOLUTION

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

**RESOLVED**, that the County of Westchester (the “County”) is hereby authorized to enter into a Seventh Amendment to an Agreement with MTA Metro-North Commuter Railroad Company (“Metro-North”) for Metro-North to provide financial assistance with bus service between corporate employers and certain commuter train stations in order to extend the term of the Agreement through December 31, 2021; and be it further

**RESOLVED**, that all other terms of the Agreement shall remain unchanged; and be it further

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

Agreement No. DOTOP03-17

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Revenue Source	Trust Account	Dollars
	101	44	2100	9289		N/A

Budget Funding Year(s)     N/A     Start Date     05/01/2017     End Date     12/31/2021      
 (must match resolution)

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

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