

RESOLUTION NO. 2022-91

AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF EAST CLEVELAND FOR BUS PAD REHABILITATION ALONG EUCLID AVENUE

WHEREAS, the Greater Cleveland Regional Transit Authority ("GCRTA") and the City of East Cleveland ("E. Cleveland") have determined it is in the mutual interest of both parties that certain bus pads along Euclid Avenue, adjacent to bus shelters, are rehabilitated; and

WHEREAS, GCRTA operates six (6) bus routes along Euclid Avenue in E. Cleveland and operates its east side station, Windermere, along Euclid Avenue in E. Cleveland; and

WHEREAS, GCRTA has made a significant investment in its bus fleet, which could be damaged by joint separation in the concrete bus pads; and

WHEREAS, GCRTA has identified federal grant funding for pavement repairs which can be used for a bus pad rehabilitation 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, Chief Executive Officer is hereby authorized to enter in a Memorandum of Understanding with the City of East Cleveland for the purpose of bus pad rehabilitation along Euclid Avenue.

Section 2. That this resolution shall become effective immediately upon its adoption.

Adopted: September 20, 2022



President

Attest:



Secretary-Treasurer



TITLE/DESCRIPTION: AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF EAST CLEVELAND FOR REHABILITATION OF BUS PADS ALONG EUCLID AVENUE	Resolution No.: 2022-91
	Date: September 15, 2022
	Initiator: Operations
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 a Memorandum of Understanding ("MOU") with the City of East Cleveland ("E. Cleveland") to rehabilitate certain bus pads along Euclid Avenue in E. Cleveland.
- 2.0 DESCRIPTION/JUSTIFICATION: GCRTA currently operates six (6) routes on Euclid Avenue in E. Cleveland, and its east side district, Windermere, is located on Euclid Avenue in E. Cleveland. GCRTA has made a significant investment in new buses, particularly the HealthLine buses, which are required to operate on the curb lane of Euclid Avenue in E. Cleveland. The GCRTA Operations and Engineering Divisions have recognized that certain bus pads adjacent to bus shelters are deteriorating and require rehabilitation in order to prevent damage to GCRTA's buses. E. Cleveland and GCRTA have agreed to a MOU under which GCRTA will procure construction services to make concrete repairs at those bus pad locations.
- 3.0 PROCUREMENT BACKGROUND: Does not apply.
- 4.0 DBE/AFFIRMATIVE ACTION BACKGROUND: Does not apply.
- 5.0 POLICY IMPACT: This MOU is consistent with GCRTA's cooperative relationship with E. Cleveland in furtherance of ensuring that the bus pads are safe for bus traffic.
- 6.0 ECONOMIC IMPACT: Does not apply.
- 7.0 ALTERNATIVES: Reject the MOU. Rejection will likely lead to damaged buses that operate along Euclid Avenue in E. Cleveland
- 8.0 RECOMMENDATION: It is recommended that the Board of Trustees adopt the resolution authorizing the MOU with E. Cleveland for bus pad rehabilitation.
- 9.0 ATTACHMENT: Attachment A – draft Memorandum of Understanding

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


General Manager, Chief Executive Officer

DRAFT

MEMORANDUM OF UNDERSTANDING BETWEEN THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY AND THE CITY OF EAST CLEVELAND

This Memorandum of Understanding (“MOU”) is made on _____, 2022 between the Greater Cleveland Regional Transit Authority (“GCRTA”), a political subdivision of the State of Ohio, with a business address of 1240 W. 6th St., Cleveland, OH 44113, and the City of East Cleveland (“E. Cleveland”), a municipality, with a business address of 41340 Euclid Avenue, East Cleveland, Ohio 44112, collectively “the Parties.”

WHEREAS, the purpose of this MOU is to memorialize an agreement between the Parties regarding rehabilitation of certain bus pads along Euclid Avenue in E. Cleveland; and

WHEREAS, GCRTA operates 6 bus routes along Euclid Avenue in E. Cleveland; and

WHEREAS, GCRTA has made a substantial investment in its transit buses, particularly the HealthLine buses, many of which have been recently replaced with brand new coaches; and

WHEREAS, certain bus pads along Euclid Avenue in E. Cleveland have been deemed unsafe for operation of buses and must be rehabilitated for the safe operation of GCRTA's buses; and

WHEREAS, in order to protect its significant investment in transit buses that run along Euclid Avenue in E. Cleveland, GCRTA has agreed to undertake rehabilitation of certain bus pads adjacent to its bus shelters; and

WHEREAS, E. Cleveland has a substantial interest in the health, safety and welfare of its residents and visitors.

NOW, THEREFORE, in consideration of the mutual promises, covenants and obligations contained herein, the Parties agree as follows:

Section 1. E. Cleveland acknowledges that the provision of bus pads and maintenance of bus pads is the responsibility of E. Cleveland.

Section 2. GCRTA has been in discussions with E. Cleveland regarding the need for bus pad rehabilitation for several years, and the Parties previously worked together in April 2022 on temporary repairs to bus pads along Euclid Avenue in E. Cleveland.

DRAFT

Section 3. In order to ensure that permanent repairs are made before the temporary repairs made in Spring 2022 fail, GCRTA will engage a contractor to perform repairs and/or replacement of certain Euclid Avenue bus pads, as specifically enumerated and described in Attachment A, which is attached hereto and incorporated herein by reference.

Section 4. That E. Cleveland acknowledges and accepts any and all liability arising from claims related to the bus pads and will, furthermore, defend and hold harmless GCRTA against any such claims, excluding claims alleging negligence in performance of the construction work as such claims will be borne by the contractor performing the pavement rehabilitation.

Section 5. That the maintenance of all bus pads within its city limits, including those rehabilitated pursuant to this MOU, will remain the responsibility of E. Cleveland.

IN WITNESS WHEREOF, GCRTA and the City of East Cleveland have caused this MOU to be executed effective on the date written above.

CITY OF EAST CLEVELAND

**GREATER CLEVELAND REGIONAL
TRANSIT AUTHORITY**

By: _____
Brandon L. King
Mayor

By: _____
India L. Birdsong Terry
CEO, General Manager

Date: _____

Date: _____

The legal form and correctness of
the within instrument are hereby
approved.

Janet E. Burney, General Counsel
Deputy General Manager for Legal Affairs