

STAFF REPORT

DATE: August 26, 2024
TO: Sacramento Regional Transit Board of Directors
FROM: Henry Ikwut-Ukwa, VP, Capital Programs
SUBJ: DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO EXECUTE REIMBURSEMENT AGREEMENTS WITH THE CALIFORNIA HIGHWAY PATROL FOR THE CONSTRUCTION ZONE ENHANCED ENFORCEMENT PROGRAM FOR WATT/I-80 TRANSIT CENTER IMPROVEMENT PROJECT

RECOMMENDATION

Adopt the Attached Resolution.

RESULT OF RECOMMENDED ACTION

Delegating authority to the General Manager/CEO to execute Construction Zone Enhanced Enforcement Program (COZEEP) Reimbursement Agreements with the Department of California Highway Patrol (CHP) for the Watt/I-80 Transit Center Improvement Project will allow Sacramento Regional Transit District (SacRT) to comply with Caltrans Encroachment Permit requirements.

FISCAL IMPACT

SacRT will be required to pay the CHP actual costs associated with providing traffic control services in support of the Watt/I-80 Transit Center Improvement Project. Separate agreements for actual costs will be required for each stage of construction. The estimate SacRT has received from CHP for Stage 3 (the first stage requiring COZEEP) is \$19,767.60.

It is anticipated that these costs will ultimately be reimbursed through an amendment to Grant 157 to add Federal 5307 funds in the amount of \$100,000 to the project. SacRT anticipates these funds to be available by December 2024. The federal funds have pre-award authority; therefore, costs incurred prior to execution of the federal grant are allowable and reimbursable. However, SacRT cannot request reimbursement for any costs until a grant agreement is executed.

For cash flow purposes, until the Grant funds are available, costs invoiced under the agreement or agreements will be paid for with unreserved cash surplus.

DISCUSSION

Caltrans Encroachment Permits are required for the construction of the Watt/I-80 Transit Center Improvement Project, which is located in state highway right of way. The construction project will require lane closures/ramp closures for Stages 3, 5, and 6. The Caltrans Encroachment Permit requires COZEEP for all lane/ramp closures, which includes having CHP officers located in lane closures to increase safety during construction stages. A separate COZEEP Reimbursement Agreement is required for each of the stages based on the required support.

CHP has provided a standard Reimbursable Letter of Agreement to provide these services and has informed SacRT that this agreement cannot be modified. The Agreement does not include a cost cap. The Agreement also includes a clause specifying that SacRT must indemnify the CHP against and hold the CHP harmless from any and all claims, demands, suits, and actions for personal injury, death, loss, and/or property damage that may arise out of or in connection with the performance of this Agreement, even though such injury, death, loss and/or damage to property may be (or may be alleged to be) attributable in part to the active and/or passive negligence of the CHP and/or its appointees, officers, agents, employees, and servants. While these provisions create cost risk for SacRT, this Project will provide significant benefits to SacRT riders and the surrounding community. Therefore, Staff recommends that the Board delegate authority to the General Manager/CEO to execute the COZEEP Reimbursement Agreements; if SacRT does not execute these agreements, Caltrans will revoke SacRT's Encroachment Permit and stop construction.

RESOLUTION NO. 2024-08-089

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

August 26, 2024

DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO EXECUTE REIMBURSEMENT AGREEMENTS WITH THE CALIFORNIA HIGHWAY PATROL FOR THE CONSTRUCTION ZONE ENHANCED ENFORCEMENT PROGRAM FOR WATT/I-80 TRANSIT CENTER IMPROVEMENT PROJECT

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, authority is hereby delegated to the General Manager/CEO to execute Reimbursable Letters of Agreement with the California Highway Patrol to provide traffic control services for the Construction Zone Enhanced Enforcement Program (COZEEP) for the Watt/I-80 Transit Center Improvement Project.

PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Tabetha Smith, Assistant Secretary