

RESOLUTION NO. 2014-73

AUTHORIZING AN INTERAGENCY AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR SECTION 1 OF THE OPPORTUNITY CORRIDOR PROJECT (RTA DEVELOPMENT FUND, ENGINEERING AND PROJECT DEVELOPMENT BUDGET)

WHEREAS, the Ohio Department of Transportation ("ODOT") is designing and implementing the construction of roadway improvements for Section 1 of the Opportunity Corridor project on East 105th Street from Quebec Avenue to approximately 1,000 north of Chester Avenue; and

WHEREAS, ODOT has committed in their approved environmental document to fund the construction of enhanced bus shelters and transit waiting environments in all sections of the Opportunity Corridor Project area; and

WHEREAS, the GCRTA provides public transportation in the City and is involved in a transit area waiting enhancement program; and

WHEREAS, Section 1 of the Opportunity Corridor Project will begin construction in 2015; and

WHEREAS, East 105th Street is served by GCRTA Bus Route 10, which had the ninth highest ridership of all GCRTA local bus routes in 2013; and

WHEREAS, ODOT has agreed to reimburse GCRTA up to \$420,000.00 to construct the enhanced bus shelters and transit waiting environments for the bus shelters on E. 105th Street in the Project area for Section 1 of the Opportunity Corridor Project.

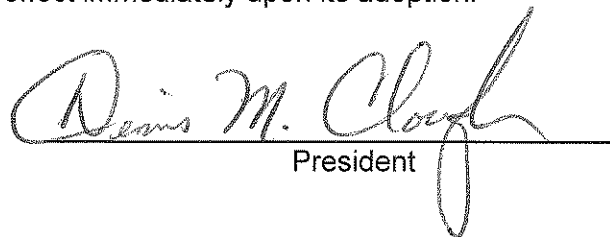
NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the General Manager/Secretary-Treasurer of the Greater Cleveland Regional Transit Authority be and is hereby authorized to enter into an Interagency Agreement with the Ohio Department of Transportation for Section 1 of the Opportunity Corridor Project.

Section 2. That the up to four hundred twenty thousand dollars (\$420,000.00) reimbursed to the Authority by the Ohio Department of Transportation for the construction of enhanced bus shelters and transit waiting environments will be deposited in the RTA Development Fund, Engineering and Project Development Department budget.

Section 3. That this resolution shall take effect immediately upon its adoption.

Adopted: August 19, 2014



President

Attested: 

CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

TITLE/DESCRIPTION: CONTRACT: INTERAGENCY AGREEMENT FOR SECTION 1 OF THE OPPORTUNITY CORRIDOR PROJECT VENDOR: OHIO DEPARTMENT OF TRANSPORTATION AMOUNT: UP TO \$420,000.00 PAYABLE TO GCRTA	Resolution No.: 2014-73
	Date: August 14, 2014
	Initiator: Programming and Planning
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE/SCOPE:** This action will allow the Authority to enter into an Interagency Agreement with the Ohio Department of Transportation (ODOT) for Section 1 of the Opportunity Corridor project (the "Project").

- 2.0 **DESCRIPTION/JUSTIFICATION:** As part of their commitments in the approved environmental document, ODOT has agreed to reimburse GCRTA for the construction of enhanced bus shelters and transit waiting environment enhancements along the Corridor. The first phase of this project (Section 1) encompasses E. 105th Street from Quebec Avenue to approximately 1,000 feet north of Chester Avenue. RTA has seven bus shelters in this area.

 This agreement formalizes the roles and responsibilities of each party and ODOT's financial commitment toward construction of the Project.

- 3.0 **PROCUREMENT BACKGROUND:** N/A

- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** N/A

- 5.0 **POLICY IMPACT:** Entering into this Agreement allows GCRTA to accept ODOT's financial contribution toward the Project.

- 6.0 **ECONOMIC IMPACT:** Up to four hundred twenty thousand dollars (\$420,000.00) will be contributed by ODOT to reimburse GCRTA for the construction of enhanced bus shelters and transit waiting environments along E. 105th Street. The reimbursement will be deposited in the GCRTA Development Fund, Engineering and Project Development Department.

- 7.0 **ALTERNATIVES:** Reject the interagency agreement. Rejection of this agreement will inhibit GCRTA from being able to make these improvements that provide GCRTA customers with more comfortable transit waiting environments.

- 8.0 **RECOMMENDATION:** The staff recommends that the interagency agreement be accepted and the resolution passed.

9.0 ATTACHMENTS: Attachment A - Form of the agreement is attached.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.

A handwritten signature in black ink, appearing to read "Jeffrey J. Acosta". The signature is written in a cursive style and is positioned above a horizontal line.

CEO, General Manager/Secretary-Treasurer

ODOT USE ONLY

AGREEMENT NO: 26633

**AGREEMENT BETWEEN
OHIO DEPARTMENT OF TRANSPORTATION
AND
THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY

OPPORTUNITY CORRIDOR SECTION 1; CUY-10-21.49; PID 96832**

THIS AGREEMENT, made this _____ day of _____, 2014, between the State of Ohio, acting by and through the Director of the Ohio Department of Transportation, hereinafter referred to as the STATE, and the Greater Cleveland Regional Transit Authority, hereinafter referred to as the AUTHORITY.

1. PURPOSE

- 1.1 The STATE has undertaken the Opportunity Corridor Project Section 1; CUY-10-21.49; PID 96832, (the "ODOT Project") along E. 105th Street between Quebec Avenue and approximately 1,000 feet north of Chester Avenue in the City of Cleveland for the purpose of improving traffic flow by integrating local streets with larger roadways, thereby providing greater opportunities for development, neighborhood investment, and jobs within the City of Cleveland.
- 1.2 The Final Environmental Statement/Record of Decision (FEIS/ROD) for the Opportunity Corridor Project was approved by the Federal Highway Administration on May 1, 2014.
- 1.3 The approved FEIS/ROD provides for Environmental Commitments and Mitigation measures for Public Transportation.
- 1.4 The mitigation measure in the approved FEIS/ROD for Public Transportation states, "*ODOT (STATE) will coordinate with GCRTA (AUTHORITY) during final design regarding the location of bus stations along E. 105th Street and where the boulevard would intersect existing bus routes.*"
- 1.5 The mitigation measure in the Environmental Justice section of the approved FEIS/ROD states, "*ODOT (STATE) will construct enhanced bus shelters in areas where the existing bus lines will cross the new boulevard. Key intersections being considered include Kinsman Road, East 79th Street, Buckeye Road, and Quincy and Cedar Avenues. ODOT will work with GCRTA (AUTHORITY) during final design to identify the specific locations and design of the shelters.*"
- 1.6 It is in the best interest of the AUTHORITY and the STATE, that the AUTHORITY procure and construct bus shelters and amenities within the limits of the ODOT Project at locations that are best determined by the AUTHORITY.

2. **DURATION OF TERM**

- 2.1 This Agreement shall terminate after payment by the STATE in accordance with the Compensation provision contained herein.

3. **COMPENSATION**

- 3.1 In consideration of the AUTHORITY procuring and constructing bus shelters and amenities within the limits of ODOT Project, the STATE agrees to compensate the AUTHORITY a maximum amount of Four Hundred Twenty Thousand Dollars (\$420,000.000) to be paid upon receipt of a final invoice covering the actual cost of the bus shelters and amenities constructed in place.

4. **DISPUTE RESOLUTION**

- 4.1 In the event there is a dispute, the AUTHORITY and the STATE may submit the dispute to mediation by a third party who is mutually acceptable. The mediation process shall be established and controlled by the mediator who shall be reimbursed for services equally by the AUTHORITY and the STATE.
- 4.2 If mediation efforts fail, the parties may, upon agreement, elect to arbitrate the dispute. Arbitration shall be binding upon the parties if agreed to with the cost of the arbitration to be shared equally. The form of arbitration may vary and, is again, at the option of the AUTHORITY and the STATE.

5. **AVAILABILITY OF PUBLIC RIGHT-OF-WAY**

- 5.1 ODOT will include the area required for the construction of the bus shelters and amenities in the proposed right-of-way limits for the project.
- 5.2 The Authority will obtain all permits required for the construction of the bus shelters and amenities.

6. **AVAILABILITY OF FUNDS**

- 6.1 It is expressly understood by the parties that none of the rights, duties and obligations described in this Agreement shall be binding on either party until such time as the expenditure of funds is certified by the Director of Budget and Management, pursuant to §126.07 of the Ohio Revised Code.

7. **REPRESENTATIVES**

- 7.1 For purposes of this Project, the representative for the Authority will be Michael J. Schipper, P.E., Deputy General Manager - Engineering and Project Management, or such other person designated by him. The representative for the STATE will be Myron S. Pakush, ODOT District 12 Deputy Director, or such other person designated by him.

8. **TERMS AND CONDITIONS**

- 8.1 A determination that any part of this Agreement is invalid shall not invalidate or impair the force or effect of any other part thereof, except to the extent that such other part is wholly dependent for its operation upon the part so declared invalid.

9. SIGNATURES

9.1 Any person executing this Agreement in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this Agreement on such principal's behalf.

IN WITNESS WHEREOF, the parties hereunto have caused this agreement to be duly executed in duplicate as to the day and year first above written.

**THE STATE OF OHIO,
DEPARTMENT OF TRANSPORTATION**

**GREATER CLEVELAND REGIONAL
TRANSIT AUTHORITY**

By _____
**JERRY WRAY
DIRECTOR OF TRANSPORTATION**

By _____
**JOSEPH A. CALABRESE, CEO
GENERAL MANAGER/SECRETARY-
TREASURER**

Date: _____

Date: _____