



Metropolitan Transportation Authority

# April 2018

## MTA Board Action Items



**MTA Board Meeting**  
**2 Broadway - 20th Floor Board Room**  
**Wednesday, 4/25/2018**  
**10:00 AM - 12:00 PM ET**

**1. PUBLIC COMMENT PERIOD**

**2. APPROVAL OF MINUTES**

**MTA Regular Board Minutes - March 21, 2018**

*MTAHQ Minutes - March 21, 2018 - Page 5*

**NYCT/MaBSTOA/SIRTOA/Bus Company Regular Board Minutes - March 21, 2018**

*NYCTA Minutes - March 21, 2018 - Page 11*

**MTA Metro-North Railroad Regular Board Minutes - March 21, 2018**

*Metro-North Minutes - March 21, 2018 - Page 15*

**MTA Long Island Rail Road Regular Board Minutes - March 21, 2018**

*LIRR Minutes - March 21, 2018 - Page 21*

**Triborough Bridge & Tunnel Authority Regular Board Minutes - March 21, 2018**

*TBTA Minutes - March 21, 2018 - Page 37*

**MTA Capital Construction Regular Board Minutes - March 21, 2018**

*MTACC Minutes - March 21, 2018 - Page 41*

**3. COMMITTEE ON FINANCE**

**Action Items**

**i. MTA 2017 Annual Investment Report (Report Available in the Exhibit Book and MTA.Info)**

*MTA 2017 Annual Investment Report (Full Report Available in the Exhibit Book and MTA.Info) - Page 44*

**ii. FMTAC Capital Market Based Re Insurance**

*Capital Market Based Re Insurance - Page 46*

**MTAHQ Procurements Report**

*MTAHQ Procurement Report - Page 50*

**i. Non-Competitive (no items)**

**ii. Competitive**

*MTAHQ Competitive Procurements - Page 52*

**iii. Ratifications**

*MTAHQ Ratifications - Page 57*

**Real Estate Items**

**i. Real Estate Agenda and Staff Summaries**

*Real Estate Agenda and Staff Summaries - Page 65*

#### **4. COMMITTEE ON NYCT & BUS**

##### **NYCT & Bus Procurements Report**

*NYCT April Procurement Staff Summary and Resolution - Page 130*

###### **i. Non-Competitive**

*NYCT Non-Competitive Actions - Page 135*

###### **ii. Competitive**

*NYCT Competitive Actions - Page 138*

###### **iii. Ratifications**

*NYCT Ratifications - Page 145*

#### **5. COMMITTEE ON METRO-NORTH RAILROAD & LONG ISLAND RAIL ROAD**

##### **MNR Procurements Report**

*MNR Procurements - Page 148*

###### **i. Non-Competitive (no items)**

###### **ii. Competitive**

*MNR Competitive - Page 152*

###### **iii. Ratification (no items)**

##### **LIRR Procurements Report**

*LIRR Procurements - Page 156*

###### **i. Non-Competitive (no items)**

###### **ii. Competitive**

*LIRR Competitive - Page 160*

###### **iii. Ratifications (no items)**

##### **MTACC Procurements Report**

*MTA CC Procurements - Page 163*

###### **i. Non-Competitive (no items)**

###### **ii. Competitive**

*MTA CC Competitive - Page 166*

###### **iii. Ratification (no items)**

#### **6. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS**

##### **B&T Procurements Report**

*B&T Procurements - Page 169*

###### **i. Non-Competitive (no items)**

###### **ii. Competitive**

*B&T Competitive - Page 172*

###### **iii. Ratifications (no items)**

#### **7. OTHER MTA BUSINESS**

##### **Action Item**

**i. MTA Capital Program Amendment**

*MTA Capital Program Amendment - Page 176*

**8. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC) (See Committee on Finance)**

Date of next meeting: May 23, 2018



**Metropolitan Transportation Authority  
Minutes of  
Regular Board Meeting  
2 Broadway  
New York, NY 10004  
March 21, 2018  
10:00 a.m.**

**The following members were present:**

**Hon. Joseph J. Lhota, Chairman  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Norman E. Brown  
Hon. Ira Greenberg  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Scott Rechler  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. Peter Ward**

**The following alternate non-voting members were also present:**

Hon. Andrew Albert  
Hon. Vincent Tessitore, Jr.

**The following members were absent:**

**Hon. David Jones  
Hon. Andrew Saul  
Hon. James Vitiello  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman**

Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Robert Foran, Chief Financial Officer, Thomas J. Quigley, General Counsel, Andrew Byford, President, NYCT, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, President, Metro-North Railroad, Cedrick Fulton, President TBTA, Darryl Irick, President, MTA Bus Operations, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

The Board of the Metropolitan Transportation Authority also met as the Boards of the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan Suburban Bus Authority, the Triborough Bridge and Tunnel Authority, the Long Island Rail Road, the Metro-North

Commuter Railroad Company, the MTA Capital Construction Company, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

Unless otherwise indicated, these minutes reflect items on the agenda of the Board of the Metropolitan Transportation Authority, the Metropolitan Suburban Bus Authority, and the First Mutual Transportation Assurance Company. Refer to the other agencies' minutes of this date for items on the agendas of the Boards of the other agencies.

**1. PUBLIC SPEAKERS SESSION.**

Stephen Morello, Counselor to the Chairman, reminded the public speakers that comments are limited to two minutes each. Mr. Morello called speakers' attention to the countdown clock and stated that each speaker would be notified by him thirty seconds before their two-minutes expired. Stephen Morello stated that a portable microphone is available to assist speakers who need it.

The following seven (7) speakers commented during the public speakers session. Refer to the video recording of the meeting produced by the MTA and maintained in MTA records, and to the other agencies' minutes of this date, for the content of speakers' statements.

Carol Raffery, Build Up New York  
H.P. Schroer, private citizen /WWI Veteran  
Vijay Duggal, private citizen  
Mary Parisen, CURES  
Colin Wright, Transit Center  
Hayley Richardson, Transit Center  
Tabitha Decker, Transit Center

**2. CHAIRMAN'S REMARKS.**

Chairman Lhota asked for a moment of silence in honor of Saint Clair Ziare Richards-Stephens, a New York City Transit Authority track worker who died on the job yesterday after falling from an elevated structure at 125<sup>th</sup> Street. Chairman Lhota stated that he expects to learn the exact causes of this tragedy in the coming days and will inform the Board of the details of the incident. The Chairman, on behalf of the MTA organization, extended deepest condolences to Mr. Richards-Stephens' family, friends, and coworkers.

Chairman Lhota thanked the Board members and public in attendance at today's meeting in light of the winter storm. The Chairman provided a brief update on the winter storm and encouraged everyone to stay up-to-date on the latest service and travel advisory by visiting [www.mta.info](http://www.mta.info). Chairman Lhota commended the heroic work of the MTA employees who have been working non-stop for the past 48 hours to prepare for the storm. The Chairman stated that customers are encouraged to travel only if necessary, and he urged customers who are unable to postpone their travel to leave as early as possible in the afternoon and anticipate delays and possible cancellations throughout the MTA service territory due to the storm.

### **3. WORKING GROUPS' PRESENTATIONS.**

Chairman Lhota announced that today the Board will hear brief presentations from the Working Groups that were created in December for the purpose of taking a new and intense look at areas of persistent challenge to the organization. The Chairman stated that each group's Chair will report back to the Board with new approaches to improve service or efficiency in the following areas:

- Board Member Scott Rechler, Chair of Construction Costs;
- Board Member Charles Moerdler, Chair of Procurement Reform;
- Board Member Veronica Vanterpool, Chair of Paratransit/Access-a-Ride; and
- Board Member Ira Greenberg, Chair of Subway Accessibility.

Chairman Lhota noted that Neal Zuckerman, who unfortunately could not attend today's meeting and who is leading the railroad subcommittee that is focused on the implementation of Positive Train Control, will provide his update at a future Board meeting.

The details of the Working Groups' presentations, Board Member's comments and discussions are contained in the video recording of the meeting, produced by the MTA and maintained in the MTA records.

4. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the Regular Board Meeting held on February 22, 2018.

### **5. COMMITTEE ON FINANCE.**

- A. **Action Item.** Upon motion duly made and seconded, the Board approved the following action item. The specifics are set forth in the staff summary and documentation filed with the meeting materials.

1. **2017 Annual Procurement Report.** Authorized the filing with the State of New York of the annual MTA All Agency Procurement report for the period January 1, 2017 - December 31, 2017, as required under Section 2879 of the Public Authorities Law.

#### **B. Information Item.**

1. **MTA Prompt Payment Annual Report 2017.** The Board received the MTA Prompt Payment Annual Report that is required to be submitted to the State Comptroller, the State Director of the Budget, the Chairman of the Senate Finance Committee, and the Chairman of the Assembly Ways and Means Committee.

**C. Procurement Items.** Upon motion duly made and seconded, the Board approved the following procurement items. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

1. Art & Design (A&D) Projects at LIRR Station on the Babylon Branch. Approved the award of an A&D competitively negotiated procurement contract to Dan Funderburgh to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the LIRR Bellmore Station.
2. A&D Project at Two (2) Metro-North Railroad (MNR) Stations on the Harlem and New Haven Lines. Approved the award of competitively negotiated procurement contracts to Alison Saar (Harlem-125<sup>th</sup> Street Station) and Bernard Greenwald (Port Chester Station) to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the specified stations.
3. A&D Project at Two (2) NYCT Subway Stations on the Grand Concourse Line. Approved the award of competitively negotiated procurement contracts to Rico Gatson, a/k/a Aunrico Gatson, (167<sup>th</sup> Street Station) and Roy Secord (174-175<sup>th</sup> Street Station) to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the specified stations.
4. PricewaterhouseCoopers LLP – Pension Phase II Independent Validation & Verification (IV & V) – No. 0009000004. Approved the award of a competitively negotiated personal service contract for IV&V services for the Pension PeopleSoft Phase II Implementation to upgrade the MTA’s Financial and Human Resources Systems.
5. HILO Equipment & Services, LLC – Preventive Maintenance on Material Handling Equipment No. #060\*10040, S/A # 3. Approved an amendment to a previously Board-approved multi-agency competitively negotiated contract with HILO Material Handling Group.
6. Ratification of Various Contracts – Executive Order 168 (“E.O. 168”). In accordance with the emergency provisions in Article III(B)(1) of the All Agency General Contract Procurement Guidelines and Article III(C)(3) of the All Agency Service Contract Procurement Guidelines, the Board ratified an MTAHQ procurement contract and various NYCT procurement contracts awarded pursuant to E.O. 168 and its extensions.

**D. Real Estate Items.** Upon motion duly made and seconded the Board approved the real estate items listed below. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

**Metropolitan Transportation Authority**

1. Adoption of the resolution approving the MTA 2018 Real Estate Department’s Real Property Disposition Guidelines and the MTA’s All-Agency 2018 Guidelines

for the Disposal of Personal Property, in accordance with Section 2896 of the Public Authorities Law.

2. Master license agreement between County of Suffolk and the MTA, on behalf of the MTA Police Department (“MTA PD”), to facilitate the installation of antennas at strategic sites as part of MTA PD Radio Network expansion.
3. Consent to granting of a permanent easement by Midtown Trackage Ventures LLC to the City of New York to facilitate construction, operation and maintenance of a subsurface water bypass tunnel in the Town of Wappinger, N.Y. (Section 6056, Block 01, Lot 032728).

### **Long Island Railroad**

4. Lease with DASO LLC for the expansion of the LIRR’s main Medical Unit office located 300 Old Country Road, Mineola, N.Y.
5. Acquisition of permanent easements from Suffolk County for the installation of aerial power cables, in support of the Main Line Double Track Project, located on the South side of Long Island Avenue, Deer Park, N.Y.

## **6. COMMITTEE ON CORPORATE GOVERNANCE.**

A. **Action Items.** Upon motion duly made and seconded, the Board approved the following action items. The specifics are set forth in the staff summaries and documentation filed with the meeting materials. Board Member Vanterpool abstained from the vote on the items below. Ms. Vanterpool stated that, while she does not support the revisions made to the corporate governance items because the changes do not go far enough, she did not want to cast a vote against the items. Ms. Vanterpool asked Board Members to place corporate governance matters at the forefront of their agenda and consider further changes. Chairman Lhota stated that he welcomes working with the Board on matters relating to corporate governance, and he noted that much of Ms. Vanterpool’s concerns relate to statutory issues. Details of the discussion relating to corporate governance are included in the video recording of the meeting produced by the MTA and maintained in the MTA records

1. **Mission Statement, Measurements, and Performance Indicators Report.** Approved the MTA’s Mission Statement and authorized submission of the 2017 Mission Statement, Measurements and Performance Indicators Report to the Independent Authorities Budget Office, as required by Section 1269-f and Section 2824-a of the Public Authorities Law.
2. **MTA By-Laws.** Approved revisions to the MTA By-Laws.
3. **Revisions to Committee Charters.** Adopted non-substantive revisions to each of the MTA Committee Charters.

4. All-Agency Procurement Guidelines and All-Agency Guidelines for Procurement of Services. Approved the All-Agency Procurement Guidelines and All-Agency Guidelines for Procurement of Services.
5. Public Authorities Law Required Policies. Approved revisions to certain existing policies of the MTA and its Agencies, in order to comply with Public Authorities Law Section 2824 (“PAL 2824”).

7. **OTHER MTA BUSINESS.**

Chairman Lhota invited Board discussion on other matters of concern.

Board Member Rechler stated that, at the last Board meeting, he asked that the Fix NYC Advisory Panel Report be presented to the Board for consideration relating to the key principles behind the Report. Board Member Rechler thanked Chairman Lhota for setting up meetings to discuss the Report, and he thanked the Board Members for the thoughtful discussions that took place at the meetings. Board Member Rechler summarized the context of Report and he stated that he thought that there was general agreement among the Board Members relating to several key principles behind the Report. Board Member Rechler stated that there was a question as to whether the Board should vote on the Report or what the Board’s role should be with respect to the Report. Board Member Rechler noted the major challenges faced by the Board, and he stated that the only real proposal put forth that deals with congestion on NYC streets, the effectiveness of the bus system, and creating a dedicated source of revenue for MTA is the congestion pricing proposal outlined by Fix NYC.

The details of Board discussion relating to the Fix NYC Advisory Panel Report are included in the video recording of the meeting produced by the MTA and maintained in the MTA records.

Chairman Lhota announced that the next regularly scheduled Board meeting will be held on Wednesday, April 25, 2018 at 10:00 a.m.

8. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:40 a.m.

Respectfully submitted,

Victoria Clement  
Assistant Secretary

Regular Board Meeting  
March 21, 2018

**Minutes of the  
Regular Board Meeting  
for the New York City Transit Authority,  
Manhattan and Bronx Surface Transit Operating Authority,  
Staten Island Rapid Transit Operating Authority and  
MTA Bus Company**

**2 Broadway  
New York, NY 10004  
Wednesday, March 21, 2018  
10:00 a.m.**

**The following members were present:**

**Hon. Joseph J. Lhota, Chairman  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Norman E. Brown  
Hon. Ira Greenberg  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Scott Rechler  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. Peter Ward**

**The following alternate non-voting members were also present:**

**Hon. Andrew Albert  
Hon. Vincent Tessitore, Jr.**

**The following members were absent:**

**Hon. David Jones  
Hon. Andrew Saul  
Hon. James Vitiello  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman**

Helene Fromm, Chief of Staff; Janno Lieber, MTA Chief Development Officer; Robert Foran, Chief Financial Officer; Thomas J. Quigley, General Counsel; Andrew Byford, President, NYCT; Patrick Nowakowski, President, Long Island Rail Road; Catherine Rinaldi, President, Metro-North Railroad; Cedrick Fulton, President TBTA; Darryl Irick, President, MTA Bus Operations; and Stephen Morello, Counselor to the Chairman, also attended the meeting.

**1. CHAIRMAN LHOTA CALLED THE MEETING TO ORDER**

**2. PUBLIC COMMENT PERIOD**

There were seven (7) public speakers. The following speakers spoke on MTA NYC Transit/Staten Island Rapid Transit Operating Authority /MTA Bus Company matters during the public speakers session.

Carol Raffery, Build Up New York  
H.P. Schroer, private citizen /WWII Veteran  
Vijay Duggal, private citizen  
Colin Wright, TransitCenter  
Hayley Richardson, TransitCenter  
Tabitha Decker, TransitCenter

Please refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the content of the speakers' statements.

**3. CHAIRMAN'S REMARKS**

Chairman Lhota asked for a moment of silence in honor of St. Clair Richards Stephens, a New York City Transit Authority track worker who died on the job on March 20, 2018 after falling from an elevated structure at 125<sup>th</sup> Street Station in Harlem. Chairman Lhota noted that an investigation is underway to determine the exact causes of this tragedy. The Chairman, on behalf of the MTA organization, extended his condolences to Mr. Richards-Stephens' family, friends, and coworkers.

Chairman Lhota thanked the Board members and public in attendance at the meeting in light of the winter storm. The Chairman provided a brief update on the storm and encouraged MTA customers to stay up-to-date on the latest service and travel information by visiting [www.mta.info](http://www.mta.info). Chairman Lhota commended the efforts of the MTA employees who worked to prepare for the storm. The Chairman stated that customers are encouraged to travel only if necessary, and he urged customers who are unable to postpone their travel to leave as early as possible in the afternoon and anticipate delays and possible cancellations throughout the MTA service territory due to the storm.

Further details of Chairman Lhota's comments are set forth in minutes recorded by the MTA, copies of which are on file with the records of the meeting of the Board of the MTA NYC Transit/ Manhattan and Bronx Surface Transit Operating Authority/Staten Island Rapid Transit Operating Authority/MTA Bus Company.

**4. WORKING GROUPS' PRESENTATIONS**

Chairman Lhota introduced the Chairs of the Working Groups, which were created in December 2017 for the purpose of taking a new and intense look at areas of persistent challenge to the MTA and, specifically, to NYCT. The Chairman stated that each group's Chair will report back to the Board periodically with new approaches to improve service or efficiency in the following areas:



- Board Member Scott Rechler, Chair of Construction Costs;
- Board Member Charles Moerdler, Chair of Procurement Reform;
- Board Member Veronica Vanterpool, Chair of Paratransit/Access-a-Ride; and
- Board Member Ira Greenberg, Chair of Subway Accessibility.

Each Chair gave a brief presentation about the purpose, goals, findings, and actions taken to date by their respective Working Groups. The details of the Working Group Chairs' presentations, Board Member comments and discussions are contained in the video recording of the meeting, copies of which are on file with the records of the meeting of the Board of the MTA NYC Transit/ Manhattan and Bronx Surface Transit Operating Authority/Staten Island Rapid Transit Operating Authority/MTA Bus Company.

## 5. **MINUTES**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the meeting held on February 21, 2018, of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

## 6. **COMMITTEE ON FINANCE**

### **Procurements:**

Ratifications: Upon motion duly made and seconded, the Board approved nine (9) NYCT-related ratifications requiring a majority vote (Schedule K in the Agenda). These ratifications were made in accordance with the emergency provisions in Article III(B)(1) of the All Agency General Contract Procurement Guidelines and Article III(C)(3) of the All Agency Service Contract Procurement Guidelines and involved procurement actions awarded pursuant to Executive Order 168 ("E.O. 168") and its extensions.

Details of the above item are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

## 7. **COMMITTEE ON TRANSIT & BUS OPERATIONS** **MTA NYC Transit & MTA Bus Company**

### **Procurements:**

Modifications to Purchase and Public Work Contracts: Upon motion duly made and seconded, the Board approved the modification action set forth in the Board materials (Schedule I in the Agenda).

Detail regarding the above item is set forth in the related staff summary, a copy of which is on file with the records of the meeting of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

Competitive Procurements: Upon motion duly made and seconded, the Board approved the competitive procurements requiring a majority vote (Schedule H in the Agenda).

Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

Ratifications: Upon motion duly made and seconded, the Board approved the ratifications requiring a majority vote (Schedule K in the Agenda).

Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

## **8. ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:40 a.m.

Respectfully submitted,  
/s/James J. Gallagher  
James J. Gallagher  
Acting Assistant Secretary

Minutes of the Regular Meeting  
Metro-North Commuter Railroad Company  
2 Broadway – 20<sup>th</sup> Floor  
New York, NY 10004  
Wednesday, March 21, 2018  
10:00 a.m.

The following members were present:

Hon. Joseph J. Lhota, Chairman  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Norman E. Brown  
Hon. Ira Greenberg  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Scott Rechler  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. Peter Ward

The following alternate non-voting members were also present:

Hon. Andrew Albert  
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. David Jones  
Hon. Andrew Saul  
Hon. James Vitiello  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Robert Foran, Chief Financial Officer, Thomas J. Quigley, General Counsel, Andrew Byford, President, NYCT, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, President, Metro-North Railroad, Cedrick Fulton, President TBTA, Darryl Irick, President, MTA Bus Operations, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

Chairman Lhota called the meeting to order.

1. Public Speakers:

There were seven registered public speakers, none of whom spoke on Metro-North agenda items. Refer to the video recording of the meeting produced by the MTA and maintained in MTA records, and to the other agencies' minutes of this date, for the names of the speakers and the content of speakers' statements.

2. Chairman's Remarks:

Chairman Lhota asked for a moment of silence in honor of Saint Clair Ziare Richards-Stephens, a New York City Transit Authority track worker who died on the job yesterday after falling from an elevated structure at 125<sup>th</sup> Street. Chairman Lhota stated that he expects to learn the exact causes of this tragedy in the coming days and will inform the Board of the details of the incident. The Chairman, on behalf of the MTA organization, extended deepest condolences to Mr. Richards-Stephens' family, friends, and coworkers.

Chairman Lhota thanked the Board members and public in attendance at today's meeting in light of the winter storm. The Chairman provided a brief update on the winter storm and encouraged everyone to stay up-to-date on the latest service and travel advisory by visiting [www.mta.info](http://www.mta.info). Chairman Lhota commended the heroic work of the MTA employees who have been working non-stop for the past 48 hours to prepare for the storm. The Chairman stated that customers are encouraged to travel only if necessary, and he urged customers who are unable to postpone their travel to leave as early as possible in the afternoon and anticipate delays and possible cancellations throughout the MTA service territory due to the storm.

The details of Chairman Lhota's remarks are contained in the minutes of the other agencies of this date and in the video recording of this meeting, produced by the MTA and maintained in the MTA records.

3. Working Groups' Presentations:

Chairman Lhota announced that today the Board will hear brief presentations from the Working Groups that were created in December for the purpose of taking a new and intense look at areas of persistent challenge to the organization. The Chairman stated that each group's Chair will report back to the Board with new approaches to improve service or efficiency in the following areas:

- Board Member Scott Rechler, Chair of Construction Costs;
- Board Member Charles Moerdler, Chair of Procurement Reform;
- Board Member Veronica Vanterpool, Chair of Paratransit/Access-a-Ride; and
- Board Member Ira Greenberg, Chair of Subway Accessibility.

Chairman Lhota noted that Neal Zuckerman, who unfortunately could not attend today's meeting and who is leading the railroad subcommittee that is focused on the implementation of Positive Train Control, will provide his update at a future Board meeting.

The details of the Working Groups' presentations, Board Member's comments and

discussions are contained in the video recording of the meeting, produced by the MTA and maintained in the MTA records.

4. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting held on February 22, 2018 were approved.

5. Committee on Finance:

Action Item:

Upon motion duly made and seconded, the Board approved the following action item recommended to it by the Committee on Finance that relates to Metro-North. The specifics are set forth in the staff summary and documentation filed with the minutes of the MTA Board meeting held this day.

- 2017 Annual Procurement Report. Authorized the filing with the State of New York of the annual MTA All Agency Procurement report for the period January 1, 2017 - December 31, 2017, as required under Section 2879 of the Public Authorities Law.

Information Item:

The Board was presented with the following information item recommended to it by the Committee on Finance that relates to Metro-North. The specifics are set forth in the staff summary and documentation filed with the minutes of the MTA Board meeting held this day.

- MTA Prompt Payment Annual Report 2017. The Board received the MTA Prompt Payment Annual Report that is required to be submitted to the State Comptroller, the State Director of the Budget, the Chairman of the Senate Finance Committee, and the Chairman of the Assembly Ways and Means Committee.

MTAHQ Procurements:

Upon motion duly made and seconded, the Board approved the following procurement item recommended to it by the Committee on Finance that relates to Metro-North. The specifics are set forth in the staff summary and documentation filed with the minutes of the MTA Board meeting held this day.

- Approval of 18-month contract extensions for A&D projects to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the following stations: Alison Saar for work at the Harlem-125<sup>th</sup> Street Metro-North Station in the amount of \$193,000 and with Bernard Greenwald for work at the Port Chester Metro-North Station in the amount of \$203,000.

6. Committee on Metro-North Railroad:

Action Item:

The Board was presented with the following action item recommended to it by the Committee on MTA Metro-North Railroad.

- Extension of Refund Period of Railroad Tickets Pursuant to Newly Adopted Public Authorities Law Section 1266-k – Approval to revise fare policy applicable to the MTA Commuter Railroads (Metro-North and LIRR) to extend the refund period for unused portions of one-way, round trip and ten trip tickets for an additional two-year period, to bring the Railroads into compliance with a recent amendment to the Public Authorities Law.

Upon motion duly made and seconded, the Board approved the foregoing action item. The details of the above action item are contained in a staff summary filed with the records of this meeting and in the video recording of the meeting produced by the MTA and maintained in the MTA records.

Procurements:

The Board was presented with the following non-competitive procurements recommended to it by the Committee on MTA Metro-North Railroad.

- Approval to award a five-year non-competitive, negotiated miscellaneous procurement in the not-to-exceed amount of \$20,516,723 to Jamaica Bearings Company, Inc. for the purchase of journal bearings and bearing components on an as-needed basis for Metro-North's M-3, M-7, M-8 & Coach railcar fleet.
- Approval for additional funding in the not-to-exceed amount of \$1,000,000 to the firm Dayton T. Brown, Inc. to provide engineering services required to prepare documentation (including the Revenue Service Demonstration Report) to satisfy Federal Railroad Administration requirements for PTC certification on the new Advanced Civil Speed Enforcement System.

The Board was presented with the following competitive procurements recommended to it by the Committee on MTA Metro-North Railroad.

- Approval to award two competitively solicited, five-year miscellaneous service contracts in the not-to-exceed amount of \$15,000,000 to ETS Contracting, Inc. (\$7,500,000) and WRS Environmental Services (\$7,500,000) to perform on-call system-wide asbestos, lead, and hazardous material abatement services on an as-needed, task order basis.

Upon motion duly made and seconded, the Board approved the foregoing procurements. The details of the above procurements are contained in staff summaries and reports filed with the records of this meeting and in the video recording of the meeting produced by the MTA and maintained in the MTA records.

7. Committee on Corporate Governance:

Action Items:

Upon motion duly made and seconded, the Board approved the following action items. The specifics are set forth in the staff summaries and documentation filed with the minutes of the MTA Board meeting held this day. Board Member Vanterpool abstained from the vote on the items below. Ms. Vanterpool stated that, while she does not support the revisions made to the corporate governance items because the changes do not go far enough, she did not want to cast a vote against the items. Ms. Vanterpool asked Board Members to place corporate governance matters at the forefront of their agenda and consider further changes. Chairman Lhota stated that he welcomes working with the Board on matters relating to corporate governance, and he noted that much of Ms. Vanterpool's concerns relate to statutory issues. Details of the discussion relating to corporate governance are included in the video recording of the meeting produced by the MTA and maintained in the MTA records.

- Mission Statement, Measurements, and Performance Indicators Report. Approved the MTA's Mission Statement and authorized submission of the 2017 Mission Statement, Measurements and Performance Indicators Report to the Independent Authorities Budget Office, as required by Section 1269-f and Section 2824-a of the Public Authorities Law.
- MTA By-Laws. Approved revisions to the MTA By-Laws.
- Revisions to Committee Charters. Adopted non-substantive revisions to each of the MTA Committee Charters.
- All-Agency Procurement Guidelines and All-Agency Guidelines for Procurement of Services. Approved the All-Agency Procurement Guidelines and All-Agency Guidelines for Procurement of Services.
- Public Authorities Law Required Policies. Approved revisions to certain existing policies of the MTA and its Agencies, in order to comply with Public Authorities Law Section 2824 ("PAL 2824").

8. Other MTA Business:

Chairman Lhota invited Board discussion on other matters of concern.

Board Member Rechler stated that, at the last Board meeting, he asked that the Fix NYC Advisory Panel Report be presented to the Board for consideration relating to the key principles behind the Report. Board Member Rechler thanked Chairman Lhota for setting up meetings to discuss the Report, and he thanked the Board Members for the thoughtful discussions that took place at the meetings. Board Member Rechler summarized the context of Report and he stated that he thought that there was general agreement among the Board Members relating to several key principles behind the Report. Board Member Rechler stated that there was a question as to whether the Board should vote on the Report or what the Board's role should be with respect to

the Report. Board Member Rechler noted the major challenges faced by the Board, and he stated that the only real proposal put forth that deals with congestion on NYC streets, the effectiveness of the bus system, and creating a dedicated source of revenue for MTA is the congestion pricing proposal outlined by Fix NYC.

The details of Board discussion relating to the Fix NYC Advisory Panel Report are included in the video recording of the meeting produced by the MTA and maintained in the MTA records.

Chairman Lhota announced that the next regularly scheduled Board meeting will be held on Wednesday, April 25, 2018 at 10:00 a.m.

9. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:40 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda Montanino". The signature is fluid and cursive, with the first name "Linda" being more prominent than the last name "Montanino".

Linda Montanino  
Assistant Secretary

Mar 2018 Board Minutes-FINAL  
Legal/Corporate



**Minutes of the Regular Board Meeting  
Long Island Rail Road Company  
2 Broadway  
New York, NY 10004  
Wednesday, March 21, 2018  
10:00 a.m.**

The following members were present:

Hon. Joseph J. Lhota, Chairman  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Norman E. Brown  
Hon. Ira Greenberg  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Scott Rechler  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. Peter Ward

The following alternate non-voting members were also present:

Hon. Andrew Albert  
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. David Jones  
Hon. Andrew Saul  
Hon. James Vitiello  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Robert Foran, Chief Financial Officer, Thomas J. Quigley, General Counsel, Andrew Byford, President, NYCT, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, President, Metro-North Railroad, Cedrick Fulton, President, TBTA, Darryl Irick, President, MTA Bus Operations, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

Chairman Lhota called the meeting to order.

1. Public Speakers

Stephen Morello, Counselor to the Chairman, indicated that seven (7) speakers had signed up to speak. Mr. Morello asked all speakers to limit their comments to two (2) minutes, and noted that an audible warning will sound when there are 30 seconds to go.

One (1) of the speakers commented on matters relating to the Long Island Rail Road ("LIRR"):

Mary Parisen, Chair of Civics United for Railroad Environmental Solutions ("CURES"), stated that CURES was formed in 2009 and that its #1 priority has been to replace the eleven (11) antiquated locomotives being used by New York & Atlantic Railway ("NYA"). She also stated that for public health reasons, a New York State legislator and the Governor have made it a priority to replace these antiquated units with Tier IV locomotives, and have appropriated \$3 Million per year since 2013, or a total of \$18 Million, for such purpose. Mr. Parisen asserted that in the tainted procurement of 2013 and 2016, the Long Island Rail Road ("LIRR") spent a total of \$4.3 Million on just two (2) locomotives. She asked why the current 2018 procurement only seeks bids for two (2) locomotives when it should be for four (4) to five (5) Tier IV switch cycle locomotives to benefit the local community. She stated that CURES also just learned that in 2017, LIRR sold three (3) locomotives to NYA. Ms. Parisen claimed that in doing so, LIRR did not adhere to State policy or act in the public interest by selling locomotives to a company being sued for labor abuses, and which is being investigated by several federal and State agencies. She asked who made the idiotic decision to sell locomotives to NYA, and asked the MTA Board to refer this matter to the MTA Office of the Inspector General.

The details of the speakers' comments are contained in the video recording of the meeting, produced by the MTA and maintained in MTA records, and in the minutes of the other agencies of this date.

2. Chairman's Remarks

Chairman Lhota asked for a moment of silence in honor of the memory of Saint Claire Zair Stevens Richards, a New York City Transit track worker who fell to his death from an elevated track structure at 125<sup>th</sup> Street. Mr. Lhota conveyed, on behalf of MTA, his deepest condolences to Mr. Stevens Richards' family, friends, and co-workers.

Chairman Lhota thanked all of the Board members in attendance for coming in today, and urged the public to stay up-to-date on storm-related matters by going to [www.mta.info](http://www.mta.info).

Chairman Lhota gave a shout out to all of the MTA workers who have been working for the past 48 hours, in preparation for the storm.

Chairman Lhota stated that the Board would be hearing brief presentations from each of the following working groups formed in December, and chaired by a member of the Board:

- Construction Costs Working Group, chaired by Board Member Scott Rechler,
- Procurement Reform Working Group, chaired by Board Member Charles Moerdler,
- Paratransit/Access-A-Ride Working Group, chaired by Board Member Veronica Vanterpool, and
- Accessibility Working Group chaired by Board Member Ira Greenberg.

The Chairman also noted that the Positive Train Control (“PTC”) Working Group, chaired by Board Member Neal Zuckerman, would be giving a presentation at a later date.

### 3. Working Group Presentations.

#### Construction Costs Working Group

Board Member Rechler stated that his group met with MTA Chief Development Officer Janno Lieber and his staff, and that the group felt the system to control costs was broken and needed fixing. The group concluded that MTA really needed to start over in terms of how it deals with construction costs, and that this would not happen overnight. The group also concluded that a change in culture was needed.

Mr. Rechler highlighted several areas of concern:

Cost estimating – Cost estimates were being developed too early in the process. There is a need to wait until a certain level of plans and specifications have been developed and then estimate a well thought-out budget versus just putting out a number. In East Side Access, no one really understood what the number was.

Design – The design process today has various units putting in their respective wish lists, which increases the cost. There is a need for a senior engineer to be in charge of value engineering, to determine what is really needed and what is not.

Procurement – There is a need to rip open and review our forms of contract, which have layers and layers of checks and balances built into them. We appear to be more interested in protecting ourselves against risk rather than being practical. As a result, very few firms bid and those that do put in a 10-20% premium as a result.

Change Orders – It takes approximately nine (9) months for a change order to be approved. This calls for re-evaluating our organizational design, and setting up a project CEO or project executive to determine which change orders are necessary and which are not. Any appeal from that decision would go the Chairman. Right now, you cannot hold any one person accountable, and you wait for nine (9) months for a change order to be approved.

Vice Chairman Fernando Ferrer asked if there was any writing setting out these recommendations. Board Member Rechler responded in the affirmative and stated that the group was meeting this afternoon on the subject of a written report, and it plans to distribute such a report.

Board Member Andrew Albert asked if one of the goals of the working group is to open up procurements to more bidders. Board Member Rechler responded in the affirmative, and stated that when you look at our contracts and at our procurement process, it is so cumbersome that if you're a bidder, you either ask yourself "do I need to go through all of this?" or you add a gigantic cushion which increases pricing. The process is frustrating to the MTA procurement teams; they know what is right and that a 9-month change order process is bureaucratic and not fair to our own teams.

#### Procurement Reform Working Group

Board Member Moerdler stated that his group consisted of himself, Board Members Weisbrod and Vanterpool, MTA President Patrick Foye, and New York City Transit Senior Vice President – Operations Support Stephen Plochochi.

Mr. Moerdler stated that the group is focusing on how you bid, buy, evaluate bidders, and open up competition.

Mr. Moerdler also stated that bidders feel the MTA bidding process takes too long, and that New York City Transit ("NYCT") has shown that the process can be shortened by us much as two-thirds (2/3), reducing the overall timeline from initiation to award from 278 days to 113 days. This streamlined process is now being introduced by NYCT to the extent legally permissible, and this should reduce delays and costs, as well as making it easier for bidders to navigate the system.

Mr. Moerdler noted that certain statutory changes may be required to make this work, as well as a change in culture. He also noted that the history of the subway system played a role in how we deal with procurement today --- the NYCT system went from private ownership, to control by New York City, and then control by the MTA, with various crises and scandals along the way, leading to one layer of requirements being placed on top of another. As an example, Mr. Moerdler pointed to the number of persons who need to sign off on staff summaries and noted that some 40 days are typically devoted to that process. That time period can now be brought down to six (6) days.

Mr. Moerdler also stated that other actions are needed to encourage more competition. As an example, MTA publishes notices of proposed procurements in the New York State Contract Reporter and in a local newspaper. This process can take up to forty three (43) days. He would like to see the process reduced to ten (10) days, noting that this is now the on-line/Internet age, and that the Governor addressed this subject in his budget message.

Additionally, vendors complain that MTA insurance and bonding requirements are crippling. Mr. Moerdler noted that NYCT uses customized insurance forms, but is now moving to adopt a standardized insurance form. Mr. Moerdler also noted that there are tens of thousands of forms that vendors are required to submit, but we are now in the Internet age and we should be able to reduce this burden. Steve Plochochi at NYCT has already started to address this.



Mr. Moerdler also advocated for increased pre-qualification of bidders to move things along, and changes to bonding and insurance requirements.

Chairman Lhota thanked Mr. Moerdler for his efforts and noted that most of the work to date has been focused on NYCT; we need to look at these issues at the railroads, at Bridges & Tunnels, and at MTA Headquarters as well. He noted that he has a button his desk which says “we always do things this way” with a slash through it, and stressed that the days of doing things a certain way because “we always do it that way” need to end. He thanked Board Members Rechler and Moerdler for their work.

#### Paratransit/Access-A-Ride Working Group

Board Member Vanterpool stated that we have all heard that Access-A-Ride needs an overhaul. Change was already underway even before the working group was formed in December 2017. Ms. Vanterpool thanked Access-A-Ride advocates and users for expressing their challenges.

Ms. Vanterpool noted that her team included Darryl Irick, Michael Cosgrove, and many others, and she thanked Board Members Ira Greenberg, Randy Glucksman, and David Jones for their assistance.

Ms. Vanterpool stated that her group’s goal is to accelerate key initiatives in six (6) areas: safety, reliability, modernity, convenience, ease and communications.

Ms. Vanterpool stated that she is a big advocate for getting data into the public realm, and receiving feedback from the public. In the area of communications, she noted several initiatives that are underway, including the recent launch of an Access-A-Ride dashboard, which shows on-time performance and “no shows”; a new website which, among other things, allows you to track where your vehicle is; and the development of a new “My Access-A-Ride” app. On March 1, a forum open to the public was held, similar to a “hackathon”, to solicit comments on the development of this app. About thirty (30) members of the public attended, including representatives of the advocacy community and users.

Ms. Vanterpool added that with respect to advancing better communications, her group is working with civic and external partners. A lot of work has been done behind the scenes to improve access-A-Ride, but this has not been communicated effectively to the public. The public doesn’t understand what is going on. This is unfair to the staff doing the work, and to the public. We are trying hard to change this. A key part of this is developing an Access-A-Ride strategic plan, which will be multi-year.

With respect to better technology, Ms. Vanterpool stated that Access-A-Ride’s brokers are now equipped with GPS, so that we can better track brokers. We also have an app a user can download to track his/her trip. New software is being developed, which will enable a user to immediately know if his/her trip is confirmed. Finally, the group is looking to improve fare payment technology, in a manner similar to MTA’s New Fare Payment System.

Ms. Vanterpool added that new safety metrics are being developed, along with training modules for drivers. Also, a user's Bill of Rights has been developed and posted on the website, and the Access-A-Ride application form has been streamlined. All of these changes will make a significant difference in the service that is provided.

Chairman Lhota thanked Ms. Vanterpool and indicated a desire to work with her on marketing the various apps we have out there, as well as utilizing the disabled community to help with communications.

#### Accessibility Working Group

Board Member Greenberg stated this group included Board Members Glucksman, Jones, Vanterpool and Weisbrod, with participation by MTA Managing Director Veronique Hakim and NYCT President Andrew Byford.

Mr. Greenberg stated that the group started by gaining an understanding of NYCT's criteria and how NYCT prioritizes stations for accessibility improvements. There are one hundred eighteen (118) stations now that are accessible, and improvements are underway at a further twenty five (25) stations. Mr. Greenberg further stated that Andy Byford has made accessibility one of his priorities and he applauds him for that.

Mr. Greenberg stated that the group's goal was to make as many stations accessible as possible, as soon as possible. The current capital program has \$10 million in it for a study to look at every single station that's not accessible and look at how to make it accessible. The contract for the study was awarded late last year to Stantec Engineering and their work is well underway. This year, they are looking to assess 150 stations. Andy Byford is pushing for more. By the end of 2019, all subway stations will be assessed in terms of accessibility, and NYCT's criteria will be reviewed to choose stations to best leverage the money available in the next MTA Capital Plan. The group plans to address "accessibility deserts" as well as communities with high concentrations of disabled persons.

Mr. Greenberg added that the group will review NYCT's elevator specifications. These specifications are almost customized for each station and the group would like to see the specification become more uniform. Mr. Greenberg further added that NYCT is reviewing its website and looking to improve real time data on elevator availability.

With respect to elevator maintenance, Mr. Greenberg noted that NYCT has engaged a consultant to review and improve maintenance and inspection practices.

Mr. Greenberg stated that he hopes the group will begin looking at accessibility on the commuter railroads within the next quarter. He added that his group tries to work in coordination with Board Member Vanterpool's group to get their input.

Board Member Albert commended NYCT President Byford for looking into the feasibility of a smaller type of elevator that could be fit into more stations. He asked whether the

group had considered the legal challenges of siting elevators at stations that abut cooperatives and condominiums, such as on Central Park West.

Board Member Greenberg responded that these issues have been discussed, and that the group will look at the study to see where this comes up, and then look to engage with the property owners where appropriate. He stated that he understood the issue of elevators taking up space on sidewalks next to private property but urged that accessibility needed to be given priority.

Board Member Rechler stated that he neglected to mention earlier that his working group had also reached out to contractors and organized labor to get their input on cost of construction issues.

Board Member Lawrence Schwartz asked Mr. Greenberg whether new technology was being examined to see if we can help the visually impaired or hearing impaired customer, as well as customers who need elevators to access stations.

Board Member Greenberg responded in the affirmative, stating that this was discussed and that better signage was needed assist customers who are cognitively impaired and who may have difficulty navigating our system. He added that he has client who is blind and who uses a program called JAWS that reads websites. Unfortunately, the program cannot read MTA's website well, and we will look into whether the website can be improved so that the program will work better for the benefit of visually impaired customers.

Board Member Vanterpool stated that in this area, her group had a great partner in OATS, an organization that assists older adults in using new technology, and training them to use these tools.

#### 4. Approval of Minutes

Chairman Lhota asked for a motion to approve the minutes of the Regular Board Meeting of February 22, 2018. Upon motion duly made and seconded, the minutes of the Regular Board Meeting of February 22, 2018 were approved.

#### 5. Committee on Finance

##### Action Items

The Board was presented with one (1) action item recommended to it by the Committee on Finance, which action related to Long Island Rail Road:

- To authorize the filing with the State of New York of the annual MTA All-Agency procurement report for the period January 1, 2017 – December 31, 2017 as required under Section 2879 of the Public Authorities law ("PAL"). This report includes the following required material:

- (1) Contracts awarded in 2017 as prepared by each agency with payments made in 2017 as prepared by each agency, and
- (2) Contracts awarded prior to 2017 as prepared by each agency with payments made in 2017 as prepared by each agency.

Upon motion duly made and seconded, the Board approved the foregoing action item, the details of which are contained in the minutes of the MTA Board meeting held this day, the staff summary filed with those minutes, and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

#### Procurement Items

The Board was presented with seventeen (17) procurement items recommended to it by the Committee on Finance, two (2) of which related to Long Island Rail Road:

- **A&D Projects at one LIRR Station on the Babylon Branch** – A&D to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the station specified below:

Competitively Negotiated – 164 Proposals – 16 Months – Dan Funderburgh, Bellmore, LIRR (\$150,000).

- **HILO Equipment & Services, LLC – Preventive Maintenance on Material Handling Equipment** – NTE \$3,796,506 – Board approval is requested for an amendment that will add funding to a previously Board-approved multi-agency, competitively awarded contract with HILO Material Handling Group (HILO). This amendment will provide for continued preventive maintenance and remedial repairs of material handling equipment for LIRR, NYCT and SIRTOA through January 31, 2020.

Upon motion duly made and seconded, the Board approved the foregoing procurement items, the details of which are contained in the minutes of the MTA Board meeting held this day, the staff summaries filed with those minutes, and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

#### Real Estate Items

The Board was presented with five (5) real estate items recommended to it by the Committee on Finance, four (4) of which related to Long Island Rail Road:

- **Property Disposition Guidelines** – To obtain Board approval of the MTA Real Estate Department's Real Property Disposition Guidelines (the "2018 Real Property Disposition Guidelines") and the MTA's All-Agency Guidelines for the Disposal of Personal Property (the "2018 Personal Property Disposition Guidelines"), each adopted in accordance with Section 2896 of the Public Authorities Law.



- **Master License for MTA Police Antennas** – Licensors: County of Suffolk – Licensee: MTA, on behalf of MTA Police Department - Location: Various sites within the County of Suffolk, NY – Activity: Master license of property to facilitate the installation of antennas at strategic sites as part of the MTA PD Radio Network expansion.
- **Lease to Expand Medical Unit Office – Mineola** – Agency: LIRR – Landlord: DASO, LLC – Location: 300 Old Country Road, Mineola, NY – Activity: Lease for the expansion of a Medical Unit office.
- **Acquisition of Permanent Easements in Suffolk County – Deer Park** – Agency: LIRR – Grantor: Suffolk County – Location: South side of Long Island Avenue, Deer Park, NY – Activity: Acquisition of permanent easements for the installation of aerial power cables in support of the Main Line Double Track Project

Upon motion duly made and seconded, the Board approved the foregoing real estate items, the details of which are contained in the minutes of the MTA Board meeting held this day, the staff summaries filed with those minutes, and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

#### 6. Metro-North Committee

In making her report to the Board on the March 19, 2018 meeting of the Metro-North Committee, Committee Chair Susan Metzger presented the Board with one (1) action item recommended to it by both the Metro-North Committee and the Long Island Rail Road Committee, which action item affects both Metro-North Railroad and the Long Island Rail Road:

- **Extension of Refund Period of Railroad Tickets Pursuant to Newly Adopted Public Authorities Law Section 1266-k** – To obtain approval to revise fare policy applicable to the MTA Commuter Railroads (Metro-North and LIRR) to extend the refund period for unused portions of one-way, round trip, and ten trip tickets for an additional two year period, to bring the Railroads into compliance with a recent amendment to the Public Authorities Law.

Upon motion duly made and seconded, the Board approved the foregoing action item, the details of which are contained in the minutes of the MTA Board meeting held this day, the staff summary filed with those minutes, and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

7. Long Island Rail Road Committee

Procurement Items

The Board was presented with four (4) procurement items recommended to it by the Long Island Rail Road Committee, consisting of three competitive procurements, and one (1) ratification:

Competitive:

- **Forte Construction Corp. – Competitive RFP - \$13,400,000** – LIRR requests MTA Board approval to award a contract to Forte Construction Corp. to perform the design and construction services to complete the station renovation, including amenities, at Northport Station, and provide station amenities at five additional station locations.
- **AB Oil Service, and Island Pump & Tank – Competitive RFP – NTE \$5,000,000** – LIRR requests MTA Board approval to award blanket contracts to AB Oil Service (“AB Oil”) and Island Pump & Tank (IP&T) for hazardous and non-hazardous waste removal and disposal services from various LIRR locations on an on call basis for a period of five (5) years from Notice of Award. The firms will be awarded separate contracts for the services in the aggregate not-to-exceed amount of \$5,000,000.
- **L.K. Comstock – Contract Modification - \$3,102,008** - LIRR requests MTA Board approval to award a contract modification to L.K. Comstock in the amount of \$3,102,008 to provide design and construction of all civil and electrical infrastructure support work required for two new Motor Generator (MG) Buildings at Deer Park and Ronkonkoma, as well as similar work for one new Motor Generator Set at Bethpage for the new second track – Farmingdale to Ronkonkoma on LIRR’s Ronkonkoma Branch project.

Upon motion duly made and seconded, the Board approved the foregoing procurement items, the details of which are contained in the minutes of the MTA Board meeting held this day, the staff summaries filed with those minutes, and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

Ratification:

- **Power Resources International – Competitive/Emergency - \$9,873,192.50**
  - It is requested that the Board formally ratify the “Declaration of Emergency” made by the Chief Procurement and Logistics Officer, waiving formal competitive bidding pursuant to Article III, Paragraph B(1) of the All Agency Procurement Guidelines and Section 1265-a of the Public Officers

Law subsection 4(a), and approve award of a contract to Power Resources International (PRI) for Main Line Second Track Motor Generator (MG) upgrades. The estimated period of performance is 475 consecutive calendar days from Notice of Award.

Upon motion duly made and seconded, the Board approved the foregoing procurement item, the details of which are contained in the minutes of the MTA Board meeting held this day, the staff summary filed with those minutes, and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

8. Corporate Governance Committee.

The Board was presented with five (5) action items recommended to it by the Committee on Corporate Governance:

- **Mission Statement, Measurements, and Performance Indicators Report** – To obtain Board approval of the MTA’s Mission statement and to authorize submission of the annexed 2017 Mission Statement, Measurements, and Performance Indicators Report (the “Report”) to the Independent Authorities Budget Office (“ABO”).
- **Revisions to MTA By-Laws.**
- **Revisions to Committee Charters** – To seek Board approval of proposed non-substantive revisions to each MTA Committee Charter in an effort to provide consistency and additional clarity.
- **All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services** – To obtain Board approval of the MTA’s All-Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services.
- **Public Authorities Law Required Policies** – To obtain Board approval for revisions to certain existing policies of the MTA and its Agencies, in order to comply with Public Authorities Law Section 2824 (“PAL 2824”).

Board Member Vanterpool stated that she was not a member of the Committee on Corporate Governance but she attended the Committee meeting on Monday. She further stated that she would abstain from voting on these changes because while she didn’t support them – she did not feel they went far enough – neither did she want to vote against them.

Ms. Vanterpool stated that a result of decisions made a long time ago, power at the MTA is concentrated in one position. The Board has certain power, but it tends to be focused on fare structure, service cuts, and approval of the capital program, but not necessarily the composition of such program, and that in dealing with these matters the Board needed to defer to the expertise of MTA staff. She further stated that the corporate governance structure at MTA is very different from other transit agencies; the Board of the MTA in San Francisco hires its own staff

to assist it. Here, while there is a very expert staff employed by MTA, if we as a Board have issues, there's no independent source of expertise that we can turn to. We have an Inspector General, but he is appointed by the Governor. We have an Authorities Budget Office, but the head of that office is appointed by the Governor. We have a Chairman, but he is appointed by the Governor, and the agency heads are appointed by the Chairman. We need to look at a different structure and how to respond to criticisms we have received from the public.

Ms. Vanterpool implored Board members to put corporate governance at the forefront and consider changes that need to be made.

Chairman Lhota stated that he was happy to work with the Board on issues of corporate governance. He added that corporate governance is a living process – not just a subject visited once a year. He further pointed out that much of what Ms. Vanterpool touched on is statutory. He added that we have an opportunity to find ways to work together better, and that he has never discouraged anyone from raising objections if MTA decided to do something that a Board Member didn't like.

Board Member Rechler complimented Chairman Lhota for his willingness to brainstorm about how we can do better at corporate governance.

Upon motion duly made and seconded, with Board Member Vanterpool abstaining, the Board approved the foregoing action items, the details of which are contained in the minutes of the MTA Board meeting held this day, the staff summaries filed with those minutes, and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

9. Discussion of Fix NYC Advisory Panel Report

Board Member Rechler stated that at the last Board meeting, he had asked for an opportunity to have the Fix NYC Advisory Panel Report presented to the Board and potentially having the Board vote on key principles behind the Report. He thanked Chairman Lhota for setting up meetings to discuss the Report and for the thoughtful discussions which took place.

Mr. Rechler described the Report as a framework that Albany will legislate around. He stated that he thought there was general agreement on the Board for several key principles behind the Report. He noted that there was a question as to whether the Board should be voting on the Report or what the role of the Board should be vis a vis the Report.

Mr. Rechler noted the major challenges being faced by the Board and stated that the only real proposal out there that dealt with congestion on our streets, the effectiveness of the bus system, and creating a dedicated source of revenue for MTA, was the congestion pricing proposal put forward by Fix NYC.

Mr. Rechler noted that he and Board Member Carl Weisbrod co-authored an op-ed in the Daily News supporting some congestion pricing principles that reflect feedback from discussions held by the Board. He added that he felt the Board should be an advocate, advocating to State elected officials who will have to move this forward, and making them understand the sense of



urgency that is felt here: if we don't take some action, we are facing financial challenges, subway challenges and bus challenges that could lead to system failure. He further added that he felt such officials are not listening today, and that they have no sense of the urgency of these matters.

Mr. Rechler encouraged the Board to speak publicly about these challenges and about Fix NYC as a means to address these challenges.

Board Member Polly Trottenberg complimented Messrs. Rechler and Weisbrod on the op-ed article, and stated that some of the ideas they raised are terrific. With respect to congestion pricing, Mayor DeBlasio was initially skeptical but is now more open to considering it. It is something that could be implemented quickly and could produce the revenue this agency needs.

Other ideas with merit include better camera enforcement for the City and reviewing the issuance of placards, which includes placards issued by federal, State and City agencies.

Ms. Trottenberg thanked Board Members Rechler and Weisbrod for saying that the City should have an equal say on some of these ideas, especially as the City was not at all involved with the Fix NYC panel. She congratulated them for raising a number of important points and conveying a sense of urgency.

Ms. Trottenberg expressed concerns about certain proposals being circulated in Albany that were not part of the Fix NYC panel's recommendations. Ms. Trottenberg stated she had seen versions of a value capture proposal containing language that is truly astonishing. The proposal would essentially confiscate City real estate taxes for 35, 40, 50, 60 or 70 years, running into the hundreds of billions of dollars. The proposal would effectively require New York City to pay for all of Penn Station, Metro North, and East Side Access. She further stated that the City viewed this as a pretty radical raiding of City real property taxes. Mayor DeBlasio has made it clear that the City needs these funds for police, fire, schools, hospitals, roads and bridges. Ms. Trottenberg indicated that the City and the MTA have worked together on many things, including value capture at places such as Hudson Yards, and Atlantic Yard, but the City doesn't think that this is something that should be legislated.

Ms. Trottenberg stated that if we get into congestion pricing in some form, the issue of how this is managed on the streets must be considered. There is legislation being circulated that would take all of the ability to manage traffic and traffic control infrastructure away from the City and give it to the MTA. Ms. Trottenberg further stated that as City Transportation Commissioner, she had some concerns about this idea. She felt that the City's Department of Transportation had a team of experts that have been running City streets for decades and that they have done an extraordinary job. She expressed deep concern about a proposal that would take the City out of that role.

Chairman Lhota responded, stating that he agreed with Ms. Trottenberg's last comment and he had deep concerns about such a proposal as well.

Board Member Rechler stated that the Fix NYC plan was aimed at giving the City more tools, such as cameras for better enforcement, to deal with congestion.

Board Member Trottenberg responded, stating that she appreciated Mr. Rechler's comment.

Board Member Moerdler stated that congestion stems in large part from a municipality making a value judgment to constrain traffic. That's a cause of congestion, along with having so many Ubers and the like as vehicles driven by the general public. Glossing over these issues would be wrong.

Board Member Trottenberg responded, stating that we are in strong agreement about the rise of the "Ubers." That is one area where the City and State can work together and where the Legislature can act quickly and raise revenue for this agency, as well as having an effect on congestion.

Board Member Albert asked, in light of the significance of congestion pricing, when it would appropriate to have the Board take a position.

Chairman Lhota responded, stating that there is no specific congestion pricing proposal on the table just now; there's a theory or framework on the table. There is a general consensus on the Board that something needs to be done to generate revenue, and something needs to be done to address congestion. A unique aspect of the Fix NYC plan is that it comes in three (3) tranches. As a next step, we need to have involvement by communities and by elected officials with respect to the plan.

Board Member Albert stated that unlike the earlier Move NY proposals, the Fix NYC plan does not include tolls on bridges, something that as Sam Schwartz would say, encourages bridge shopping. Also, the plan does not include a reduction in tolls for bridges that do not feed the congestion, which would have pleased elected officials in Brooklyn and Queens. Also, the plan does not spell out to elected officials in Brooklyn and Queens what transit improvements are in the offing if the plan passes, which is a major omission.

Chairman Lhota responded, stating that he did not see this as major omission but rather as pointing to the next step in the process. Congestion pricing is complicated and it needs to be done methodically, and with involvement from local communities and elected officials.

Board Member Mitchell Pally stated that as long-time supporter of congestion pricing, he applauded Messrs. Rechler and Weisbrod on the op-ed article. He further stated that he would agree Fix NYC is a start, not the finish, and that there are things in the plan he would change. But the time has come to have a congestion pricing application. How we do it and what is included is a separate issue.

Mr. Pally added that from his perspective in Suffolk County, congestion pricing is important because it can alter how people behave.

Mr. Pally commended Board Member Trottenberg for her desire for the City and State to work together because congestion pricing in New York City alone won't solve the problem, and neither will increased bus camera enforcement. There has to be a variety of measures working together.

Mr. Pally also stated that these issues need to take into account the operating plan of the MTA. He added that MTA cannot, in his view, increase fares next December. We may be forced to do it, but we shouldn't be doing it. Until the Governor and Legislature include operating assistance to the MTA as part of the discussions on congestion pricing, he felt we were only talking about part of the problem, and that to ask our riders to pay more now would be a grievous mistake. He further added that waiting on this until November would be way too late.

Board Member Vanterpool stated that even through the Board was not voting on congestion pricing, she felt it was important for the Board to show support for some of the key principles behind congestion pricing. She further stated that she was glad the Governor has put a proposal on the table for congestion pricing, even though it is not contained in the proposed State budget, or in the amendments or resolutions.

Board Member Vanterpool stressed the need for a lockbox, for revenue coming to the MTA from congestion pricing. She also stated that the value capture is important, but that the proposal on the table is not being applied fairly. Two aspects of the value capture proposal that she found troubling were

- Language stating that any revenue from a transportation improvement district "may" be applied to MTA. Ms. Vanterpool stated she could never support such ambiguous language.
- The fact that the proposal applies just to New York City, and is therefore not balanced. Ms. Vanterpool stated that she understood the support in the suburbs for strong zoning controls and for home rule, but that should not mean that New York City must be the victim of this unbalanced application.

Ms. Vanterpool stated that unilateral application of value capture to New York City, without any reference to the rest of the MTA territory, is short-sighted.

Board Member Trottenberg stated that she needed to go one step further: she did not feel that value capture is a matter that should be legislated. She characterized the value capture proposal as one which takes one half (1/2) of Manhattan and confiscates three-quarters (3/4) of the real estate taxes for the next 35-70 years, which is not the right way to go.

Board Member Greenberg stated that he felt the value capture proposal made MTA into a super-agency with the power to tax, and that he felt this was inappropriate.

Chairman Lhota responded, stating that the MTA has no power to tax, and there is no legislation going forward that would give it the power to tax.

Board Member Trottenberg stated that the value capture proposal would give the MTA the power to confiscate City real estate taxes.

Board Member Greenberg stated that it would allow for the creation of special districts with the power to impose taxes, but it also creates a lockbox and a dedicated source of funding for the MTA. Mr. Greenberg stated that as a City resident, he didn't like the proposal but it does point towards creating a dedicated fund coming from real estate taxes, which is something that the State and the MTA have already done in some ways. He added that in addition to having the State Legislature vote on this proposal, the City Council should probably vote on it as well.

Board Member Norman Brown stated that he got the sense that everyone on the Board supports congestion pricing. The value capture proposal is too amorphous to either speak in favor of it or against it. Mr. Brown stated that he felt Board Member Trottenberg's characterization of the value capture proposal was proper, and he urged that value capture be applied more broadly, noting that the more units it is spread over, the less painful it is for each unit. He added that he had the sense that the value capture proposal was aimed at capitalizing the completion of the Second Avenue Subway.

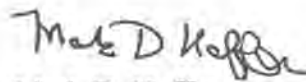
Board Member Susan Metzger stated that, like Mr. Pally, she was a long-time supporter of congestion pricing, but she opposed a Board vote on it. She expressed concern that focusing on congestion pricing would cause the Board to lose track of the one thing the Board fully agrees on --- the need for a dedicated source of revenue for the MTA. In the past, the Board was always willing to go to Albany to advocate for that. MTA needs this dedicated source of revenue to generate the money needed to keep the entire system up to a state of good repair.

10. Adjournment

Chairman Lhota noted that the next full Board meeting would be held on April 25, 2018. The Chairman then asked for motion to adjourn the meeting.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:40 A.M.

Respectfully submitted,



Mark D. Hoffer,  
Secretary



**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**

**BOARD MINUTES**

**March 21, 2018**

Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
March 21, 2018

Meeting Held at  
2 Broadway, 20<sup>th</sup> Floor  
New York, New York 10004

10:00 a.m.

The following members were present:

Hon. Joseph J. Lhota, Chairman  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Norman E. Brown  
Hon. Ira Greenberg  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Scott Rechler  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. Peter Ward

The following alternate non-voting members were also present:

Hon. Andrew Albert  
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. David Jones  
Hon. Andrew Saul  
Hon. James Vitiello  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Robert Foran, Chief Financial Officer, Thomas J. Quigley, General Counsel, Andrew Byford, President, New York City Transit, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, President, Metro-North Railroad, Cedrick T. Fulton, President, Triborough Bridge and Tunnel Authority, Darryl Irick, President, MTA Bus Operations, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

The Board of the Metropolitan Transportation Authority also met as the Board of the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan Suburban Bus Authority, the Triborough Bridge and Tunnel Authority, the Long Island Rail Road Company, the Metro-North Commuter Railroad Company, the MTA Capital Construction Company, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

**1. Public Speakers**

There were seven (7) public speakers. None of the speakers specifically commented on issues regarding the Triborough Bridge and Tunnel Authority.

Refer to the video recording of the meeting produced by the Metropolitan Transportation Authority (MTA) and maintained in MTA records, and to the other agencies' minutes of this date, for the content of the speakers' statements.

**2. Chairman Lhota's Opening Remarks**

Chairman Lhota opened his remarks by asking for a moment of silence for St. Clair Ziare Richards-Stephens, an MTA track worker who was killed on March 20<sup>th</sup> after falling from an elevated track area. Chairman Lhota offered his deepest condolences to Mr. Richards-Stevens' family, friends and coworkers. Regarding the current winter storm, Chairman Lhota encouraged everyone to stay up-to-date with the latest service updates and commended MTA employees for working non-stop for the previous 48 hours to prepare for the storm. Finally, while Chairman Lhota stated that there would be four brief presentations from the working groups that were created in December 2017, he noted that since Neal Zuckerman was absent and is chairing the Railroad Subcommittee, which is focused on the implementation of Positive Train Control, his presentation would be given at a future Board Meeting.

The details of Chairman Lhota's remarks and the presentations are contained in the video recording of this meeting, produced by the MTA and maintained in MTA records, and the MTA's and other agencies' minutes of the meeting of this date.

**3. Working Group Presentations**

Scott Rechler, chair of the Construction Costs Working Group, stated that the focus is on overhauling and streamlining contracts, modifying organizational structure and policies, and decreasing approval time for change orders. Charles Moerdler, chair of the Procurement Reform Working Group, stated that the focus is on shortening the time it takes to process a procurement as it is currently too long and complicated. Chairman Lhota commented that the changes should be made at all the MTA agencies. Veronica Vanterpool, chair of the Paratransit/Access-a-Ride Working Group, discussed the need for better communication and technology for Paratransit/Access-a-Ride customers to promote safety, reliability, convenience and ease. Ira Greenberg, chair of the Subway Accessibility Working Group, discussed subway station accessibility issues and improvements such as elevator installation/access and improved communication, signage and training.

The details of the presentations are contained in the video recording of this meeting, produced by the MTA and maintained in MTA records, and the MTA's and other agencies' minutes of the meeting of this date.

**4. Approval of Minutes of Regular Meeting February 22, 2018**

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on February 22, 2018 were approved.

**5. Committee on Finance**

Upon a motion duly made and seconded, the Board approved the following recommended to it by the Committee on Finance that pertained to the Triborough Bridge and Tunnel Authority:

(a) Action Item:

- Authorize the filing with the State of New York the annual MTA All-Agency Procurement report for the period of January 1, 2017 through December 31, 2017 as required by Section 2879 of the Public Authorities Law.

6. **Committee on MTA Bridges and Tunnels Operations**

Commissioner Moerdler stated that there were no items requiring a Board vote.

7. **Committee on Corporate Governance**

Upon a motion duly made and seconded, the Board approved the following recommended to it by the Committee on Corporate Governance:

(a) Action Items:

- Approve the MTA's Mission Statement and authorize submission of the annexed 2017 Mission Statement, measurements and Performance Indicators Report to the Independent Authorities Budget Office.
- Approve proposed revisions to the MTA By-laws as described in the Staff Summary.
- Approve the revised MTA Committee Charters as described in the Staff Summary.
- Approve the MTA's All Agency Procurement Guidelines and All Agency Guidelines for the Procurement of Services.
- Approve revision of certain existing policies of the MTA and its Agencies.

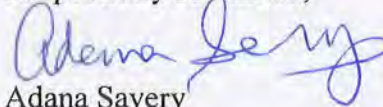
Commissioner Vanterpool abstained from the vote on the Corporate Governance action items.

A copy of the staff summaries, resolutions and documents setting forth the details of the above items, as well as discussions with regard to same, the Fix NYC Report and congestion pricing, are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

8. **Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 11:40 a.m.

Respectfully submitted,



Adana Savery  
Assistant Secretary

**Regular Board Meeting  
MTA Capital Construction Company  
2 Broadway  
New York, NY 10004  
Thursday, March 21, 2018  
10:00 AM**

The following members were present:

Hon. Joseph J. Lhota, Chairman  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Norman E. Brown  
Hon. Ira Greenberg  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Scott Rechler  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. Peter Ward

The following alternate non-voting members were also present:

Hon. Andrew Albert  
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. David Jones  
Hon. Andrew Saul  
Hon. James Vitiello  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Robert Foran, Chief Financial Officer, Thomas J. Quigley, General Counsel, Andrew Byford, President, NYCT, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, President, Metro-North Railroad, Cedrick Fulton, President TBTA, Darryl Irick, President, MTA Bus Operations, Evan Eisland, Sr. Vice President, General Counsel and Secretary, MTACC, David Cannon, VP, Chief Procurement Officer and Assistant Secretary and, Stephen Morello, Counselor to the Chairman, also attended the meeting.

The Board of the Metropolitan Transportation Authority met as the Board of the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Triborough Bridge and Tunnel Authority, the Long Island Rail Road, the Metro-North Commuter Railroad Company, the MTA Capital Construction Company, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

Unless otherwise indicated, these minutes reflect items concerning the business of the MTA Capital Construction Company. Refer to the other agencies' minutes of this date for items on the agendas of the Boards of the other agencies.

Chairman Lhota called the meeting to order.



## **Public Comment Periods**

There were seven (7) public speakers, none of whom spoke on MTA Capital Construction Company matters. The names and remarks of the public speakers are contained in the minutes of the Regular Meeting of the Metropolitan Transportation Authority and in the minutes of the other agencies of this date.

## **Chairman's Remarks**

Chairman Lhota's remarks are noted in the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on this date.

## **Presentations of Working Groups**

Chairman Lhota announced the formation of the working groups created in December for the purpose of taking a fresh look at areas of persistent challenge to the organization. Chairman Lhota introduced the Chairman of each working group and each made a brief presentation on the work its group is doing. The groups and their respective Chairman are as follows:

- Construction Costs, Board Member Scott Rechler, Chairman
- Procurement Reform, Board Member Charles Moerdler, Chairman
- Paratransit/Access-a-Ride, Board Member Veronica Vanterpool, Chairman
- Subway Accessibility, Board Member Ira Greenberg, Chairman

Chairman Lhota noted that Board Member Zuckerman, Chair of the Railroad Implementation of Positive Train Control working group could not attend today's meeting and will provide his update at a future Board meeting. The details of the presentations and the Board Member's comments and discussions are noted in the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on this date.

## **Approval of Minutes**

Upon motion duly made and seconded, the Board approved the minutes of the Regular Board Meeting of the Metropolitan Transportation Authority and the MTA Capital Construction Company held on February 22, 2018.

## **Committee on Finance**

### Action Item

Upon motion duly made and seconded, the Board approved the following Action item:

The filing of the annual MTA All-Agency Procurement report for the period of January 1, 2017 – December 31, 2017 with the State of New York as required under Section 2879 of the New York Public Authorities Law.

A copy of the Staff Summary and associated documents for the above item is filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority of this date.

## **Committee on NYCT and Bus**

### Procurement Items

Upon motion duly made and seconded, the Board approved the following competitive procurement items:

1. A Modification to the Cortlandt Street Design Consultant Services contract (PS850) for the Rehabilitation of the No. 1 Line Cortlandt Street Station to provide continued Construction Phase Services through November 2019 in the not-to exceed amount of \$1,380,000.

2. A Modification to the Consultant Construction Management Services contract (CM-1311) for the No. 7 Line Extension to provide construction management services through April 30, 2019 in the not-to-exceed amount of \$3,191,604.

A copy of the Resolution and Staff Summaries for the above items are filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority of this date.

### **Corporate Governance Committee**

Board Member Vanterpool stated that she would be abstaining from the vote on the Action Items being presented by this Committee and discussed her reasons. A discussion amongst Board members on Corporate Governance ensued.

Details of Board Member Vanterpool's remarks and the ensuing Board discussion are noted in the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority of this date.

### Action Item

Upon motion duly made and seconded with Board Member Vanderpool abstaining, the Board approved the following Action Items:

1. The MTA's 2017 Mission Statement and authorized submission of the 2017 Mission Statement, Measurements, and Performance Indicators Report to the Independent Authorities Budget Office.
2. Revisions to the By-Laws of the MTA
3. Revisions to each MTA Committee Charter.
4. The All Agency Procurement Guidelines and the All Agency Guidelines for the Procurement of Services.
5. Revisions to certain existing policies of the MTA and its Agencies in order to comply with Section 2824 of the New York Public Authorities Law.

The Staff Summaries and associated documents for the above items are filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority of this date.

### **New Business**

Chairman Lhota invited Board discussion on other matters of concern.

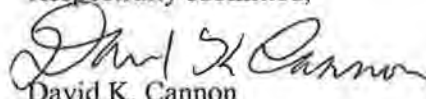
Board Member Rechler stated that, at the last Board meeting, he asked that the Fix NYC Advisory Panel Report be presented to the Board for consideration relating to the key principles behind the Report. Board Member Rechler thanked Chairman Lhota for setting up meetings to discuss the Report, and he thanked the Board Members for the thoughtful discussions that took place at the meetings. Discussions amongst the Board members ensued.

The details of Board discussion relating to the Fix NYC Advisory Panel Report are noted in the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority of this date.

### **Adjournment**

Upon motion duly made and seconded, the Board voted to adjourn the public meeting at 11:40 a.m.


Respectfully submitted,



David K. Cannon  
Assistant Secretary

## Staff Summary

Page 1 of 2

<b>Subject</b> 2017 Annual Investment Report and MTA All Agency Investment Guidelines
<b>Department</b> CFO/Treasury
<b>Department Head Name</b> Robert E. Foran
<b>Department Head Signature</b> 
<b>Project Manager/Division Head</b> Josiane P Codio

<b>Date</b> April 23, 2018
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	4/23			
2	Board	4/25			

Internal Approvals			
Order	Approval	Order	Approval
1	Chief Financial Officer 		
2	Legal 		
3	Chief of Staff 		

### Purpose:

Pursuant to the requirements of Public Authorities Law Section 2925, provide the MTA Board information on the MTA portfolio investment performance for the period 01/01/2017 to 12/31/2017, obtain Board approval of the MTA 2017 Annual Investment Report and obtain Board approval of the MTA All Agency Investment Guidelines ("Investment Guidelines or Guidelines").

### Discussion:

#### Investment Performance Information

Investment Performance information is presented on the next page by types of funds and by bond resolution. Performance is based on book value.

#### MTA Annual Investment Report

The separate 2017 MTA Annual Investment Report contains the following additional information:

- The investment income record
- Commissions or other charges paid to each investment banker, broker, agent, dealer and advisor
- Investment Inventory
- Detail Transaction Report
- MTA All Agency Investment Guidelines

### Recommendation(s):

It is recommended that the MTA Board re-approve the Board adopted Investment Guidelines and approve the MTA's submission of the 2017 Annual Investment Report.



**Metropolitan Transportation Authority  
Investment Performance by Type of Fund  
For the Period Jan. 1, 2017 to Dec. 31, 2017**

<u>Type of Fund</u>	<u>Net Earnings this Period</u>	<u>Average Daily Portfolio Balance</u>	<u>Net Portfolio Yield, 365-day Basis</u>
All Agency Investments	\$7,401,899	\$801,443,066	0.92%
MTA Special Assistance Fund	963,092	115,758,589	0.83%
TBTA Investments	1,805,249	144,358,560	1.25%
MTA Finance Fund	683,020	104,346,653	0.65%
MTA Transportation Resolution Funds	28,238,559	3,301,004,351	0.86%
MTA Hudson Rail Yards Funds	1,092,888	162,197,296	0.67%
State Service Contract Debt Service Fund	38,079	6,492,640	0.59%
MTA Dedicated Tax Fund Resolution Funds	1,348,345	222,737,171	0.44%
2 Broadway Certificates' Funds	278	399,989	0.00%
TBTA General Purpose Resolution Funds	2,570,529	440,856,005	0.60%
TBTA Subordinate Resolution Funds	410,575	49,189,776	0.83%
Other Restricted Funds	6,658,742	820,596,866	2.22%
<b>Total</b>	<b>\$51,211,254</b>	<b>\$6,169,380,962</b>	<b>1.01%</b>

Average Yield on 6 month Generic Treasury Bill  
(1/2/17– 12/31/17) 1.09%

Average Yield on 12 month Generic Treasury Bill  
(1/2/17 – 12/31/17) 1.21%


Note 1: Table above only includes information on funds actively managed by MTA Treasury in accordance with the Board approved Investment Guidelines. It does not include defeasance investments for tax benefit lease transactions or insurance set asides.



Note 2: 'Other Restricted Funds' include:

MTA Moynihan Train Hall Stab	
Fulton Street Maintenance	Hudson Yard ERY/WRY - From Related
MTA Real Estate and Advertising Revenue	Relocation from Madison Ave. Hudson Yard Infra Corp. SIRTOA - Capital

# Staff Summary

Page 1 of 3

<b>Subject</b> Capital Markets-Based Reinsurance	<b>Date</b> April 23, 2018
<b>Department</b> Finance	<b>Vendor Name</b>
<b>Department Head Name</b> Robert E. Foran	<b>Contract Number</b>
<b>Department Head Signature</b> 	<b>Contract Manager Name</b>
<b>Project Manager/Division Head</b> Phyllis Rachmuth, Director of Risk and Insurance Management / Patrick J. McCoy, Director of Finance	<b>Table of Contents Ref #</b>

Board Action						Internal Approvals			
Order	To	Date	Approval	In. 6	Other	Order	Approval	Order	Approval
1	Finance	4/23	X			1	Chief Financial Officer		
2	Board	4/25	X			2	Legal		

## Purpose:

To obtain Board approval to allow First Mutual Transportation Assurance Company ("FMTAC") to undertake a capital markets-based reinsurance program by expanding FMTAC's current traditional capital markets-based reinsurance program to include catastrophe ("cat") bond-based reinsurance transaction.

## Discussion and Background:

### **Background:**

In the wake of Superstorm Sandy, FMTAC confronted reduced capacity offers from the traditional property reinsurance marketplace with higher pricing for annual renewals. Addressing the concern that MTA and its agencies might be exposed to reduced property risk coverage at higher cost, the Board authorized FMTAC to explore alternative means of obtaining reinsurance capacity through the capital markets, via insurance-linked securities ("ILS") or cat bond transactions. This effort to obtain capital markets-based reinsurance proved successful, culminating in FMTAC's entry into a \$200 million reinsurance agreement with MetroCat Re Ltd. ("MetroCat"), a Bermuda special purpose insurer, which fully collateralized the reinsurance policy through its issuance of cat bonds.

The reinsurance obtained from MetroCat through this inaugural ILS transaction augmented MTA's existing reinsurance program at a critical time; the inaugural transaction now also provides a model through which FMTAC can obtain future capital markets-financed property reinsurance coverage, in conjunction with coverage that may be obtained by FMTAC through traditional property reinsurance markets. Last year FMTAC successfully entered into another \$125 million capital markets-based reinsurance transaction that allowed MTA to further lower its property insurance costs.

With the assistance and guidance of a Board-approved ILS advisor, FMTAC and MTA anticipate exploring another capital markets-based reinsurance transaction in 2018. Prior to executing any such future capital markets-based reinsurance transaction in 2018, FMTAC and MTA seek Board action granting authority to finalize such transaction.

### **Discussion:**

On January 29, 2014, the Board approved FMTAC's use of a capital markets-based alternative, specifically ILS, to enhance its overall reinsurance portfolio. The ability to obtain capital markets-based reinsurance has proven to be an economically successful alternative for FMTAC because it is no longer dependent solely on traditional reinsurance brokers for its reinsurance needs. The reinsurance obtained through the inaugural ILS transaction augmented MTA's existing reinsurance program at a critical time; the inaugural transaction covered storm surge risk over a three-year period and expired in July 2016. The 2017 transaction covered storm surge and earthquake risks and will remain outstanding until May 2020.

FMTAC is now seeking authorization to enter into a third MetroCat transaction covering storm surge and earthquake catastrophic risks, augmenting the coverage that may be gained by FMTAC through traditional property reinsurance markets. The transaction is also estimated to result in property reinsurance cost savings for the MTA.

## **Alternatives:**

FMTAC and MTA could opt not to consider or pursue future capital markets-based insurance transactions sponsored by FMTAC. This alternative is undesirable, given FMTAC's prior experience in achieving cost effective catastrophe coverage and the additional leverage that a capital markets-based insurance transaction will provided to FMTAC's ability to structure its overall insurance portfolio construction on an annual basis.

## **Recommendation:**

As part of the continuing effort to reduce FMTAC's reinsurance portfolio costs and seek competitive solutions for its reinsurance needs, it is recommended that the Board adopt the annexed resolution authorizing placement of part of FMTAC's property insurance program through a cat bond issuance.

## RESOLUTION

WHEREAS, FMTAC's use of capital markets-based alternative for its reinsurance needs has enhanced its overall reinsurance portfolio by lowering the cost of its reinsurance and encouraging competition among traditional providers and capital markets-based providers; and

WHEREAS, FMTAC desires to explore the cost effectiveness, practicability and feasibility of possibly incorporating a wider range of capital markets-based reinsurance alternatives in FMTAC's property insurance program; and

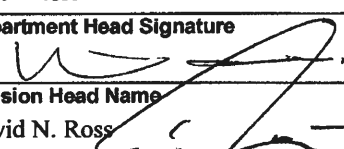
WHEREAS, reaching out to a broader group of capital markets-based reinsurance participants will enable FMTAC to better determine the extent to which an expansion of its capital markets-based reinsurance alternatives can yield further cost savings.

NOW THEREFORE, the Board resolves as follows:

1. In order to further allow FMTAC to seek cost effective, practical and feasible alternatives to traditional broker-based reinsurance and expand its capital markets-based reinsurance alternatives, the Chairman of FMTAC is hereby authorized, consistent with the terms of this Resolution, to execute and deliver reinsurance agreements and other necessary, desirable or appropriate agreements, contracts, documents, writings and other instruments with appropriate parties in connection with capital markets-based reinsurance transaction, and to take any other actions as may be deemed necessary, desirable or appropriate in connection therewith, provided, the Chairman of FMTAC, following consultation with the Chief Financial Officer and General Counsel, determines entry into such alternative capital markets-based reinsurance transaction is in the best interests of FMTAC and the MTA.

**[THIS PAGE INTENTIONALLY LEFT BLANK]**

# Staff Summary

<b>Subject</b>
Request for Authorization to Award Various Procurements
<b>Department</b>
MTA Business Service Center
<b>Department Head Name</b>
Wael Hibri
<b>Department Head Signature</b>

<b>Division Head Name</b>
David N. Ross

<b>Date</b>
April 5, 2018
<b>Vendor Name</b>
Various
<b>Contract Number</b>
Various
<b>Contract Manager Name</b>
Various
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	4/23/2018	X		
2	Board	4/25/2018	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Procurement	3	CFO
2	Legal		

## PURPOSE:

To obtain approval of the Board to award various contracts/contract modifications and purchase orders, as reviewed by the MTA Finance Committee.

## DISCUSSION:

MTAHQ proposes to award Non-competitive procurements in the following categories:

None

MTAHQ proposes to award Competitive procurements in the following categories:

### Schedules Requiring Majority Vote

Schedule F: Personal Services Contracts	2	\$ 485,000
Schedule H: Modification to Personal Service/Miscellaneous Service Contracts	1	\$ 14,854,574
Schedule I: Modification to Purchase and Public Work Contracts	1	\$ 11,461,792
Schedule J: Modification to Miscellaneous Procurement Contracts	1	\$ 9,674,558
<b>SUBTOTAL</b>	<b>5</b>	<b>\$36,475,924</b>

MTAHQ presents the following procurement actions for Ratification:

Schedule K: Ratification of Completed Procurement Actions	11	\$ 66,204,584
<b>TOTAL</b>	<b>16</b>	<b>\$102,680,508</b>

**BUDGET IMPACT:** The purchases/contracts will result in obligating MTAHQ operating and capital funds in the amount listed. Funds are available in the current MTAHQ operating/capital budgets for this purpose.

**RECOMMENDATION:** That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)

## BOARD RESOLUTION

### METROPOLITAN TRANSPORTATION AUTHORITY

WHEREAS, in accordance with Section 1265-a and Section 1209 of the Public Authorities Law and the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public work contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

WHEREAS, in accordance with the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive miscellaneous procurement contracts, and certain change orders to procurement, public work, and miscellaneous procurement contracts; and

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All Agency Guidelines for Procurement of Services, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in the annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.

2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals and authorizes the solicitation of such proposals.

3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.

4. The Board ratifies each action taken set forth in Schedule D for which ratification is requested.

5. The Board authorizes the execution of each of the following for which Board authorization is required: i) the miscellaneous procurement contracts set forth in Schedule E; ii) the personal service contracts set forth in Schedule F; iii) the miscellaneous service contracts set forth in Schedule G; iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; v) the contract modifications to purchase and public work contracts set forth in Schedule I; and vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.

6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

7. The Board authorizes the budget adjustments to estimated quantity contracts set forth in Schedule L.

**LIST OF PROCUREMENTS FOR BOARD APPROVAL, APRIL 2018**  
**COMPETITIVE PROCUREMENTS**

**METROPOLITAN TRANSPORTATION AUTHORITY**

*Procurements Requiring Majority Vote:*

**F. Personal Service Contracts**

(Staff Summaries required for items greater than: \$100k Sole Source; \$250 other Non-Competitive, \$1 million Competitive)

1. **A&D projects at one NYCT Subway Station on the 7 Ave Line** – A&D to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the station specified below:

Competitively negotiated – 20 proposals - 16 months.  
Diana Al-Hadid - 34 St-Penn Station NYCT (\$350,000)

2. **A&D projects at one LIRR station on the Babylon Branch** – A&D to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the station specified below:

Competitively negotiated – 164 proposals - 16 months.  
James Gulliver Hancock - LIRR Merrick station (\$135,000)

**H. Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services**

(Approvals/Staff Summaries required for substantial change orders and change orders that cause original contract to equal or exceed monetary or durational threshold required for Board approval.)

- |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                         |                                      |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|--------------------------------------|
| 3. | <b>International Business Machines (IBM)<br/>Data Center Services</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>\$ 14,854,574</b><br>(not-to-exceed) | <b><u>Staff Summary Attached</u></b> |
|    | <b>Contract No. 03A8602-1/PO #C0000A1852, AWO #133</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                         | -                                    |
|    | Base plus previous change orders = \$193,359,934                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                         |                                      |
|    | Board approval is requested for an amendment that will add funding and extend the contract for one year to a previously Board-approved competitively awarded contract with International Business Machines (IBM). This amendment will provide for continued mainframe and midrange server processing for the following MTA Agencies: New York City Transit, Business Service Center, Headquarters, Bridges and Tunnels, Long Island Railroad and Metro-North Railroad. The proposed modification will allow time for the award of a replacement contract through a multiyear replacement Data Center RFP that is currently being solicited. Pricing was found to be fair and reasonable. |                                         |                                      |



# **METROPOLITAN TRANSPORTATION AUTHORITY**

## **COMPETITIVE PROCUREMENTS**

### **I. Modifications to Purchase & Public Work Contracts**

(Approvals/Staff Summaries required for individual change orders greater than \$250K. Approvals without staff summaries required for change orders greater than 15% of previously approved amount which are also at least \$50K)

4. **Ozone Park Lumber and Turtle & Hughes, Inc.** **\$11,461,792** **Staff Summary Attached**  
**Furnish and Deliver Building Materials,** (not-to-exceed)  
**Plumbing and Electrical Supplies**  
**Contract No. 03A8602-1/PO #C0000A1852, AWO #133**

Base plus previous change orders = \$110,573,188

Board approval is requested to (i) add funding in the amount of \$10,411,792 for Ozone Park Lumber (Ozone) to furnish and deliver building materials and plumbing supplies and \$1,810,350 for Turtle & Hughes, Inc. (Turtle & Hughes), a NYS certified Women-Owned Business, to furnish and deliver electrical supplies, and (ii) extend the contract period of performance for both contracts by seven months ending March 28, 2019. Ozone and Turtle & Hughes have agreed to hold pricing at the lower than originally bid markups currently in place for the seven month extension period, so pricing is found to be fair and reasonable

### **J. Modifications to Miscellaneous Procurement Contracts**

(Approvals/Staff Summaries required for individual change orders greater than \$250K. Approvals without staff summaries required for change orders greater than 15% of previously approved amount which are also at least \$50K)

5. **Choice Distribution, Inc** **\$ 9,674,558** **Staff Summary Attached**  
**Hardware and Fastener Program** (not-to-exceed)  
**Contract No. Various, AWO #4**

Base plus previous change orders = \$ 80,837,906

Board approval is requested for an amendment to a miscellaneous procurement contract with Choice Distribution, Inc. (Choice) for supply of hardware and fasteners contract. This is an extension and will: (i) extend the contract period of performance for ten months ending March 31, 2019 and (ii) add funding. The monthly spending estimate is consistent with the rate of spending from the previous year. The unit prices as established in the base contract will remain the same and are deemed fair and reasonable.

# Staff Summary

## Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts



Item Number:

Page 1 of 1

<b>Vendor Name (&amp; Location):</b> International Business Machines (IBM) (Armonk, NY) 10504		<b>Contract Number:</b> 03A8602-1/PO #C0000A1852		<b>AWO/Modification #</b> 133	
<b>Description:</b> <b>Data Center Services</b>		<b>Original Amount:</b> \$65,228,757			
<b>Contract Term (including Options, if any):</b> June 1, 2018 – May 31, 2019		<b>Prior Modifications:</b> \$128,131,177.83			
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<b>Prior Budgetary Increases:</b>			
<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Current Amount:</b> \$193,359,934.83			
<b>Solicitation Type:</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification		<b>This Request:</b> \$14,854,573.56 (Est.)			
<b>Funding Source:</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b> 7%			
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> MTA-IT Sidney Gellineau		<b>% of Modifications (including This Request) to Original Amount:</b> 219%			

### DISCUSSION:

In February 2005, the Board approved a NYC Transit recommendation to award of a 5-year Contract to International Business Machines (IBM) in the amount of \$65,228,757 for data center services. In March 2010, the Board approved NYC Transit's recommendation to exercise the option to extend the contract for three years ending May 31, 2013 at a cost of \$35,711,692. In March 2013, the Board approved the award of a 5-year extension which included, among other things, migration of IBM's Staten Island Data Center (SIDC) to NYC Transit Data Center locations, replacement of the mainframe, a new Automated Tape Library (ATL) and a new Virtual Tape Server (VTS) in the amount of \$68,821,119. Since the contract's inception, an additional 114 Additional Service Work Orders (ASWOs) were issued for a total amount of \$23,598,367. As a result, the total contract value increased to \$193,359,935.

IBM's services include mainframe and midrange server processing for the following MTA Agencies: New York City Transit, Business Service Center, Headquarters, Bridges and Tunnels, Long Island Railroad and Metro-North Railroad. IBM operates the MTA mainframe environment, which runs the AFC MetroCard application, NYCT TALON logistics application, the MNR Crew Management application, NYCT's MaBSTOA Pension Payroll/Administration/Loan applications, NYCT's MaBSTOA APP777 Family Court application, NYCT's CPM CPICS application and the LIRR Safety System application. IBM also operates the midrange environment which runs the BSC PeopleSoft applications for payroll, financials, and human resource applications for all MTA Agencies.

The proposed modification would extend the contract for one year ending May 31, 2019, allowing time for the award of a replacement contract through a multiyear replacement Data Center RFP that is currently being solicited. The requirements for the extension remain the same.

IBM submitted a price proposal of \$14,854,574 for the extension and NYCT's Cost Price Unit reviewed the proposal, finding that IBM is maintaining the same prices offered for the previous year. MTA-IT's in-house estimate was \$16,800,000. Based on the foregoing, Procurement finds IBM's price to be fair and reasonable.

In connection with a previous contract awarded to the Contractor, the Contractor was found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines, and such responsibility finding was approved by MTA Chairman/CEO in consultation with the MTA General Counsel on July 25, 2016. No new SAI has been found relating to the Contractor and the Contractor has been found to be responsible.

# Staff Summary

## Schedule I: Modifications to Purchase and Public Work Contracts

Item Number:

Page 1 of 1

<b>Vendor Name (&amp; Location):</b> Ozone Park Lumber (South Ozone Park, NY) Turtle & Hughes, Inc. (Commack, NY)
<b>Description:</b> Furnish and deliver building materials, plumbing and electrical supplies
<b>Contract Term (including Options, if any):</b>  September 1, 2011 – March 28, 2019
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type:</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other:
<b>Funding Source:</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Department of Subways, Frank Jezycki Department of Buses, Darryl C. Irick

Contract Number:	AWO/Modification #
08E9880	5
<b>Original Amount:</b>	
\$20,451,536 (Ozone)	\$40,317,831
\$19,866,295 (Turtle & Hughes)	
<b>Prior Modifications:</b>	
\$36,862,739 (Ozone)	\$70,255,357
\$33,392,618 (Turtle & Hughes)	
<b>Current Amount:</b>	
	\$110,573,188
<b>This Request:</b>	
\$10,411,792 (Ozone)	\$11,461,792
\$1,050,000 (Turtle & Hughes)	(Est.)
<b>% of This Request to Current Amount:</b>	
	10.4%
<b>% of Modifications (including This Request) to Original Amount:</b>	
	202.7%

### DISCUSSION:

To recommend that the Board: (i) approve an amendment to previously Board-approved, multi-agency, purchase contracts to add funding in the amount of \$10,411,792 for NYC Transit for Ozone Park Lumber (Ozone) to furnish and deliver building materials and plumbing supplies and \$1,050,000 for Metro-North Railroad for Turtle & Hughes, Inc. (Turtle & Hughes), a NYS certified Women-Owned Business, to furnish and deliver electrical supplies, and (ii) extend the contract period of performance for both contracts by seven months ending March 28, 2019.

The Board-approved award of two multi-agency competitively procured estimated quantity contracts in June 2011 for general building materials, plumbing and electrical supplies, obviating the need for storing and handling of these materials as inventory items by providing direct delivery to work locations. These contracts support NYC Transit, MTA Bus, SIRTOA, Metro-North Railroad and B&T worksites.

Two subsequent modifications updated the Producer Price Index, added funding for a series of unforeseen Infrastructure/Capital Construction projects and emergencies, such as the installation of the Public Address Customer Information Systems at 43 subway stations and storms such as Irene and Sandy, and reduced the contract's mark-up to a lower percentage. Also, as part of a procurement consolidation initiative, agencies extended expiring contracts for a period of 18 months until the consolidation was complete. Contracts in the hardware, industrial, building materials, plumbing and electrical supply categories were among those that were selected for transition to MTAHQ Procurement, so a third modification extended the contract for eighteen months, from 9/1/16 to 2/28/18. MTAHQ Procurement anticipates releasing a new RFP for MRO supplies shortly, which will include building materials, plumbing and electrical supplies. This extension will allow MTAHQ Procurement to conduct and complete the new procurement.

Ozone and Turtle & Hughes have agreed to hold pricing at the lower than originally bid markups currently in place for the seven month extension period, so pricing is found to be fair and reasonable. In order for NYC Transit to have sufficient funding through March 2019 for Ozone, additional funding in the amount of \$10,411,792 is required. Although average monthly spending had been about \$670k through the first six years of the contract, expenditures increased by approximately 50% starting in 2017 because of the Subway Action Plan. The estimated \$1,050,000 with Turtle & Hughes for electrical supplies is based on the average monthly spending of \$150k, consistent with MNRs rate of spending to date.

# Staff Summary

## Schedule J: Modifications to Miscellaneous Procurement Contracts

Item Number:

Page 1 of 1

<b>Vendor Name (&amp; Location):</b> Choice Distribution, Inc.
<b>Description:</b> Hardware and Fastener Program
<b>Contract Term (including Options, if any):</b> May 31, 2011 to March 31, 2019 (Incl. Two Year Option)
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type:</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:
<b>Funding Source:</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> MTAHQ Procurement, Wael Hibri, Sr. Director, MTA BSC

Contract Number:	AWO/Modification #
Various	4
<b>Original Amount:</b>	
\$ 40,258,495	
<b>Prior Modifications:</b>	
\$ 40,579,411	
<b>Prior Budgetary Increases:</b>	
\$	
<b>Current Amount:</b>	
\$ 80,837,906	
<b>This Request:</b>	
\$ 9,674,558	
<b>% of This Request to Current Amount:</b>	
11.9%	
<b>% of Modifications (including This Request) to Original Amount:</b>	
124.8%	

### DISCUSSION:

To recommend that the Board approve an amendment to a miscellaneous procurement contract with Choice Distribution, Inc. (Choice) for supply of hardware and fasteners contract. This contract was originally awarded by Metro North Railroad and previously approved by the Board for multi-agency use. Previous modifications were issued to i) add \$15,320,000 funds due to unanticipated increased usage of hardware and fasteners required for new railroad cars, subway cars and buses, as well as the expansion of rail / subway shops and facilities' requirements; and ii) exercise two one-year options. This is the first request for an extension and will: i) extend the contract period of performance for ten months ending March 31, 2019 and ii) add funding in the not-to-exceed amount of \$9,674,558. The monthly spending estimate is consistent with the rate of spending from previous years.

In April 2011, MNR solicited and the Board approved a competitively awarded, multi-agency (Metro North Railroad, New York City Transit, Long Island Rail Road, Staten Island Rapid Transit and MTA Bus) contract for five years with two one-year options for the provision and on-going replenishment of common hardware and fasteners (nuts, bolts, washers, lock nuts etc.) to Choice. Hardware and fasteners are required integral components throughout the MTA Agencies' facilities to support maintenance and repair of all types of equipment (rail cars, locomotives, subway cars, buses, maintenance vehicles, communication apparatus, etc.). Choice is required to monitor and maintain on-site minimum/maximum material reorder levels and provide computerized reports detailing usage at each setup location.

The Choice contract, along with other related MRO contracts, have been selected for transition to management under MTAHQ Procurement as a Procurement Consolidation initiative. MTAHQ Procurement anticipates releasing a new solicitation for MRO supplies which includes the hardware and fasteners category within a month of the beginning of this extension. Extending this contract for nine (9) months is necessary to allow MTAHQ Procurement to conduct a hardware and fasteners category procurement and to transition to a new supplier or suppliers.

The unit prices as established in the base contract will remain the same and are deemed fair and reasonable.

**LIST OF PROCUREMENTS FOR BOARD APPROVAL, APRIL 2018**  
**PROCUREMENTS FOR RATIFICATION**

**METROPOLITAN TRANSPORTATION AUTHORITY**

*Procurements Requiring Majority Vote:*

**K. Ratifications of Completed Procurement Actions (Involving Schedules E-J)**

(Staff Summaries required for unusually large or complex items which otherwise would require Board approval)

6-16.	<b>Various Executive Order 168</b>	<b>\$ 66,204,584</b>	<b><u>Staff Summary Attached</u></b>
-------	----------------------------------------	----------------------	--------------------------------------

This is a request that the Board ratify procurement actions awarded pursuant to Executive Order 168 ("E.O. 168") and its extensions. The total estimated value for the 11 actions is \$ 66,204,584. All 11 actions are for NYC Transit; 8 of the 11 actions were competitive. Pricing for all 11 actions was found to be fair and reasonable.

# Staff Summary

## Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)

<b>Vendor Name (&amp; Location):</b> Various
<b>Description:</b> Ratification of Executive Order 168 Actions
<b>Contract Term (including Options, if any):</b> Various
<b>Option(s) included in Total</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Procurement Type:</b> <input type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive <input checked="" type="checkbox"/> Various
<b>Solicitation Type:</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Various
<b>Approval</b>
Office of the Chairman <i>W. H. Kim, M.D.</i>

<b>Contract Number:</b> Various	<b>Renewal?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	\$ 66,204,584
<b>Funding Source:</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Senior Director, Wael Hibri	
<b>Contract Manager:</b> Chief Procurement Officer, David N. Ross	

### PURPOSE:

This is a request that the Board ratify procurement actions awarded pursuant to Executive Order 168 ("E.O. 168") and its extensions.

### DISCUSSION:

On June 29, 2017, Governor Andrew M. Cuomo issued Executive Order No. 168, in which he declared a disaster emergency as a result of continued failures of tracks, signals, switches and other transportation infrastructure on MTA rail and subway systems and resulting outages, derailments, and service disruptions that have had a deleterious effect on MTA customers and the regional and New York State economy. The Governor declared that significant and immediate action must be taken to assist in the repair of such transportation infrastructure, and in remediation of track outages and service disruptions. E.O. 168, as extended, provides for the temporary suspension of statutory provisions and any implementing rules, regulations and guidelines for purposes of awarding any contracts, leases, licenses, permits or other written agreements to mitigate the disaster emergency.

Since time is of the essence in addressing the disaster emergency, the procurement actions listed below were procured using E.O. 168. In accordance with the emergency provisions in Article III(B)(1) of the All Agency General Contract Procurement Guidelines and Article III(C)(3) of the All Agency Service Contract Procurement Guidelines, the E.O. 168 procurement actions listed below are being submitted to the Board for ratification. The total estimated value for the 11 actions is \$ 66,204,584. All 11 actions are for NYC Transit; 8 of the 11 actions were competitive.

Pricing for all 11 actions was found to be fair and reasonable.

1.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	02/07/2018	Network Rail Consulting, Inc. (Washington, DC)	Consultant Services for NYCT Subway Action Plan Improvement Assessment – General Orders – per Executive Order No. 168	6%20019	\$2.7M (Est.)	Non-competitive Task Order

## Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)

### Discussion:

Network Rail Consulting, Inc. (“NRC”) was selected by NYC Transit in November 2017 to provide consultant services for the NYC Transit Subway Action Plan Improvement Assessment relating to General Orders (“GO”) and other operational related efficiencies. NRC was selected by the Department of Subways, Division of Maintenance of Way, to perform this work based on a combination of its expertise in GO analysis, prior projects for the maximization of GO work time and productivity that were completed in Great Britain and at Boston’s MBTA, and its international rapid-transit industry experience. NRC is a wholly owned subsidiary of Network Rail, the owner and operator of Great Britain’s main line infrastructure since 2002.

The consultant services performed by NRC are being paid based on the agreed hourly labor rates for specific labor titles as well as pre-established travel and expense costs. NRC’s labor rates compared favorably to the rates charged by other engineering consultants. As a result, NRC’s pricing was found to be fair and reasonable.

Subsequent to directing the consultant to commence work, a task-order based Contract No. 6%20019 was developed and awarded on February 7, 2018. Task Order Nos. 1, 2 and 3 have been issued under this Contract.

Below are brief descriptions of task orders that have been issued to NRC under this Contract.

1. Task Order No. 1 (GO – Analysis and Recommendations) \$62,905. NRC performed a diagnostic analysis of GO productivity and provided recommendations for improving GO efficiencies.

2. Task Order No. 2 (GO – Implementation of Recommendations) \$174,461. NRC provided support for the implementation of recommendations from the diagnostic analysis performed under Task Order No. 1. This included risk assessment of the GO recommendations, documenting the new GO implementation standards, testing the new process in non-operational exercises, running trials to approve the recommendations, support during implementation and instructing NYC Transit staff on root cause analysis techniques to sustain continuous improvement.

3. Task Order No. 3 (Work Trains and Flagging) \$400,000. In stage one of this task, NRC performed diagnostic and problem-solving analyses for both work train scheduling and flagging arrangement for GO work sites. In addition, NRC provided recommendations and new standard operating procedures to improve work train scheduling and flagging arrangements. In stage two of this task, NRC is providing support for the implementation of recommendations from the aforementioned analyses. NRC will test the new procedures, run live trials to prove the new process, and finalize implementation of the new process.

Additional task orders and revisions to existing tasks orders may be issued up to \$2.7M.

2.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	10/19/2017	JBA Change Management Corp. (New York, NY)	Consultant Services for NYCT Subway Service Improvement Assessment per Executive Order No. 168	6%19196	\$9.5M (Est.)	Non-competitive Task Order

### Discussion:

JBA Change Management Corp. (“JBA”) was selected by NYC Transit in July 2017 to provide consultant services for the NYC Transit Subway System Improvement Assessment in support of the Subway Action Plan in connection with studies, recommendations and implementation for subway car and signal reliability improvements as well as operational efficiencies. JBA was selected to perform this work based on a combination of its international rapid-transit industry experience, immediate availability, and previous experience with NYC Transit, including JBA’s prior



## **Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)**

success when selected by the MTA as the best practices consultant to perform work as part of the pre-award consultant support for the R211 subway cars.

London Underground faced similar challenges to NYC Transit, including aging infrastructure and assets, increasing failure rates, and a demand for significant improvement in reliability. JBA was successful in increasing rolling stock reliability and reducing customer delays at London Underground using a variety of tools including the development and reporting of relevant Key Performance Indicators, Visual Management techniques, and Practical Problem Solving.

The consultant services performed by JBA are being paid based on the agreed hourly labor rates for specific labor titles as well as negotiated travel and expense costs. JBA's labor rates compared favorably to the rates charged by other engineering consultants. As a result, JBA's pricing was found to be fair and reasonable.

Subsequent to directing the consultant to commence work, a task-order based Contract No. 6%19169 was developed and awarded on October 19, 2017. To date, Task Order Nos. 1, 2, 3 and 4 have been issued under this Contract.

Below are brief descriptions of task orders that have been issued or will be issued to JBA under this Contract:

1. Task Order No. 1 (Subway Car Systems and Coney Island Overhaul Shop Reliability Analysis) \$910,047 for the Department of Subways, Division of Car Equipment ("DCE"). JBA performed an analysis of the reliability of subway car systems and the Coney Island Overhaul Shop Scheduled Maintenance System ("SMS"), and provided recommendations on efficiency improvements.

2. Task Order No. 2 (Open Signal and Track Issues Analysis) \$405,014 for the Department of Subways, Division of Maintenance of Way ("MOW"). JBA performed an analysis of the open signal and track issues and provided recommendations on how to address these issues.

3. Task Order No. 3 (Subway Action Plan Project Management) \$191,441. JBA was engaged in the coordination and management of the Subway Action Plan.

4. Task Order No. 4 (Coney Island and 207<sup>th</sup> Street Overhaul Shop Efficiencies – Implementation of Recommendations) \$4,916,641 for DCE. JBA is engaged in the implementation of recommendations provided under Task Order No. 1 to increase SMS efficiencies at the Coney Island Overhaul Shop. This Task also includes the implementation of recommendations to increase SMS efficiencies at the 207<sup>th</sup> Street Overhaul Shop.

5. Task Order No. 7 (Signals Reliability Improvement) for MOW. JBA was authorized to proceed with a signals reliability program. Specifically, JBA will focus on revising maintenance instructions and training, developing a condition monitoring system to pre-empt issues from occurring, and implementing solutions. This Task, in the estimated amount of \$2.7M, is in the process of being finalized and issued.

The October 2017 Board was advised of the award of Contract No. 6%19196 and the issuance of Task Order Nos. 1 and 2.

Additional task orders and revisions to existing tasks orders may be issued up to \$9.5M.

Note: Task Order Nos. 5 and 6 were not used.

## Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)

3.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	03/06/2018	Vertical Systems Analysis (New York, NY)	General Elevator and Escalator Consulting Services	6%20242	\$500,000 (Est.)	Informal Competition

### Discussion:

Vertical Systems Analysis (“VSA”) was awarded this Estimated Quantity (“EQ”) task-order based contract on March 6, 2018 for general elevator and escalator consulting services through December 31, 2018. This solicitation was conducted under E.O. 168 and falls under the Subway Action Plan for optimizing elevator and escalator performance and availability.

The contract Price Schedule is structured in two categories. The first category is to provide pricing specifically to perform the requirements of Task Order No. 1, which requires the consultant to perform a survey of NYC Transit’s elevator operation, maintenance, repair and inspection procedures to provide near-term actionable recommendations for increased efficiencies that can be immediately implemented in-order to effectuate improved customer service. The second category is to provide the consultant’s hourly rates for specific personnel should additional tasks be requested by NYC Transit. Procurement conducted an extensive pre-solicitation market survey and identified nine (9) consulting companies in the relevant industry. Procurement contacted each of them to ascertain such relevant information as hourly rates, years of experience, and types of projects previously handled. Based on this information, Procurement and the Project Office selected the three (3) most qualified for solicitation. Two expressed interest and were subsequently interviewed by NYC Transit. VSA was deemed to be the most qualified.

VSA submitted an initial quote of \$174,000.00 for Task Order No. 1. Through discussions, VSA subsequently reduced its pricing to \$153,460.00; a total savings of \$20,540.00. VSA’s pricing for this contract was determined to be fair and reasonable based upon a favorable comparison of VSA’s rates to those obtained in the market survey.

Additional task orders and revisions to existing tasks orders may be issued up to \$500,000.

4, 5 & 6.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	10/04/2017	Grace Industries LLC. <sup>1</sup> (Plainview, NY)	Cleaning of track drains, covers and conduits.	6%19165	\$23,662,000 (Est.)	Informal Competition
	10/04/2017	National Water Main Cleaning Company <sup>1</sup> (Kearny, NJ)		6%19166	\$13,482,000 (Est.)	
	11/27/2017	Welkin Mechanical LLC. (College Point, NY)		6%19990	\$14,705,000 (Est.)	
Total					\$51,849,000 (Est.)	

### Discussion:

Clogged track drains contribute to signal malfunctions throughout the NYC Transit subway system which necessitates system-wide drain cleaning to mitigate the continuance of these service disruptions. Under the Subway Action Plan emphasis was placed on supplementing the efforts of in house forces with drain cleaning services to be performed by third party contractors. The elimination of debris that clogs drains allows for the proper diversion of water at various

<sup>1</sup> Grace Industries LLC and National Water Main Cleaning were previously awarded contracts that were presented to the Board in November 2017 in the amounts of \$474,744 and \$461,010, respectively. Both values are captured in the contract amounts above.

## Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)

drains located underground, on the tracks. Under E.O. 168, in order to get qualified companies in the field as soon as possible, extensive market research was conducted to determine what companies were capable and available to provide these services. The market research effort identified 39 companies in the drain cleaning field that could potentially deploy track trained work forces and specialized equipment to perform this work. This requirement was solicited from these 39 companies to secure competition to which 10 companies responded and three contracts were awarded. Pricing was found to be fair and reasonable based on effective competition.

The scope of work for these estimated quantity, miscellaneous service contracts, requires the contractor to: clean drains using high powered pressurized water devices “jetters” and other equipment, ensure that the track drains, covers and conduits are free of obstructions, and to remove and properly dispose of debris.

The scope, scale and urgency of this emergency project necessitated awards to multiple contractors, each able to deploy, on a shift basis, multiple teams of workers and equipment for work assigned during nights and around the clock on weekends when General Orders provide access to the work sites. Sharing this work among multiple contractors allows for accelerated performance and completion of the work required under the Subway Action Plan.

Grace Industries LLC. (“Grace”), National Water Main Cleaning Company (“National”) and Welkin Mechanical LLC. (“Welkin”) received awards based on competency, expertise, availability of resources and rapidity of deployment. The term of the contracts with Grace, National and Welkin commenced in the third quarter of 2017 and are each for one year. Grace (4 teams) is capable of and is providing twice as many teams per shift as Welkin and National (each providing 2 teams).

As of mid-April 2018, drains in 243 underground revenue track miles of the 418 underground revenue track miles have been cleared of obstructions and debris.

In connection with a previous contract awarded to the Welkin, Welkin was found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by MTA Interim Executive Director in consultation with the MTA General Counsel in March 2017. No new SAI has been found relating to Welkin and Welkin has been found to be responsible. (SAI is related to Welkin’s former parent, Judlau Contracting, Inc.)

### 7, 8, 9 & 10.

These 15-Month Estimated Quantity (EQ) Contracts are for the purchase of double loop stanchions which are being installed on NYC Transit subway cars while undergoing Scheduled Maintenance System (“SMS”) in 2018. These stanchions are designed to be grasped by the hand to provide stability when passengers are standing while the train is in motion. These stanchions are made of stainless steel and are yellow powder coated. It should be noted that a mock-up of the R211 cars featuring the double loop stanchions received very positive feedback from the public during the R211 Subway Car Design Open House. This material has been identified under the Subway Action Plan to support the Division of Car Equipment’s (“DCE”) SMS program.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	03/02/2018	Bentech Inc. (Philadelphia, PA)	Stanchion, Double Loop, Low Ceiling for R160 cars	6%20220	\$307,904 (Est.)	Informal Competition
	03/06/2018	Oriskany Manufacturing (Yorkville, NY)		6%20255	\$163,200 (Est.)	
Total					\$471,104 (Est.)	

### Discussion

These EQ Contracts are for the purchase of 1,732 double loop low ceiling stanchions, 1,132 from Bentech Inc. (“Bentech”) and 600 from Oriskany Manufacturing (“Oriskany”), which are being installed on 862 R160 subway cars. These stanchions are installed at each end of the subway car where the ceiling is lower.

## Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)

In order to support DCE's SMS production schedule, NYC Transit required two different suppliers to ensure a timely and sufficient supply of stanchions. Vendors who were able to supply stanchions were invited to submit bids. Only Bentech's and Oriskany's products were approved for NYC Transit's use at the time of solicitation; therefore, any vendor quoting on an alternate would be required to submit samples for NYC Transit's approval.

An informal competitive solicitation was conducted and four quotes were received. Due to the urgency to award contracts to support DCE's production schedule, DCE requested that awards be made only to the approved suppliers.

**Contract #1: Bentech** - Bentech quoted a unit price of \$285. Procurement requested and received a price concession from Bentech at \$272 for a total award amount of \$307,904 (est.) for 1,132 stanchions. This resulted in a total savings of \$14,716 or 4.6% from Bentech's initial quoted price. Bentech was awarded the larger quantity because it had the production capacity and best lead-time. Procurement determined that Bentech's price was fair and reasonable.

Bentech delivered 80 stanchions on March 13, 2018 and the balance of 1,052 stanchions will be delivered on a monthly basis through September 2018 to support DCE's production schedule.

**Contract #2: Oriskany**- Oriskany quoted a unit price of \$345. Procurement requested and received a price concession from Oriskany at \$272 for a total award amount of \$163,200 (est.) for 600 stanchions. This resulted in a total savings of \$43,800 or 21% from Oriskany's initial quoted price. Procurement determined that Oriskany's price was fair and reasonable.

Oriskany delivered 20 stanchions on March 27, 2018 and the balance of 580 stanchions will be delivered on a monthly basis through September 2018 to support DCE's production schedule.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	03/06/2018	Bentech Inc. (Philadelphia, PA)	Stanchion, Double Loop, High Ceiling for R160 cars	6%20256	\$272,000 (Est.)	Informal Competition
	03/06/2018	Bentech Inc. (Philadelphia, PA)	Stanchion, Double Loop, for R62A cars	6%20257	\$262,480 (Est.)	Informal Competition

### Discussion:

Bentech was awarded two EQ contracts for these stanchions, one for the R160 subway car double loop high ceiling stanchions and another for the R62A subway car double loop stanchions.

Multiple vendors were solicited and four quotes were received for both items. At the time of solicitation, only Bentech's and Oriskany's products were approved for NYC Transit's use. These contracts were awarded to the vendor with the best lead-time and production capacity. Due to the award to Oriskany of 600 double loop low ceiling stanchions for the R160 cars under Contract 6%20255, and Oriskany's other commitments, Oriskany was unable to accept additional orders due to limited production capacity.

**Contract #1 Bentech** - This EQ Contract was for the purchase of 1,000 double loop high ceiling stanchions which are being installed on 410 R160 subway cars. These stanchions are installed in the middle of the subway car where the ceiling is higher. A total of 2,356 stanchions are required for all 962 R160 subway cars. A contract for the balance of 1,356 stanchions to be installed on the remaining 552 R160 subway cars will be presented to the Board for ratification at a later date, as NYCT is evaluating a stanchion from an alternate manufacturer.

Bentech quoted a unit price of \$290. Procurement requested and received a price concession from Bentech at \$272 for a total award amount of \$272,000 (est.) for 1,000 stanchions. This resulted in a total savings of \$18,000 or 6.2% from Bentech's initial quoted price. Procurement determined that Bentech's price was fair and reasonable.

Bentech will commence delivery in April 2018 and these 1,000 stanchions will be delivered on a monthly basis through November 2018 to support DCE's production schedule.

## Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)

**Contract #2 Bentech** - This EQ contract was for the purchase of 965 double loop stanchions which are being installed on 240 R62A subway cars.

Bentech quoted a unit price of \$280. Procurement requested and received a price concession from Bentech at \$272 for a total award amount of \$262,480 (est.) for 965 stanchions. This resulted in a total savings of \$7,720 or 2.86% from its initial quoted price. Bentech was awarded this contract based on its production capacity and best lead-time. Procurement determined that Bentech's price was fair and reasonable.

Bentech will commence delivery in May 2018 and these 965 stanchions will be delivered on a monthly basis through November 2018 to support DCE's production schedule.

Procurement continues to source additional stanchion suppliers to be approved for NYC Transit's use.

### 11.

Award Date	Contractor	Description	Contract No.	Modification 3 Amount	Solicitation Method
3/19/18	Exova, Inc. (Glendale Heights, IL)	Metal Testing and Failure Analysis	06%3329	\$650,000	Change Order

This modification extended the expiration date of the contract by seventeen months, from March 19, 2018 to August 19, 2019. This extension was required to ensure uninterrupted service and continuity of process to facilitate the Subway Action Plan and the resultant increase of procurement actions to support the accelerated repair of track issues and an increase in Scheduled Maintenance System ("SMS") frequency for cars.

This contract is for metallurgical testing and analysis of metal products by an accredited laboratory. As a result of the Subway Action Plan, it was decided to extend this contract to avoid onboarding and transitioning to a new laboratory over a timeframe when an increased amount of testing was required. At the current rate of use the number of inspections required in 2018 is projected to be triple that of 2017; extension of this contract will support timely testing of materials to ensure that they conform to all specifications. In addition, this extension will allow the time required to solicit and award a renewal Request for Proposals.

Contract 06%3329 was a competitively negotiated procurement in which two proposals were received. The Division of Materiel Inspections and Testing Unit utilizes this contract to perform inspections and failure analyses of various highly-engineered items such as subway car wheels, rail, and other track materials. This testing is necessary to ensure that these safety-sensitive products conform to NYC Transit's specifications. This contract is also utilized to perform testing of various sample sizes to ensure all material purchased or installed consistently conforms to specification. Past examples of utilization of this contract include: testing alternate product subway car wheels to ensure conformance to compositional and performance specifications prior to being placed on the Qualified Products List, and the testing of rail and other track materials. The \$650,000 allocated to this modification reflects the projected expenditures over the extension term.

The pricing for this extension remains the same as the original contract. A review of the PPI for Engineering Services shows an increase of 11.1% since the contract was awarded. Therefore, the pricing offered for this modification compares favorably to the PPI and the results of a market survey. As a result, the pricing has been found to be fair and reasonable.

**APRIL 2018**  
**MTA REAL ESTATE**  
**LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL**

**METROPOLITAN TRANSPORTATION AUTHORITY**

Lease with Pret A Manger for a quick service restaurant in ground floor retail space at 2 Broadway, New York, NY

**MTA LONG ISLAND RAIL ROAD**

Lease agreement with Ashcat LLC for a Café/Restaurant at LIRR's Speonk Station

License agreement with United States Golf Association at Shinnecock

**MTA METRO NORTH RAILROAD**

Harrison Transit-Oriented Development

Acquisition of property from the Roman Catholic Church of St. Joseph in Somers for construction and operation of a commuter parking facility for Metro-North's Croton Falls Station in North Salem, NY

Lease with The Bakehouse of Tarrytown LLC for a bakery and café/restaurant at the Tarrytown Station building in Tarrytown, NY


Grand Central Terminal event fee schedule modification

Entry Permit Agreement between with Bove Industries, Inc., for a temporary construction staging area at Williams Bridge in the Bronx, NY

License with Spices and Tease - GCT

# Staff Summary



Subject <b>LEASE AGREEMENT AT 2 BROADWAY</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JOHN N. LIEBER</b>
Department Head Signature 
Project Manager Name <b>ALICIA BIGGS</b>

Date <b>APRIL 23, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	4/23/18	X		
2	Board	4/25/18	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Development Officer		
3	Chief Financial Officer		
4	Chief of Staff		

**AGENCY:** Metropolitan Transportation Authority ("MTA"), as agent for MTA Long Island Rail Road, MTA Metro-North Railroad, New York City Transit Authority, and Tri-borough Bridge and Tunnel Authority (collectively, the "MTA Parties")

**LESSEE:** Pret 2 Broadway Inc. ("Pret"), affiliate of Pret A Manger

**LOCATION:** Ground floor retail space at 2 Broadway, New York, NY

**ACTIVITY:** Lease for a quick service restaurant and café

**ACTION REQUESTED:** Approval of terms

**TERM:** 10 years (plus 5 months for lessee initial build-out) with one, 5 year renewal option

**SPACE:** 1,480 square feet

**COMPENSATION:** \$240,000 for year 1 with 3% annual increases thereafter during the initial term. Rent for the first year of the option term will be set to an amount not less than fair market value with 3% annual increases thereafter.

## COMMENTS:

In an effort to locate a long term tenant for the ground floor retail space formerly occupied by Nine West at 2 Broadway, MTA Real Estate issued three Requests for Proposals ("RFP") over an 18 month period, the most recent being in September 2017. In response to the RFP, a single proposal was received from Pret, which offered \$240,000 for the initial year with 3% annual increases over the lease term. Over the initial term, the present value of such proposed rent, using a 7% discount rate, is \$1,900,926.36. Pret's proposal is consistent with the fair market value for this space as determined by an independent appraisal.

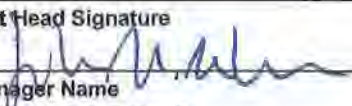
Pret, which operates more than 450 retail locations worldwide with combined sales of over \$200 million (2016), offers high quality, handmade food and drinks within a fresh and contemporary retail design.

Pret proposes to invest \$1 million to renovate the space and has agreed to perform certain landlord demolition and ADA compliance work. MTA, through its 3<sup>rd</sup> party managing agent, secured an estimate to perform the demolition and ADA compliance work. The estimate is \$110,000.00 and Pret will receive a credit in that amount toward its first year's rent in exchange for performing this work.

Based on the foregoing, MTA Real Estate requests authorization for MTA, as agent for the MTA Parties, to enter into a lease agreement with Pret 2 Broadway Inc. on the above-described terms and conditions.



# Staff Summary

<b>Subject</b> <b>LEASE AGREEMENT FOR SPEONK STATION</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JOHN N. LIEBER</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>ROBERT GOLDBERG</b>

<b>Date</b> <b>APRIL 23, 2018</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	4/23/18	X		
2	Board	4/25/18	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Development Officer		
3	Chief Financial Officer		
4	Chief of Staff		

**AGENCY:** MTA Long Island Rail Road ("LIRR")  
**LESSEE:** Ashcat LLC  
**LOCATION:** Speonk Station, Speonk, New York  
**ACTIVITY:** Lease for a café/restaurant use  
**ACTION REQUESTED:** Approval of Terms  
**TERM:** 10 years, with one 5 year option  
**SPACE:** Approximately 600 SF  
**COMPENSATION:** \$8,400 first year, with 3% annual increases

## COMMENTS:

The following proposals were received for the LIRR's Speonk Station retail location pursuant to an RFP issued in 2017:

Proposer Name	Years 1-10	Net Present Value
William Pendergast	\$69,873.93	\$66,528.71
Gregory Pisciotta	\$50,202.22	\$47,798.03

The Lessee will be responsible for renovating the retail cafe space, operating and maintaining the location, as well as providing liability and insurance coverage, at its sole cost and expense. Renovations will include new custom made kitchen equipment, interior counters, and fixtures at an estimated cost of \$134,000. The principal, Mr. Pendergast, will be executing a personal guaranty for performance under the lease.

Based on the foregoing, MTA Real Estate requests authorization for LIRR to enter into a Lease Agreement with Aschcat, LLC based on the above-referenced terms and conditions.




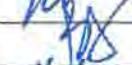
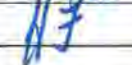

# Staff Summary



<b>Subject</b> <b>LICENSE AGREEMENT WITH USGA</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JOHN N. LIEBER</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>ALLEN LOGALBO</b>

<b>Date</b> <b>APRIL 23, 2018</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	4/23/18	X		
2	Board	4/26/18	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Development Officer		
3	Chief Financial Officer		
4	Chief of Staff		

**AGENCY:** MTA Long Island Rail Road ('LIRR')  
**LICENSEE:** The United States Golf Association ("USGA")  
**LOCATION:** Shinnecock Hills Golf Club, Southampton, New York  
**ACTIVITY:** Revocable license to permit construction and use of a temporary station platform and two (2) temporary pedestrian bridges  
**ACTION REQUESTED:** Approval of Terms  
**TERM:** May 1, 2018 through August 31, 2018  
**COMPENSATION:** Waived

## COMMENTS:

The United States Golf Association, in conjunction with the US Golf Open Championship to be played at Shinnecock Hills, has requested a license to construct a temporary passenger station along the LIRR's Montauk Branch right of way between the Hampton Bays and Southampton train stations as well as a temporary pedestrian bridge over the right of way leading from the temporary station and the foundations and structural supports for a second pedestrian bridge over Sunrise Highway (County Road 39) to the golf course. A similar license for a temporary station and pedestrian bridge, with the fee waived, was granted in 2004. The license will be revocable on 60 days' notice.

The temporary station and pedestrian bridge construction, operation and removal will be done in accordance with the review and written approval of the LIRR's Chief Engineer and its authorized agents. All costs and expenses associated with the construction, operation, existence, use, maintenance, repair or removal of the temporary pedestrian bridge and temporary station platform, will be at the sole cost and expense of the USGA. LIRR will provide, at the USGA's expense, inspectors, field engineers, watchmen, flag protection, train crews, and other employees, for the safety and protection of its operations, property, employees, patrons, commuters, and the general public.

USGA will maintain liability coverage and insurance, including coverage for the USGA, its contractors and sub-contractors, at its sole cost and expense. USGA will indemnify LIRR from third party claims related to the license being granted and activities contemplated thereunder.

# Staff Summary

## FINANCE COMMITTEE MEETING LICENSE AGREEMENT WITH USGA

The USGA event will attract world-wide attention with an estimated 60,000 attendees and visitors to the area. LIRR will generate additional ridership and revenue, promotion and advertising, and provide a valued amenity to its customers. The pedestrian bridges will reduce the anticipated large number of street level track and highway crossings by tournament attendees.

Based on the foregoing, MTA Real Estate requests authorization for LIRR to enter into a License Agreement with the USGA based on the above-referenced terms and conditions.






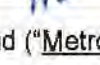
# Staff Summary

Page 1 of 3

<b>Subject</b> <b>HARRISON TRANSIT-ORIENTED DEVELOPMENT</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JOHN N. LIEBER</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>NICK ROBERTS / GREG SYLVESTER</b>

<b>Date</b> <b>APRIL 23, 2018</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Metro-North Committee	4/23/18		X	
2	Finance Committee	4/23/18	X		
3	Board	4/25/18	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Development Officer		
3	Chief Financial Officer		
4	Chief of Staff		

**AGENCIES:** Metropolitan Transportation Authority ("MTA") and MTA Metro-North Railroad ("Metro-North" or "MNR").

**DEVELOPER PURCHASER:** A subsidiary of AvalonBay Communities Inc., a Maryland corporation (the "Developer").

**LOCATION:** Approximately 3.76-acres immediately south of Metro-North's Harrison Station (the "Station") on the New Haven Line, designated as Section 18, Block 182, Lots 12 and 15 on the Town/Village of Harrison's assessment map (the "Site"), currently used for a commuter surface parking lot (total of 257 spaces).

**ACTIVITY:** Phased sale of the Site, excluding that portion of the Site on which a new parking garage with 592 parking spaces of which 475 are dedicated commuter spaces (the "Parking Structure") will be constructed (the "Retained Parcel") and granting of permanent easement for the use of 117 spaces in designated areas of the Parking Structure (the "Parking Easement") to the Developer.

**ACTION REQUESTED:** (1) Adoption of the attached State Environmental Quality Review Act ("SEQRA") Findings Statement as an Involved Agency.

(2) Approval of terms for the phased disposition of portions of the Site, excluding the Retained Parcel, the granting of the Parking Easement and the development of the Site as a mixed-use transit-oriented development pursuant to a land disposition and development agreement ("LDDA") and other transaction documents, and to convey the Site to the Developer to permit construction of a mixed-use transit oriented development ("TOD") and construction of the Parking Structure (collectively, the "Project") on the Site.

**PROPERTY TO BE CONVEYED BY MTA TO DEVELOPER:** (1) At the initial closing, the eastern portion of the Site, commonly referred to as the East Parcel (excluding the Retained Parcel), to be shown as Lot 2 on the Final Subdivision Plat prepared for AvalonBay Communities, Inc., prepared by Welsh Engineering (the "Subdivision Map").

(2) Upon substantial completion of the Parking Structure, the western portion of the Site, commonly referred to as the West Parcel, to be shown as Lot 1 on the Subdivision Map, and the Parking Easement.

PROPERTY TO BE RETAINED BY MTA:	That portion of the Site on which the Parking Structure will be constructed, which will be shown as Lot 3 on the Subdivision Map, plus easements for access and egress, utilities and other related appurtenances across the remainder of the Site.
COMPENSATION:	In exchange for the conveyance to the Developer of fee title ownership to the Site and a permanent easement for designated areas in the to-be built Parking Structure for 117 spaces, the Developer will, at no cost to MTA or Metro-North, construct the Parking Structure, including all ramps, driveways, sidewalks, vertical transportation and other means of vehicular and pedestrian access between the Parking Structure, adjoining street and the Station on a portion of the Site that has been subdivided into a separate parcel and will be retained by MTA. The Parking Structure will have 592 spaces of which 475 parking spaces will be permanently designated as commuter parking spaces. The Parking Structure will be owned by MTA and operated and maintained by Metro-North.

**COMMENTS:**

On September 24, 2014, the Board approved the attached Staff Summary authorizing MTA Real Estate to enter into a joint development agreement (“JDA”) with AvalonBay Communities Inc. and the Town, which MTA did on March 12, 2015. The JDA outlined the terms and conditions by which the Developer would:

- seek the requisite Town zoning and site plan approvals;
- fund the studies and environmental impact statements needed for such approvals;
- reach agreement on the definitive terms of a land disposition and development agreement between MTA/Metro-North and the Developer pursuant to which MTA would convey to the Developer in 2 stages, first the East Parcel and then the West Parcel after completion of the Parking Structure; and Developer would construct in 2 phases the Project with the Parking Structure to be constructed and completed as part of the first phase and as a condition to the conveyance of the West Parcel;
- establish the process by which the Town, acting as the lead agency, and Metro-North would review the proposed project pursuant to SEQRA;
- reach agreement on the definitive terms of a condominium or other structure regarding the ownership, use, operation and maintenance of the Parking Structure upon completion by Metro-North and the Developer;
- reach agreement with the Town on the definitive terms of (i) an agreement providing for a temporary license to use Town property near the Station for off-site commuter parking during construction of the Parking Structure (the “Interim Parking Agreement”) and (ii) an agreement pursuant to which the Town commits to permanently preserve at least 338 commuter parking spaces on Town property located on the north side of the Station (the “Northside Parking Agreement”).

In accordance with such September 24, 2014 MTA Board approval and the JDA, this is to seek authorization for (i) the adoption of the attached SEQRA Findings Statement, (ii) sale of the Site (less the Retained Parcel) to the Developer, and (iii) execution of related agreements to permit the construction of the Project by the Developer, including the Interim Parking Agreement and the Northside Parking Agreement with the Town.

The Project, which has undergone SEQRA review by the Town, and received all Town land use approvals, including rezoning, subdivision and site plan approvals, consists of the following components:

- 136 market-rate rental apartment homes and 7 Affordable Affirmatively Furthering Fair Housing units;
- approximately 27,000 square feet of retail, restaurant and/or other neighborhood commercial space;
- at no cost to Metro-North, a Parking Structure with 475 spaces permanently set aside for Metro-North commuters, and 117 parking spaces serving Project residents and the commercial space; and
- a surface lot and below grade parking garage containing an aggregate total of 180 parking spaces serving the Project residents and the commercial space on the West Parcel.

# Staff Summary

## FINANCE COMMITTEE MEETING

### Metro-North Railroad Harrison Station TOD (Cont'd.)

Page 3 of 3

Statement ("MTA/MNR Findings"). The MTA/MNR Findings have been prepared in accordance with SEQRA and conclude that the Project will have no adverse environmental impacts and that the conveyance of the property interests in the Site and the execution of related agreements are Unlisted Actions that do not require additional review under SEQRA. Harrison's Findings are attached to the MTA/MNR Findings. MTA and MNR staff recommend that the Board adopt the MTA/MNR Findings.

Pursuant to the negotiated terms of the LDDA, the Site is being subdivided at Developer's expense into three (3) lots - Lot 1, being the East Parcel of the Site referred to in the JDA excluding the Retained Parcel on which the Parking Structure is to be built which is subdivided Lot 3, and Lot 2 being the West Parcel of the Site referred to in the JDA. The LDDA will provide, among other things, for the conveyance of Lot 1 at the initial closing, which will occur after the adoption of the SEQRA findings; and MTA approval of the transaction pursuant to the authorizations sought in this Staff Summary, and following satisfaction of certain initial closing conditions, including the Town's execution of the Interim Parking Agreement and the Northside Parking Agreement. At the initial closing, MTA will enter into a Declaration of Project Easements reserving for the benefit of the Retained Parcel and the Station and railroad line operations necessary easements in, over and across Lots 1 and Lot 2.

The LDDA will also provide that Developer will substantially complete the Parking Structure at its sole cost and expense, within 30 months (subject to force majeure) after the initial closing, and that upon such substantial completion by the Developer, the parties will enter into a Parking Easement, Operation and Maintenance Agreement in the form to be attached to the LDDA (the "Parking Agreement"). AvalonBay Communities Inc., the Developer's parent, which is a public real estate investment trust, will provide a guaranty of completion of Developer's obligations to construct and complete the Parking Structure. The cost of constructing the Parking Structure is estimated to be \$26,689 per space or \$12,577,275 for 475 spaces, which equals the consideration paid by Developer for Lots 1 and Lot 2 and for the Parking Easement. This consideration exceeds the fair market value of the property interests in the Site being conveyed to the Developer, as reflected in the independent appraisal of the Site that was obtained by MTA Real Estate.

Rather than establishing a condominium regime of ownership in the Parking Structure upon its completion as potentially envisioned in the JDA, the parties agreed that MTA/Metro-North will continue to own the Parking Structure and the land comprising the Retained Parcel/Lot 3. The Parking Agreement will provide that (i) t Developer, and any successor owner of Lot 1, will be granted a permanent easement in the Parking Structure for the exclusive use of 117 spaces in designated areas, and an exclusive license to use up to 40 additional spaces as overflow spaces in the commuter parking areas in locations to be designated by Metro-North or its parking operator other than during the hours of 7:00 am and 4:00 pm on non-holiday weekdays, (ii) Metro-North will operate, maintain, repair and replace the Parking Structure and (iii) Developer will generally be responsible for contributing 25% of all operating and capital costs of the Parking Structure and MTA/Metro-North will be responsible for 75%. This allocation of financial responsibility for the ongoing costs and expenses of the Parking Structure was based upon the relative number of spaces Developer will have the exclusive right to use and it factors in the use of the overflow spaces during the off-hours and on holidays and weekends. Notwithstanding the foregoing, during the first 10 years the Developer has agreed to a bear a disproportionate share of certain capital expenses relating to structural elements of the Parking Structure.

The construction of the Parking Structure and related facilities including the transit oriented development by the Developer will mean i) cost avoidance to MNR to rebuild, resurface and or restripe the existing surface parking lots; and ii) the gain of 218 new parking spaces in the Parking Structure for MNR commuters. The Project has the potential for increased ridership and will create improved amenities for the commuters and the public.

Based on the foregoing, MTA Real Estate requests: first, that the MTA Board adopt the MTA/MNR Findings; and, second, authorize the MTA and/or Metro-North, as applicable, (i) to enter into the LDDA and other transaction documents, including the Interim Parking Agreement, the Northside Parking Agreement, the Declaration of Project Easements and, upon substantial completion of the Parking Structure, the Parking Agreement, (ii) to convey to the Developer the Site (excluding the Retained Property) in 2 stages consistent with the phased development of the eastern and western portions of the Project and (iii) to enter into such other agreements and take such other action as necessary to consummate this transaction with the Developer and the Town on the terms and conditions set forth above.

## **FINDINGS STATEMENT ADOPTING AND INCORPORATING THE SEQRA FINDINGS FOR THE AVALONBAY COMMUNITIES INC. - HARRISON STATION TRANSIT ORIENTED DEVELOPMENT**

This Findings Statement has been prepared in accordance with Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act (“SEQRA”), and its implementing regulations codified at 6 NYCRR Part 617.

Nature of Action: Conveyance of property interests and execution of related agreements for the AvalonBay Communities, Inc.-Harrison Station Transit Oriented Development and adoption of *AvalonBay Communities, Inc. – Harrison Station Transit Oriented Development Findings Statement*.

### **INTRODUCTION**

The action covered by these Findings is the sale by the Metropolitan Transportation Authority (MTA) of an approximately three (3) acre parcel of property owned by the MTA and operated by Metro-North Commuter Railroad Company (MNR) as a surface commuter parking lot (“Subject Property”) to AvalonBay Communities, Inc. (“Avalon”) and execution of related agreements for purposes of the AvalonBay Communities, Inc. - Harrison Station Transit Oriented Development (the “TOD”). The Subject Property is located in the center of downtown Town/Village of Harrison in Westchester County, New York, adjacent to the Harrison Train Station.

The Town/Village of Harrison and AvalonBay Communities, Inc. as Lead Agency and Applicant, respectively, for SEQRA review of the TOD have fully reviewed, pursuant to SEQRA, all potential economic, social and environmental impacts of the TOD, and the Town/Village of Harrison Planning Board has issued the attached *AvalonBay Communities, Inc. – Harrison Station Transit Oriented Development Findings Statement* (TOD Findings). Issuance of the TOD Findings followed Scoping, issuance of a Draft Environmental Impact Statement (DEIS), and finalization of a Final Environmental Impact Statement (FEIS). A full description of the SEQRA and planning process is found on pages 5 and 6 of the TOD Findings.

MTA/MNR have reviewed the DEIS, FEIS and TOD Findings. The required MTA/MNR approvals are found on pages 6 and 7 of the TOD Findings. The impacts of the TOD upon MNR operations has been fully considered. MTA/MNR find that the SEQRA process for the TOD was undertaken properly and appropriately, and considered all potential impacts, including those of particular importance to MTA/MNR. Accordingly, MTA/MNR are adopting the TOD Findings and incorporating them into its Finding that the TOD will have no significant adverse environmental impacts, and that the conveyance of the property interests in the Site and the execution of related agreements are Unlisted Actions that do not require additional review under SEQRA.

## **PROJECT DESCRIPTION**

The proposed TOD is a mixed-use development containing 143 multi-family residential units divided between three multi-story buildings. One hundred thirty-six (136) market-rate rental apartment units and seven (7) affordable apartment units that comply with HUD's Affirmatively Furthering Fair Housing rules and that meet Westchester County affordable housing requirements are proposed. The TOD also includes approximately 27,000 square feet of commercial (retail and/or restaurant) space. Finally the TOD contains a total of 751 parking spaces of which 475 will be for MNR customer parking located within a new 592 space parking structure. There will be pedestrian access from the commuter parking to the MNR Harrison Station. The following lists several of the benefits of the TOD to MTA/MNR:

- 475 commuter parking spaces in a new parking structure constructed by Avalon at Avalon's cost and expense with the parking structure to be owned by MTA/MNR
- An increase of 218 commuter parking spaces compared with the existing 257-space surface parking lot
- Improved pedestrian and commuter access to Harrison Station
- Pedestrian/commuter access to public plazas constructed and maintained by Avalon
- Increased ridership
- Increased parking revenue
- Improved amenities to MNR commuters

## **DESCRIPTION OF FINDINGS**

The SEQRA process examined the following areas in evaluating potential impacts from the TOD:

- Land Use, Zoning and Public Policy
- Visual Resources and Community Character
- Natural Resources
- Wetlands, Waterbodies and Floodplains
- Geology, Soils, Topography and Steep Slopes
- Cultural, Archeological and Historic Resources
- Fiscal Impacts
- Community Resources
- Traffic and Transportation
- Stormwater Management
- Utilities
- Noise
- Air
- Hazardous Material
- Construction Impacts
- Greenhouse Gases Emissions, Energy Conservation, Green Building and Sustainability

The TOD Findings noted that no significant adverse impacts would result from the TOD in any of the evaluated areas, and that short-term construction impacts could be adequately mitigated.



The TOD Findings further noted that MTA/MNR had the following concerns as the TOD construction advanced that would be addressed during the MTA/MNR continuing review of the TOD:

- Construction Methods, such as steel erection, crane placement during lifts and utility relocation and protection
- Stormwater /Drainage
- Design of the Parking Garage
- Entry Permit for Work Proximate to the Tracks

#### **CERTIFICATION OF FINDINGS**

Having considered the DEIS, FEIS and TOD Findings relied upon to meet the requirements of 6 NYCRR Part 617, this Statement of Findings certifies that:

1. MTA/MNR find that the SEQRA Review conducted for the TOD took the appropriate hard look at all potential environmental impacts and all reasonable efforts have been taken to avoid or minimize adverse environmental effects to the maximum extent practicable; and
2. That it is appropriate for MTA/MNR to adopt the TOD Findings as its Findings for purpose of the actions it will take in furtherance of the TOD, including the conveyance of property owned by the MTA in furtherance of the TOD.

Metropolitan Transportation Authority

Metro-North Commuter Railroad Company

\_\_\_\_\_  
Signature of Responsible Official

\_\_\_\_\_  
Signature of Responsible Official

***State Environmental Quality Review Act (SEQRA)  
Findings Statement***

***AvalonBay Communities, Inc. – Harrison Station  
Transit Oriented Development***

Town/Village of Harrison, Westchester County, New York

**SEQRA Lead Agency:**

Town/Village of Harrison Planning Board  
1 Heineman Place  
Harrison, New York 10528

**Date:**

October 17, 2017

## Table of Contents

	<b>Page</b>
1.0 Project Description .....	3
2.0 SEQRA Review Procedure .....	4
3.0 Required Permits & Approvals .....	6
4.0 Findings Concerning Environmental Impacts .....	7
4.1 Land Use, Zoning & Public Policy .....	7
4.2 Visual Resources & Community Character .....	9
4.3 Natural Resources .....	10
4.4 Wetlands, Waterbodies, Watercourses & Floodplains..	11
4.5 Geology, Soils, Topography & Steep Slopes .....	12
4.6 Cultural, Archaeological & Historic Resources .....	13
4.7 Fiscal Impacts .....	14
4.8 Community Resources .....	15
4.9 Traffic & Transportation .....	18
4.10 Stormwater Management .....	23
4.11 Utilities .....	25
4.12 Noise .....	27
4.13 Air Quality .....	29
4.14 Hazardous Materials .....	31
4.15 Construction Impacts .....	33
4.16 Greenhouse Gas Emissions, Energy Conservation, Green Building & Sustainability .....	38
5.0 Certification .....	41

## **1.0 PROJECT DESCRIPTION**

AvalonBay Communities, Inc. (hereinafter referred to as the "Applicant"), proposes to redevelop an approximately 3.79 acre parcel of land in the center of downtown Harrison, owned by the Metropolitan Transportation Authority (hereinafter referred to as "MTA"), and operated by MTA's subsidiary Metro-North Commuter Railroad Company ("Metro-North" or "MNR") to create a mixed-use, transit oriented development. The project site fronts on Halstead Avenue, east of Harrison Avenue, adjacent to the Metro-North railroad tracks and Harrison Station and is more specifically known and designated on the tax assessment map of the Town/Village of Harrison as Section 18, Block 182, Lots 12 and 15 (hereinafter referred to as the "Subject Site" or the "Site").

### **Proposed Project**

The redevelopment of the Site as described herein, reflects many years of cooperative planning between the Town/Village of Harrison and the MTA/MNR, resulting in the issuance by MTA in June, 2011, of an RFP for the redevelopment of the Site as a transit oriented, mixed-use development with a new MNR Commuter Parking Garage (as defined below). After a methodical review process, in November, 2012, the Applicant was selected as the preferred redeveloper. In March, 2015, the Applicant, MTA, MNR, and the Town/Village entered into a Joint Development Agreement (the "JDA") pursuant to which the parties agreed to perform certain preliminary planning and other activities necessary to advance the Project (as defined below). The JDA provides that MTA, MNR and the Applicant will upon conclusion of the review of the Project under SEQRA and grant by the Town/Village of the necessary approvals, enter into a Land Disposition and Development Agreement for the sale of the Site to the Applicant, except the parcel on which the Commuter Parking Garage will be located, which will be retained by MTA (the "MTA Lot").

The proposed mixed-use development (hereinafter referred to as the "Project") would contain 143 multi-family residential units divided between three multi-story buildings. One hundred thirty-six (136) market-rate rental apartment units and seven (7) affordable apartment units that comply with HUD's Affirmatively Furthering Fair Housing "AFFH" rules, and that meet Westchester County affordable housing requirements, are proposed. There are expected to be 76 one-bedroom units, 59 two-bedroom units and 8 three-bedroom units. The affordable units will be dispersed throughout the Project with a unit mix similar to the unit mix of the market-rate apartments.

The redevelopment of the Site also includes approximately 27,000 square feet of commercial (retail and/or restaurant) space, currently anticipated to be three separate spaces of 8,000, 7,000, and 12,000 square feet. The commercial spaces will be designed to accommodate future modifications to meet tenant needs.

The Project contains a total of 751 parking spaces of which 475 will be for MNR customer parking located within a new parking structure (the "Commuter Parking

Garage”) in Building C on the MTA Lot, 186 will be for residents of the Project, and 90 will be for the commercial uses of the Project. A total of 592 parking spaces (475 MNR customer spaces, 72 spaces for residents and 45 spaces for the Project commercial uses) will be in the Commuter Parking Garage, and the remainder in a parking garage in, and surface lot behind, Building A. Parking spaces for the commercial uses are expected to be metered.

There will be pedestrian access from the Commuter Parking Garage to the MNR Harrison Station (the “Station”). Vehicular access to the Project’s parking areas will be provided via three driveways off Halstead Avenue. Pedestrian access to retail/restaurant establishments will be provided from Halstead Avenue as well. Taxi stands will be located in the parking lane on Halstead Avenue and at the entrance to each of the two publicly accessible plazas that will connect the MNR Station platform with Halstead Avenue, and will be maintained by the Applicant, at its expense.

The Project design is intended to complement and enhance the Halstead Avenue streetscape. The scale of the Project is mitigated by dividing the mass of the proposed buildings into visually and materially distinct parts. Materials have been selected that relate to the scale, color and textures of relevant existing buildings and compliment the established general character of the downtown. Parking is located behind and below the buildings to visually screen it from the street, while maintaining easy access to the Project retail/restaurant spaces as well as nearby retail uses and the Station.

The publicly accessible plazas will contain pedestrian amenities, such as benches, planters, trees, decorative pavement and bicycle racks, and will be accessible at all hours on all days, subject to reasonable use and operational rules and regulations. The plazas will provide pedestrian connections to Halstead Avenue so that train passengers will not need to walk through a parking lot to get to the street. Residents of the Project will use the plazas to access the Station, Halstead Avenue, and the residential lobbies. The plazas will also be designed to provide a safe and inviting waiting area for train passengers and respite for local workers and visitors shopping at the adjacent retail uses.

The Project includes the following related actions: adoption by the Town/Village of a new Transit Oriented Development zoning district (“TOD District”); rezoning of the Site from PB (Professional Business) District to the new TOD District; and TOD special exception permit approval (assuming the new TOD District is established), site plan approval, Architectural Review Board approval, subdivision of the Site to create a separate lot on which the Commuter Parking Garage would be located, and approval of the Interim Parking Agreement and Northside Parking Agreement (as defined in the JDA), both with MTA/MNR, and an agreement with the Applicant regarding the revenues from the retail/restaurant spaces of the Project (the “Retail Parking Agreement”). The Project also includes Town/Village Board approval for abandonment of a portion of the Halstead Avenue right-of-way, and approval of conveyance of such portion to the Applicant (collectively with the Project, the “Proposed Action”).

The DEIS included an analysis of four alternatives in addition to the analysis of the Proposed Action. The alternatives included:

A. No Action

- B. Alternative Plan Under Existing Zoning
- C. Development Under Traditional Zoning Controls (No TOD District)
- D. Alternative Plan Based on Identified Significant Environmental Impacts

During the course of the review of the DEIS the Lead Agency, Town staff and consultants and the public raised concerns regarding the Proposed Action as presented in the DEIS.

## **2.0 SEQRA REVIEW PROCEDURE**

In December, 2015, the Applicant, with MTA's consent, submitted a petition (the "Petition") to the Town/Village for amendments to the Town/Village Zoning Ordinance creating the new Transit Oriented Development District ("TOD District"), and if the amendments are adopted, rezoning of the Site to TOD District. The Petition also requests that the Town/Village Board discontinue as a public street an 11 foot wide portion of Halstead Avenue in front of the Site, and authorize the conveyance of the former road-bed to the Applicant for redevelopment as part of the Project. The Project will require Town/Village Board approval for the following: adoption of TOD District (Zoning Ordinance Amendment), rezoning of Site to TOD District (Zoning Map amendment), TOD Special Exception Use Approval, abandonment of a portion of the Halstead Avenue right-of-way, and approval of conveyance of such portion to the Applicant. Subdivision, Special Exception Use and Site Plan approvals are also required from the Planning Board.

On January 23, 2016, the Planning Board declared its intent to serve as Lead Agency for the SEQRA review of the Proposed Action. The Lead Agency Notice of Intent was circulated to all Involved Agencies in accordance with 6 NYCRR 617.6, and no objections to that designation were received.

On March 22, 2016, the Planning Board confirmed its Lead Agency designation and having reviewed the potential environmental effects of the proposed Project, as identified in the EAF submitted by the Applicant, adopted a Positive Declaration requiring the preparation of a Draft Environmental Impact Statement ("DEIS"), held a formal scoping session on the DEIS (an informal session was also held on February 23, 2016), and adopted a Scoping Document, which identified each relevant issue to be studied in the DEIS.

In October of 2016, the Applicant submitted a draft DEIS, prepared in accordance with the adopted Scoping Document, which was the subject of a completeness review by staff. The completeness review resulted in comments requiring revisions to the DEIS. The Applicant then submitted a revised DEIS, which was reviewed by staff, and determined to have addressed all of the completeness comments, and was found to be in a form suitable for acceptance by the Lead Agency.

On November 29 2016, the Planning Board, after conducting its own independent completeness review, determined that the Draft Environmental Impact Statement adequately addressed the requirements of the Scoping Document and accepted the DEIS as complete, and scheduled a public hearing for January 9, 2017. The DEIS was circulated to all Involved Agencies and publication of notice of its acceptance by the Planning Board was duly published in the Environmental Notice Bulletin ("ENB").

The public hearing on the DEIS was held on January 9, 2017, at which time all those wishing to comment on the Project were afforded an opportunity to be heard. The Planning Board closed the verbal portion of the public hearing on January 9, 2017, and established a 30-day written comment period.

In August of 2017, the Applicant submitted a draft FEIS, which responded to all comments received during the public hearing, as well as all written comments. This document was the subject of a completeness review by staff. The completeness review resulted in comments requiring revisions to the FEIS. The Applicant subsequently revised and resubmitted the FEIS, which was reviewed by staff, and determined to have addressed all of the completeness comments, and was found to be in a form suitable for acceptance by the Lead Agency.

On September 26, 2017, the Planning Board accepted the FEIS as complete, and established a 10-day written comment period. The FEIS was circulated to all Involved Agencies and publication of notice of its acceptance by the Planning Board was duly published in the ENB

### **3.0 REQUIRED PERMITS & APPROVALS**

#### **INVOLVED AGENCIES**

##### **1. Harrison Town/Village Board**

- a. Adoption of TOD District (Zoning Ordinance amendment)
- b. Rezoning of Site to TOD District (Zoning Map amendment)
- c. TOD Special Exception Use Approval
- d. Abandonment of a portion of the Halstead Avenue right-of-way, and approval of conveyance of such portion to the Applicant
- e. Approval of the Interim Parking Agreement, Northside Parking Agreement, and Retail Parking Agreement

##### **2. Harrison Town/Village Planning Board (Lead Agency)**

- a. Recommendation on Zoning Ordinance and Zoning Map amendments
- b. TOD Special Exception Use Approval
- c. Site Plan Approval
- d. Subdivision Approval

##### **3. Harrison Architectural Review Board**

- a. Architectural Approval

##### **4. Harrison Engineering Department**

- a. Land Development Permit

##### **5. MTA/MNR**

- a. Review and approval of the Project, including design and/or construction methods such as:
  - steel erection
  - crane placement during lifts
  - utility relocation and protection



- drainage/stormwater
- b. Review and approval of design of the Commuter Parking Garage
- c. Entry Permit (for work proximate to railroad right-of-way)
- d. MTA Board approval of Project and of the Land Disposition and Development Agreement and related agreements, including the Interim Parking Agreement and Northside Parking Agreement)

**6. Westchester County Health Department**

- a. Sanitary & water approval

**7. Westchester County Department of Public Works**

- a. Street opening permit; GML 239 -f approval

**INTERESTED AGENCIES**

**1. Westchester County Planning Board**

- a. GML-239-m referral

**2. NYS Office of Parks Recreation & Historic Preservation**

- a. Cultural resources review

**3. Harrison Building Department**

- a. Building Permit

**4.0 FINDINGS CONCERNING ENVIRONMENTAL IMPACTS**

The DEIS and FEIS (together, the "EIS") include an environmental evaluation of the following resource issues:

- Land Use, Zoning & Public Policy
- Visual Resources & Community Character
- Natural Resources
- Wetlands, Waterbodies & Floodplains
- Geology, Soils, Topography & Steep Slopes
- Cultural, Archaeological & Historic Resources
- Fiscal Impacts
- Community Resources
- Traffic & Transportation
- Stormwater Management
- Utilities
- Noise
- Air
- Hazardous materials
- Construction Impacts
- Greenhouse Gas Emissions, Energy Conservation, Green Building & Sustainability

**4.1 LAND USE, ZONING & PUBLIC POLICY:**

***Land Use:***

The Site is situated in the heart of Harrison's Central Business District ("CBD"), which is characterized by a range of residential, retail, restaurant, mixed commercial, parking, institutional, industrial and park uses. Mixed-use buildings found within the CBD contain residential apartment units or offices above first floor commercial uses. The mixed-use buildings tend to range between two and four-stories in height. The ground floors primarily support retail, service or restaurant uses.

The Project includes 143 units of multi-family housing and approximately 27,000 square feet of commercial space. The proposed multifamily residential, commercial, parking, and open space uses are consistent with the existing uses found in the CBD. The 2013 Town/Village Comprehensive Plan (the "Comprehensive Plan") mentions that "a key goal expressed during the comprehensive planning process is for the CBD to accommodate a wide mix of business types as well as residential uses." The Project will continue to promote and integrate various uses in order to heighten the activity and vibrancy of the Central Business District.

The Project will activate the northern side of Halstead Avenue, supporting current businesses while also enticing others to locate in the CBD. The Comprehensive Plan notes that "There are several vacant lots along Halstead Avenue – as well as the Metro-North parking lot – which act to break up the urban fabric and disrupt the pedestrian continuity." The development of the Project will fill in these gaps and reinforce the CBD by having commercial and retail uses on both sides of Halstead Avenue.

The Project aims to achieve this goal by replacing the void in the downtown's urban fabric created by the existing large surface parking lots by adding commercial spaces and multi-family residences in the CBD. The Site will contain two courtyards that will be connected to two public plazas. These plazas will have direct access to the Station, establishing fluid pedestrian circulation between Halstead Avenue and the Station.

The Project will be contextually consistent with the zoning districts that are located around the perimeter of the CBD. The residential uses that are located around the perimeter of the CBD include single-family, two-family and multi-family residences. The Project will contain multi-family residences, at a higher density than the single-family and two-family residential neighborhoods that surround the downtown, but similar to a number of existing multi-family buildings that exist in the area. Given the Site's location at the Station and in the CBD, and its proposed residential and commercial uses, the Project will be compatible with the surrounding mixed-use CBD and the residential uses outside of the CBD.

**Zoning:**

the Site is located in the CBD, which encompasses four commercial zoning districts: the PB - Professional Business zoning district ("PB District") (which is the district currently governing the Site), the CBD - Central Business zoning district, the NB - Neighborhood Business zoning district and the GC - General Commercial zoning district. Additionally, the CBD encompasses portions of three residential zoning districts: the B - Two Family zoning district and the R-75 and R-50 - One Family Residence zoning districts.

The Proposed Action includes rezoning the Site to a new zoning district, identified as the TOD District. The purpose of the TOD District is to encourage well-integrated,

mixed-use, moderate density development within walking distance of the Station, County Bee-Line bus stops and other transit resources and facilities.

The proposed TOD District regulations include specific permitted uses and dimensional, area and bulk controls that will promote the goals and objectives of the district. The parking ratios for office, retail, and retail services have been reduced from the parking ratios that currently apply to these uses in other districts. There are provisions for shared parking and reducing the minimum dimensions of parking spaces, and for the shared use of the MNR commuter parking spaces in the Commuter Parking Garage. The zoning requires streetscape improvements, public open spaces, and bicycle amenities. The proposed dimensional requirements allow for higher density and heights than currently allowed in the PB District. The higher density and heights help achieve the mix of uses necessary to achieve the goals of the district, which includes multi-family residential, commercial, and commuter parking. The proposed TOD District zoning will be compatible and comparable to the surrounding zoning within the CBD.

#### **Public Policy**

The EIS reviewed an array of public policy documents, as required in the Scoping Document, to determine the Project's compatibility and consistency with each. As a transit-oriented development within the heart of the CBD, the Project is fundamentally consistent with the objectives of these policy documents.

***FINDING.*** *The Planning Board finds that the Proposed Action is consistent with the goals of the Comprehensive Plan, and is compatible and comparable with the land use in the CBD. The proposed TOD District is designed to reflect the transit-oriented nature of the Site and the Project, and incorporates the dimensional, area, bulk and height regulations necessary to facilitate appropriately scaled mixed-use transit oriented development within the CBD. The Project is fundamentally consistent with the public policy documents governing the use of the Site. No significant adverse land use or zoning impacts will result from the Proposed Action.*

#### **4.2 VISUAL RESOURCES AND COMMUNITY CHARACTER:**

The Site is approximately 3.79 acres in size and currently contains 260 surface MTA/MNR commuter parking spaces within four parking lots on 2.50 acres of impervious asphalt. The Site also contains 1.05 acres of informal open space, known as "Jilly Flowers Park", which is not dedicated park land. In addition, there is 0.24 acres of undeveloped land that acts as a landscaped buffer strip surrounding the parking lots.

The existing visual conditions of the surrounding properties along Halstead Avenue are characterized by mostly one to three-story mixed-use buildings with retail on the ground level and some buildings with residential apartments above. Buildings along Halstead Avenue vary in height and architectural character. These buildings have no setbacks or buffers from the sidewalk and on-street parking is permitted.

The MNR railroad tracks are located immediately north of the Site with additional parking lots and the Town/Village of Harrison Municipal Building immediately north of the railroad tracks.

The Harrison Avenue (New York State Route 127) overpass is immediately west of the Site and one-story commercial uses are located immediately east.

The Project will consist of three, four-story buildings of varying heights up to approximately 75 feet in height. The visual character of the proposed development would be different from the existing conditions. The Project would replace the four existing asphalt parking lots containing 260-spaces and the 1.05 acre open space area with three mixed-use buildings and two landscaped publicly accessible plazas containing an array of amenities. The plazas will provide visual breaks in the Project building wall, create visual appeal and denote entrances to the Station.

While the residential and commercial uses proposed for the Site are different from the current uses, the proposed Project is consistent with the commercial and residential nature of the surrounding area. Impacts, such as those created by shadows cast by the building, would be characteristic of the existing area.

The architectural design of the Project takes cues from existing buildings along Halstead Avenue, and is intended to complement and complete the Halstead Avenue streetscape. The scale of the Project is mitigated by dividing the mass into visually and materially distinct parts. Materials have been selected that relate to the scale, color and textures of existing buildings and complement the established character of the downtown. Brick, stone, horizontal siding, stucco and asphalt shingles provide the visual and tactile richness appropriate for the Project's pedestrian scale, particularly at sidewalk level. Buildings are placed to provide two pedestrian plazas that further divide the long Site into appropriately scaled urban blocks that generally correspond to the existing street pattern opposite the Site. The use of dormers and steep-slope roofs further soften the Project's street profile and visual scale. Parking is pushed behind and below the buildings to visually screen it from the street, while maintaining easy access to the Project retail spaces as well as nearby retail uses. Activating the Site puts 'eyes on the street' and provides passive surveillance that improves a pedestrian's sense of security.

***FINDING.*** *The Planning Board finds that the Project will result in a change to the visual conditions of the Site. However, the existing condition, which is comprised primarily of surface parking lots, is visually inconsistent with a thriving, successful central business district and creates a void in the land use fabric of the downtown. The Project affords the opportunity to fill that void with an appropriately scaled Transit Oriented Development that incorporates and reinforces the architectural character of Harrison's downtown. The Project will enhance the character of the CBD and would not result in any significant adverse visual impacts.*

#### **4.3 NATURAL RESOURCES:**

With the exception of the approximately 1.05 acre Jilly Flowers Park and a modest 0.24 acre wooded buffer, the balance of the Site (2.50 acres) is covered by paved parking lots. Site flora is dominated by common plant species, including ornamental trees and

shrubs, maintained turf grasses and weedy herbaceous plants. The lack of habitat limits the presence of resident wildlife on the Site.

Field investigations and consultation with state and federal databases indicates that no known threatened or endangered species are present on the Site.

The Project will result in the removal of 52 existing trees, a number of which are invasive or in poor condition. The landscaping plan developed for the Project proposes the introduction of street trees and plaza plantings to create a meaningful sequence of landscaping. In addition to new trees (24 street trees and 34 plaza trees) shrub masses and flowering perennials in landscape beds, pots and baskets are also proposed.

***FINDING.*** *The Planning Board finds that the Site is predominantly covered by paved parking lots, and the natural resources on the Site are limited to anthropogenic habitats. No rare, threatened or endangered species of plants or animals are present on the Site. While tree removal is necessary to accommodate the Project, new landscaping results in a net increase in the number of Site trees and also includes more robust and attractive plantings. No significant adverse natural resource impacts are anticipated.*

#### **4.4 WETLANDS, WATERBODIES, WATERCOURSES & FLOODPLAINS:**

The Site currently consists primarily of paved parking lots located in a built environment within the CBD and does not contain any wetlands, wetland buffers, waterbodies, watercourses, or floodplains as defined by the Town/Village, New York State, or the Army Corps of Engineers. None of these natural features are identified on-site in the Comprehensive Plan, on the New York State Environmental Resource Mapper, on FEMA FIRM maps, the U.S. Fish and Wildlife Service National Wetlands Inventory, or on Westchester County GIS. No on-site lands meet the definition of "Freshwater Wetlands" as per Chapter 149 of the Town/Village Code, or "Area of shallow flooding" or "Area of special flood hazard" as per Chapter 146 of the Town/Village Code.

There are wetlands within 1/4 of a mile of the Site located on the eastern end of Halstead Avenue along the Beaver Swamp Brook. Floodplains are also located within a 1/4 mile of the Site in proximity of the Brentwood Brook to the west and in proximity of the Beaver Swamp Brook to the east.

According to the Westchester County Multi-Jurisdictional Hazard Mitigation Plan, there are flood hazard areas associated with two brooks located near the Project Site, Brentwood Brook and Beaver Swamp Brook. The flooding area for Beaver Swamp Brook occurs along Oakland Avenue from the railroad tracks to the City of Rye boundary. The Brentwood Brook often floods in the near-by residential areas.

While both brooks are in close proximity to the Site, the Site does not fall within the associated flood zones. There is no hydrological or physical connection of the Site to the Beaver Swamp Brook.

The Project will result in approximately 90% of the Site being covered with impervious surfaces while the existing Site is approximately 70% impervious.

Stormwater runoff will be managed on-site by a proposed internal storm collection system. The system will convey runoff to a proposed sub-surface stormwater management facility located centrally on the Site, which will be designed to control the peak flows from the proposed development to rates that are equal or less than the predevelopment peak flow rates for all studied storm events. In addition to proposed site drainage infrastructure, it is proposed to upgrade the existing storm system along Halstead Avenue from the Site to its intersection with Oakland Avenue. As such, the Project will not result in adverse stormwater impacts or detrimental changes to the quality or quantity of stormwater runoff discharged from the Site. No increases in peak rates of runoff would occur due to the proposed Project.

***FINDING.*** *The Planning Board finds that there are no wetlands, waterbodies, watercourses, or floodplains on the Site, and the Project will not impact any of these features near the Site. Storm drainage patterns will not be altered and the flood risks of the nearby Beaver Swamp Brook and Brentwood Brook will not be increased. No significant adverse impacts will result from the Proposed Action.*

#### **4.5 GEOLOGY, SOILS, TOPOGRAPHY & STEEP SLOPES**

The Site is comprised entirely of the Urban Land (Uf) soil type. Urban land soils are highly disturbed, and generally include large amounts of fill. Bedrock of the Hartland Formation underlies the Site, between 1 to 10 feet below the surface.

The western portion of the Site generally slopes south-to-north from Halstead Avenue to the railroad tracks. The western edge of the property slopes steeply up to Harrison Avenue to the west as Harrison Avenue goes over the railroad tracks. The eastern portion of the Site generally slopes west-to-east from elevation 73 to elevation 42 with accumulated runoff discharging off-site to Halstead Avenue. The elevations on the western portion of the Site vary between elevation 70 feet and 62 feet. No areas of regulated steep slopes are present on the Site.

Approximately 35,000 cubic yards of soils will be removed from the Site to accommodate the proposed development. It is estimated that a total of 1,950 truckloads of soils (an average of 4-5 truckloads each day), with each truckload carrying approximately 18-22 tons of material, would be required to carry out the construction. All soils will be removed in compliance with applicable federal, State, and local codes.

The Site is underlain by bedrock and multiple areas of exposed bedrock exist within the construction limits. No exposed rock faces are proposed. The majority of rock removal would be for building foundations and utilities. The removal of rock by blasting would be performed in accordance with all applicable federal, State, and local codes (Town/Village Code Chapter 135: Explosives and Blasting) as well as MNR's requirements for blasting near the railroad tracks. During construction, careful attention will be paid to the adjacent railroad tracks and structures, which will be monitored during activities to ensure that there is no impact from blasting operations. The Applicant will contract with a New York State licensed blasting contractor. The selected contractor will prepare a written Blasting Plan in accordance with the New

York Department of Transportation "Geotechnical Engineering Manual: Procedure for Blasting" latest edition, providing a detailed description of the means and methods of the proposed rock removal program and in conformance with MNR's requirements. Typical elements of a blasting plan include the identification of adjacent properties and structures that will be monitored, record keeping and notification procedures, and blasting procedures. It is also anticipated that mechanical methods will be used for smaller areas of rock removal. If the rock is of suitable volume and character, it may be able to be processed on-site and used as crushed stone under the pavement areas.

The presence of groundwater is anticipated to be minimal based upon the boring test results except for specific areas of perched groundwater on the bedrock. If any groundwater is encountered during construction, it would be handled in accordance with *New York Standards and Specifications for Erosion and Sediment Control*. If permanent control is required, a perforated pipe surrounded with broken stone and filter would be installed and directed to the nearest drainage inlet and away from the railroad tracks.

All disturbed soils will be re-used to the extent practicable. Excavated soil found to be unsuitable for reuse will be removed from the Site. Suitable soils that will underlie the driveway, walk, and plaza areas will be brought to the Site as needed.

A detailed Sediment and Erosion Control Plan will mitigate the short-term impacts of construction. The Sediment and Erosion Control Plan will include descriptive specifications concerning land grading, topsoiling, temporary vegetative cover, permanent vegetative cover, vegetative cover selection and mulching, and erosion checks. All of the sediment and erosion controls will be designed in accordance with the *New York Standards and Specifications for Erosion and Sediment Control*.

The construction areas will be surrounded by geotextile sediment filter fence. A construction entrance will be provided along with several temporary topsoil stockpile areas encircled with sediment filter fencing. In addition, erosion control blankets will be installed on critical slopes to protect the newly created slopes until permanent vegetation can be established. Inlet protection will be provided for each catch basin and yard drain inlet to prevent sediment from entering the stormwater system during construction.

Temporary diversion berms and swales will be provided to direct the stormwater runoff to temporary sediment traps and away from the railroad during construction. The swales will include stone check dams to slow potential erosive velocities. The soil and erosion controls will be modified as on-site grades change during Project construction to ensure the protection of the surrounding areas.

***FINDING.*** *The Planning Board finds that, subject to the implementation of the mitigation measures described above, no significant adverse impacts to the Site's geology, soils or topography will result from the Proposed Action.*

#### **4.6 CULTURAL, ARCHEOLOGICAL AND HISTORIC RESOURCES:**

Historically, the Site supported various uses. The earliest recorded land use on the Site is the Harrison railroad depot, as well as a hotel, which were replaced by stores by



1881. A church and coal yard were present in the late ninetieth century, but had been razed by 1919. By 1930, the parking lots had been established, as well as Jilly Flowers Park. In 1926, the station was moved from the south side of the tracks, to its current location on the north side of the tracks.

According to the New York State Office of Parks, Recreation and Historic Preservation ("NY SHPO"), the Site does not contain historic structures nor is it in a historic district, however it is located within an archeological area of sensitivity, based on the presence of previously reported archeological sites within ½ mile of the Site. Recorded sites within ½ mile of the Site include:

- Harrison US Post Office (NR #90NR02440)
- Archeological Survey (Survey #035R5852) – Phase IA Archeological Investigation of the Beaver Swamp Brook Project Area
- Parsons Memorial School (USN #11905.0000034; eligible)
- New 16" Water Transmission Line (16PR00493; project closed)

The Project was reviewed by NY SHPO, and on June 1, 2016, the agency provided a comment letter which stated in part, that "based upon [the agency's] review, it is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places."

***FINDING.*** *The Planning Board finds that the Project will have no impact on any cultural, historic or archaeological resources.*

#### **4.7 FISCAL IMPACTS:**

The Site is currently owned by the Metropolitan Transportation Authority, a tax-exempt public authority, and therefore does not currently generate real property taxes, except the special district assessment for Refuse Disposal, which is paid by the MTA.

Based on the Applicant's estimated assessed value of \$592,556, the total annual property taxes from the Project to all taxing jurisdictions would be approximately \$781,579. Of this total, approximately 43 percent (or \$336,574) of the total property taxes are County and Town/Village taxes, including the Refuse Disposal assessment, and 57% (\$445,005) of the total property taxes would be paid to the Harrison Central School District (the "School District"). Since the Site is currently tax-exempt, the generation of taxes from the Site would be a net positive contribution to the Town/Village tax base.

Applying the per pupil instructional cost of \$21,773 paid by local property taxes to the estimated 4 to 10 new public school students expected to be generated by the Project indicates that the proposed Project would result in an additional cost of between \$87,092 to \$217,730 to the School District. Based on these estimated costs, and estimated tax revenues of \$445,005, the Project would result in a net tax benefit to the School District of between \$227,282 and \$357,920 per year.

The Project will result in the generation of temporary and permanent jobs. Within the anticipated construction period of 18 months (Phase 1) to 33 months (Phase 2), the

Project would generate a substantial amount of construction jobs. Once completed, the commercial component of the Project is expected to generate approximately 68 permanent retail/restaurant jobs. Permanent jobs will also be created on-site for residential component property management, maintenance, concierge services, and other building services.

It is anticipated that the Project will result in greater economic activity in the Town/Village. The proposed 143 multi-family housing units would provide an additional evening and weekend population of new residents with disposable incomes. Some of this income will support existing businesses within the Town/Village and the commercial component of the Project, and may create demand for additional retail and commercial development. Based on the current spending patterns of residents within a half-mile (incorporating the entire CBD) of the Site, the new residents are anticipated to spend a total of \$2,436,720 annually on common disposable income expenditures, including apparel, entertainment, restaurants, recreation, personal care and household items. The disposable income will support the commercial component of the Project, and existing commercial and retail establishments along Harrison Avenue, Halstead Avenue and generally within the CBD.

The Applicant anticipates that the costs of development of the seven (7) affordable units of the Project will be subsidized by a grant from Westchester County, which will in turn require the Applicant to maintain the units as qualified "AFFH" units affordable to households with income at or below sixty percent (60%) of the Westchester County Area Median Income for a period of fifty (50) years. The Applicant may also seek financial assistance from the County of Westchester Industrial Development Agency in the forms of exemptions from sales and use tax, and mortgage recording tax, for all eligible components of the Project except the Commuter Parking Garage.

***FINDING.*** *The Planning Board finds that the Project will have net positive fiscal impact. No adverse fiscal impacts are anticipated.*

#### **4.8 COMMUNITY SERVICES:**

It is projected that the 143 multi-family rental units at the Site would generate approximately 294 new residents to the Town/Village, an overall population increase of 1.1 percent (assuming all of the residents of the proposed Project are new Harrison residents).

##### ***Police Services***

Based upon standard environmental impact planning multipliers, the projected population increase will result in a proportional increase in the demand for police services, including 0.588 new police personnel, 58.8 square feet of facility space and 0.18 vehicles. The Project has been designed to facilitate appropriate access, and private security measures will be incorporated into the Project.

##### ***Fire Services***

The Site is serviced by the Harrison Fire Department (the "Fire Department"), which is located at 206 Harrison Avenue, approximately 600 feet from the Site. The projected population increase resulting from the Project will result in a proportional increase in the demand for fire services, including 0.49 fire personnel, 73.5 square feet of facility

space and 0.06 additional vehicles.

According to the Fire Department, potential impacts due to the Project include increases in fire alarm calls, elevator related calls, training and equipment needs, and demand from neighboring fire departments for mutual aid.

The proposed residential buildings will contain fire suppression sprinklers and will adhere to all local and State building and fire prevention codes. Standpipes will be installed in the stair towers, as per code. The garages and retail portion of the buildings will be non-combustible, Type 1A construction. Residential floors will be wood framed, Type 5A construction with NFPA 13 sprinkler protection.

Water supply, including extra demand from fire flow, is anticipated to be adequate. The Applicant will work with the Fire Department on the location of fire hydrants throughout the Site.

The Project includes two taxi stand/loading zone areas on Halstead Avenue. The Fire Department stated that they will be able to utilize these areas in lieu of designated fire lanes.

The garage located in Building A contains one vehicular entrance and has open access on the ground floor and gated access to the basement residential parking level. The parking gates will be breakaway and detachable and are designed to be driven through in an emergency situation. The gates will also automatically rise during a power outage or fire alarm situation. The Fire Department will be able to access the Commuter Parking Garage elevator tower through the Building A surface parking lot. The Fire Department has reviewed the proposed access and confirmed that the access is adequate for their needs, including for their ladder truck. The Commuter Parking Garage in Building C contains two entrances and is mostly open access with a portion of the lowest level gated. The residences will be accessed via lobbies located off the plazas as well as lobbies in the garages. As agreed upon with the Fire Department, Knox Boxes will be provided at each building entry lobby to provide access for the Fire Department. Each building will also have one elevator sized for a 24" x 84" stretcher. The rear of Building A and the middle of Building B will be accessible from the plazas. The roofs are proposed to be sloped. The Fire Department stated that they do not need access to sloped roofs. If flat roofs become part of the design, roof access will be provided via a hallway hatch.

### ***Emergency Services***

Harrison Emergency Medical Services ("EMS") provides emergency medical services to the Site and throughout the Town/Village. EMS estimates a response time from their headquarters to the Site of 4 minutes, and 8 to 10 minutes if responding from a hospital. The nearest hospitals to the Site are White Plains Hospital, which is approximately six miles from the Site, and Greenwich Hospital, which is approximately eight miles from the Site.

The projected population increase resulting from the Project will result in a proportional increase in the demand for emergency services, including an increase of approximately 10.73 calls per year, a demand for 0.04 additional full time EMS personnel and 0.01 vehicles.

To address EMS concerns, each building and garage will have one elevator sized to accommodate a 24" x 84" stretcher and will include Public Access Defibrillators.

### ***Solid Waste***

At full build out and occupancy, the new residents of the Project would generate approximately 4.4 pounds (lbs) per person per day of solid waste. Given a projected Project population of 294 persons, the residents would produce approximately 472,164 lbs per year or 236 tons per year.

Ground level trash and recycling collection areas with dumpsters will be located in each building. Maintenance staff will place the dumpsters by the curb or within a designated area in the parking garages for pickup and disposal by the municipal trash collection or a contracted trash collection company. Maintenance staff will return the dumpsters to the trash collection areas after pick-up.

### ***Recreation and Open Space***

The majority of the Site is currently devoted to surface parking lots with an open space area – Jilly Flowers Park - located approximately in the middle of the Site which is approximately one acre in size and contains passive recreational amenities including mown grass, benches and walking paths. The area is owned by the MTA and open to the public, however, it is isolated and bounded by the railroad tracks, Halstead Avenue and parking lots. The open space area is not a dedicated Town/Village park and is not a significant source of open space or recreation for the Town/Village. The Comprehensive Plan recommends improvement of the area "as part of the Metro-North TOD project to offer an inviting, accessible and well-supervised open space to the public, in the interest of enhancing the entire downtown experience."

The Project includes constructing two landscaped publicly accessible plazas that will connect the Station platform with Halstead Avenue. These plazas will contain amenities, such as benches, planters, trees, decorative pavement and bicycle racks. The plazas will provide pedestrian connections to Halstead Avenue so that train passengers will not need to walk through a parking lot to get to the street. Residents of the Project will use the plazas to access the train station and Halstead Avenue. The plazas will also be designed to provide a safe and inviting waiting area for train passengers and respite for local workers and visitors shopping at the adjacent retail uses. Visually, the plazas will offer breaks in the building wall and visual appeal, and will indicate where to enter the train station.

A publicly accessible open space area enhanced with landscaping, mown grass, pavers, benches and other amenities, will be located between the plazas and adjacent to the railroad tracks. This open space area will provide passive recreation for residents of the Project and will offer another area of respite for train passengers, shoppers, workers and others.

This open space is not expected to satisfy all recreational needs of the new residents. The new residents will utilize existing open space and recreation facilities throughout the Town/Village. The new residents, however, will increase the population by only approximately 1.1 percent, which is not anticipated to create significant additional demand for parks and recreation services.

The proposed regulations of the new TOD District would require at least five percent of the Site be devoted to public open space areas, pedestrian plazas or other pedestrian oriented spaces. The Project meets this proposed requirement.

### **Schools**

The Site is located in the Harrison Central School District. Students generated by the Project would attend Parsons Memorial School, the Louis M. Klein Middle School and the Harrison High School.

It is anticipated that the Project will appeal primarily to young professionals and empty nesters working in the general area, or retirees who have sold a single family home and wish to remain in the area, either full time or seasonally. Large numbers of school-aged children are not typically associated with these populations.

Based upon actual school children generation numbers from comparable projects in the area, it is projected that the Project will generate between 4 – 10 school-aged children. 10 new students in the School District represents a 0.3% increase in enrollment and equates to approximately 1 student per grade.

***FINDING.*** *The 294 new residents residing within the Project will produce a proportional increase in the demand for community services. Analysis reveals that the increase demand for all service providers is relatively minor, and the design of the Project will not create any impediments to the provision of services. The increase in taxes generated by the Project, including \$200,792 in Town/Village taxes, \$124,416 in County taxes, \$11,366 in refuse disposal taxes and \$445,005 in school taxes, will more than off-set any costs associated with increased service demands. No significant adverse impacts are anticipated.*

### **4.9 TRAFFIC & TRANSPORTATION:**

The Site is located immediately adjacent to the MNR Harrison Station, which is part of the MNR New Haven Line. MNR provides fast, frequent service between Grand Central Terminal in New York City and New Haven, CT (including Stamford, CT) on the New Haven Line. There are 103 trains that stop at the Station each weekday (49 southbound trains that terminate at Grand Central Terminal, and 54 northbound trains that terminate in Stamford CT). In addition, there are 75 daily trains on weekends and holidays, (37 southbound; 38 northbound). Peak express service between the Station and Grand Central Terminal takes 40 minutes or less.

Recent surveys of a similar TOD development reveals a peak overnight parking demand of less than 1 vehicle per occupied unit, which is approximately 2/3 of what would be generated by a typical (non-TOD) project of this type. Surveys of peak-hour traffic activity at other TOD developments reveals that this type of development is generating only 14 trips per 100 units in the AM Peak Hour and only 16 trips per 100 units in the PM Peak Hour, which is approximately 1/3 of what would typically be generated by a traditional development. Considered together, these surveys indicate that the car has become a luxury for most TOD residents, as opposed to a necessity. Residents who do own a vehicle do so more for leisure use than for daily commuting purposes. As such, it is expected that a substantial portion of Project transportation (as much as 50%) will

be made by train or other non-auto mode. To be conservative, a 33% TOD credit was applied.

From a vehicular perspective, the Site is located on Halstead Avenue (a major road for east-west travel through this part of the Town/Village), just east of Harrison Avenue in the center of the CBD. Regional access is provided by Interstate Route 95 (I-95) at Exit 19 via Playland Parkway and Halstead Avenue as well as by the Hutchinson River Parkway via Harrison Avenue.

### **Parking**

The Site currently consists of four surface parking lots which are owned and maintained by MNR with a cumulative total of 260 parking spaces. All parking spaces are metered except for approximately 27 spaces in Lot #1, which provides free, two-hour parking for patrons of the commercial businesses along Halstead Avenue (in return the Town/Village provides 27 commuter spaces in one of the Town/Village lots). Free parking is provided in all lots on weekends and MNR designated holidays.

The Town/Village operates a parking lot on the northern side of the MNR railroad tracks, opposite of the Site. This parking area is restricted to permit holders and is accessed from Sunnyside Avenue and Calvert Street. This parking area also includes reserved spaces for employees of the Town/Village Municipal Building. A smaller (20-space) parking lot is located adjacent to Sunnyside Avenue to the east of the Town/Village Municipal Building. Free two-hour parking is permitted in this lot from 7am to 7pm.

A municipal lot with access from Harrison Avenue and Fremont Street and located to the south of Halstead Avenue provides free two-hour parking from 8 am to 6 pm.

On-street parking exists on the roadways surrounding the Site, and is variously regulated throughout the area.

The Project will provide sufficient parking to meet the needs of the residents and retail/commercial patrons. In addition, 475 commuter parking spaces will be provided, an increase of 215 spaces over the existing 260 commuter spaces provided in the existing commuter lots. The shared parking analysis indicates that there will be a surplus of parking during peak periods, which will benefit local businesses as it will provide additional parking for shoppers and other visitors to the downtown area.

The Project will not have a significant impact on parking in the areas surrounding the Site. The Project will have more than sufficient parking for Project retail/restaurant patrons so that any new patrons drawn to the area will be able to park in the new parking areas and will not impact the existing parking supply, whether it be on-street parking or off-street parking in municipal or private lots. The additional commuter parking spaces may draw from some existing on-street commuter parking nearby (where possible), which would improve the overall parking situation.

### **Public Transportation**

The Project is afforded convenient access to public transit, including rail and bus service.

In addition to the MNR rail service described above, Westchester County runs the Bee-Line Bus system within the area. Routes #5 and #61 each have stops located along Halstead Avenue. Bus stops are located adjacent to the Site on the north side of Halstead Avenue (between Harrison Avenue and the Lot#1 driveway) and on the south side of Halstead Avenue (to the east of Purdy Street).

It is anticipated that many of the Project's residents will utilize MNR and County Bee-Line bus services due to their convenience and location adjacent to the Project. The Project includes pedestrian plazas which will provide efficient public access to the Station from Halstead Avenue. The Applicant estimates that the Project will add 15 riders to MNR trains during the AM and PM Peak Hours (peak traffic hours) and as many as 30 riders during the peak commuter hours.

### ***Other Road Users***

Observations indicate that the majority of pedestrians in the Project area are rail commuters walking to and from the Station. As such, pedestrian activity was concentrated in the areas surrounding the Station with the highest activity occurring at the Halstead Avenue and Harrison Avenue intersection (a total of 108 pedestrians observed during the AM Peak Hour and 94 pedestrians during the PM Peak Hour) and at the Harrison Avenue and Heineman Place/Calvert Street intersection (66 pedestrians during the AM Peak Hour; 76 PM pedestrians). Another significant source of pedestrian activity is the Town/Village's commercial downtown, which is centered primarily along Halstead Avenue. The Project is expected to add 5 peak hour trips to the sidewalks surrounding the street as pedestrians walk to and from nearby businesses.

Although bicycles were not specifically counted, bicyclists were observed riding to and from the Station. Bicycle storage facilities are provided on both sides of train Station, and are included within the Project itself. There are no bicycle lanes or shared lanes provided along roadways in the vicinity of the Site.

Approximately 4% of vehicles observed travelling on Halstead Avenue, Harrison Avenue and Oakland Avenue were either trucks making deliveries to local businesses or buses. There were no observed truck restrictions on the streets although it is noted that a clearance of 8'-9" under the railroad on Macy Road is posted with warning signs.

### ***School Bus Transportation***

The School District provides bus transportation to those public and private school students that meet the School District's distance eligibility requirements. In the vicinity of the Site, the nearest school bus stops are located along Halstead Avenue at Oakland Avenue/Macy Road (middle school and high school students), at Newport Towers (Parsons Elementary School students) and at Broadway (high school students).

### ***Crash Analysis***

Historical crash data for the intersections analyzed in the Applicant's traffic study was obtained from NYSDOT for the latest available three-year period from January 1, 2013 to December 31, 2015. During the three-year period, a total of 33 crashes occurred at the 9 study locations. Of the 33 crashes, 10 incidents resulted in injuries and there were no fatalities. Three crashes involved pedestrians (each occurring at or near the



intersection of Halstead Avenue with Harrison Avenue) and there were no crashes that involved bicyclists.

In the three-year period, the highest number of crashes occurred at the intersection of Halstead Avenue and Harrison Avenue with a total of 11 crashes. Three of the crashes at this location involved pedestrians. In two of the pedestrian crashes, the pedestrians were crossing at midblock locations and were not in a crosswalk. Driver inattention was cited in 12 of the crashes and backing unsafely was a contributing factor in 8 crashes, which generally involved vehicles pulling into or out of parking spaces along Halstead Avenue.

None of the intersections or roadways in the study area appear to have a crash history that is higher than would be expected for similar facilities.

### ***Taxi Cab Circulation***

Traffic counts of the taxi activity at the Station were conducted, which included counting the number of taxis that entered the Station parking areas (Lot #1 and the northside lot) and observations of the taxi stand queues in Lot #1. The counts were conducted during the PM Peak Hour (5:00 to 7:30 PM) which typically has more taxis waiting to pick-up fares than during the AM Peak Hour where queuing is typically less as most of the morning trips are for dropping off passengers.

The majority of the taxi trips were in Lot #1 with a total of 28 taxis during the 2 1/2 hour survey period. During the PM Peak Hour (5:15 to 6:15 PM) there were a total of 10 taxi trips in Lot #1. In the northside lot, a total of 8 taxi trips occurred during the entire survey period with 4 of these trips occurring during the PM Peak Hour.

In Lot #1, the taxis wait for passengers in a designated area along the southeastern perimeter of the lot. The maximum observed queue of taxis during the PM Peak Hour in Lot #1 was 4 taxis.

The taxi operations will be modified with the redevelopment of the Site. The existing taxi pick-up/drop-off area in Lot #1 will be relocated to Halstead Avenue where two taxi stands are being proposed. The taxi stands will be located adjacent to the pedestrian plaza connections to the Station and have been sized to provide sufficient storage during peak periods. Surveys indicate a current maximum observed queue of 4 taxis. The new taxi stands will provide storage for 7 taxis.

### ***Project Generated Traffic Impacts***

A traffic study was conducted by the Applicant to evaluate traffic operating conditions surrounding the Site. Nine intersections were evaluated; including:

1. Halstead Avenue (CR 54) and Harrison Avenue (Route 127)
2. Halstead Avenue (CR 54) and Purdy Street/Surface Lot # 1
3. Halstead Avenue (CR 54) and Surface Lot # 2 (MTA)
4. Halstead Avenue (CR 54) and Surface Lot # 3
5. Halstead Avenue (CR 54) and Haviland Street/Surface Lot # 4
6. Halstead Avenue (CR 54) and Macy Road/Oakland Avenue
7. Halstead Avenue (CR 54) and Osborne Road

8. Halstead Avenue (CR 54) and Newport Towers Driveway
9. Harrison Avenue and Heineman Place/Calvert Street

The analysis concluded that under existing conditions, the signalized intersection of Halstead Avenue and Harrison Avenue currently operates at an overall level of service (LOS) "D" during the AM and PM Peak Hours. LOS "E" is experienced on the westbound through/right-turn movement during both Peak Hours. The four other signalized intersections currently operate at an overall LOS "C" or better during the Peak Hours.

At the unsignalized intersections, the minor street turning movements operate at LOS "C" or better during each Peak Hour.

Under "No-Build" conditions with the forecast increases in traffic volumes, there will be a slight increase in the overall delay at the five signalized intersections, generally on the order of 3.4 seconds or less. At the signalized intersection of Halstead Avenue and Harrison Avenue, delays on the westbound through/right-turn movement will continue to operate at existing levels of service (LOS "E"), however, during the PM Peak Hour the delays on this lane-group will increase by 7.2 seconds compared to existing conditions.

At the unsignalized intersections, the minor street turning movements will continue to operate at LOS "C" or better during each Peak Hour with only minor increases in delay of up to 2.3 seconds.

Under the "Build" conditions, vehicle trips generated by the residential and retail components of the Project as well as new commuter trips related to the Commuter Parking Garage were incorporated into the traffic impact analysis. To be conservative, a 33% TOD credit was applied to the residential trips. Under the Build condition with the added traffic from the Project and the increase in commuter parking trips, with one exception, there will be only a slight increase in overall delays, generally on the order of 1.4 seconds or less. The exception is during the PM Peak Hour at the Halstead Avenue and Harrison Avenue intersection where overall delays will increase by 6.4 seconds compared to the No-Build condition, mainly due to traffic added to the westbound through/right-turn movement and the elimination of the bus pull off at that location, which is projected to precipitate a change in LOS to "F".

At the unsignalized intersections, including the new Project driveways, the minor street turning movements will operate at LOS "C" or better during the AM and PM Peak Hours. Vehicles on the major streets at unsignalized intersections will experience LOS "A" conditions, with delays on the order of 1 second or less.

To mitigate the Project's impact, it is recommended that the signal timings be adjusted to provide additional green time to the westbound approach of the Halstead Avenue/Harrison Avenue intersection. With this modification, the increase in delay on the westbound approach will be mitigated and overall, the intersection delays will increase by only 1.1 seconds and operations will be similar to the No-Build condition. The other signalized intersections will operate at acceptable LOS "C" or better, however, it is noted that a minor signal timing adjustment would reduce the eastbound delays at the Halstead Avenue and Oakland Avenue/Macy Road intersection.

**FINDING.** *The Project will result in modifications to existing parking, vehicle trip generation and traffic operating conditions in and around the Site. With the proposed signal timing modifications, all study area intersections will operate at acceptable levels-of-service under the "Build" condition. As a transit oriented development, vehicle trips associated with the residential component are expected to be reduced by as much as 50%. The construction of the Commuter Parking Garage, and associated Project off-street parking areas, will significantly improve parking conditions in the downtown area. The Project has been designed to incorporate public transit, taxi, pedestrian and bicycle circulation enhancements. The Planning Board finds that the Project will not result in significant adverse traffic or transportation impacts.*

#### **4.10 STORMWATER MANAGEMENT:**

The Site's existing drainage infrastructure consists of a number of catch basins and drain pipes on the western portion of the Site that collect and discharge stormwater to the existing storm drain system located on the north side of the railroad tracks or into dry wells. No drainage infrastructure exists in the eastern parking lot, where overland runoff from this area travels directly to Halstead Avenue. Ultimately, all site drainage makes its way to the Beaver Swamp Brook.

A hydrologic study was prepared to determine the existing peak rates of runoff from the Site during the 1-, 2-, 10-, 25-, 50-, and 100-year storm events.

Stormwater runoff from the Project will be managed on site by an internal stormwater collection and management system, which will meet all applicable WQv and other (Channel Protection Volume, Overbank Flood, and Extreme Storm) regulatory requirements. An initial screening of stormwater management practices ("SMPs") was performed to select the most appropriate practice for the Project. Infiltration practices will not be used because of the poorly drained soils and shallow depth to bedrock. Surface practices will not be used due to size constraints. Therefore, a proprietary manufactured stormwater treatment device (Contech StormFilter media filtration chamber or approved equal) is proposed as the most appropriate SMP for the Project.

A Stormwater Pollution Prevention Plan ("SWPPP") shall be prepared in compliance with the NYSDEC general permit for discharges from construction activity. A detailed description of each water quality feature proposed for the Project is included in the SWPPP. The proposed stormwater management system will be designed according to the Town/Village's standards to provide adequate pipe capacity to convey the 10-year storm event. The system will use several post-construction best management practices ("BMPs") consisting of deep sump catch basins, pretreatment water quality chambers, and detention storage, designed in series for stormwater management. Stormwater runoff from the Site will be collected and conveyed via a subsurface pipe. The system will include catch basins with 2-foot sumps that trap coarse sediment. Proprietary water quality chambers will be utilized prior to the discharge to the proposed subsurface stormwater management (detention) facility. These systems will pretreat the stormwater to increase the removal of suspended solids, debris, and floatables prior to the final discharge from the Site. The system will be designed to control the peak flows from the proposed development to rates that are equal or less than the predevelopment

peak flow rates for all studied storm events, thus providing zero net increase in peak flow rates as a result of the Project. In addition to proposed on-site drainage infrastructure, it is proposed to upgrade the existing storm system along Halstead Avenue from the Site to its intersection with Oakland Avenue. This will consist of constructing seven new drainage structures along the northern gutter of Halstead Avenue and approximately 1,100 linear feet of pipe to hydraulically connect the site to Oakland Avenue.

The proposed post-construction BMPs and sediment and erosion control measures will provide quantity and quality control of the stormwater discharged into the Town's drainage system. The BMPs will be strategically combined in series, thereby forming a stormwater management system that accomplishes multiple stormwater management objectives such as pollutant removal and peak flow attenuation.

In addition to the BMPs described above, a detailed Sediment and Erosion Control Plan ("S&E Control Plan") will mitigate the short-term impacts of the Project during construction. The S&E Control Plan will include elements such as requiring the construction areas to be surrounded by geotextile sediment filter fence. A construction entrance will be provided along with several temporary topsoil stockpile areas encircled with sediment filter fencing. In addition, erosion control blankets will be installed on critical slopes to protect the newly created slopes until permanent vegetation can be established. Inlet protection will be provided for each catch basin and yard drain inlet to prevent sediment from entering the stormwater system during construction. Temporary diversion berms and swales will be provided to direct the stormwater runoff to temporary sediment traps during construction. The swales will include stone check dams to slow potential erosive velocities. The soil and erosion controls will be modified as on-site grade changes during Project construction to ensure the protection of the surrounding areas. All of the sediment and erosion controls provided will be designed in accordance with the *New York Standards and Specifications for Erosion and Sediment Control*.

The proposed stormwater management system will not reuse any of the limited existing drainage systems on-site. The existing drainage facilities adjacent to the railroad tracks will remain but will have their tributary drainage areas significantly reduced.

A gutter flow analysis will be performed on the storm drainage systems in the roadway to ensure adequate spacing and inlet capacity for the 10-year storm event. In addition, the outlet pipe from the proposed outlet control structure of the stormwater management area will be sized with adequate capacity to convey the 100-year storm event. No stormwater impacts to the railroad tracks are expected from the proposed Project.

The proposed stormwater management facilities on the Site would be owned and maintained by the Applicant.

**FINDING.** *The Planning Board finds that the Project has been designed to meet the requirements of the New York State Department of Environmental Conservation ("NYSDEC") State Pollution Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-0-150-003, conforms to the substantive requirements of the NYSDEC SPDES General Permit for Construction Activities, Permit No. GP-0-150-002, minimizes increases in stormwater runoff from the development of the Site in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels; minimizes increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality; minimizes the total annual volume of stormwater runoff which flows from the Site during and following development to the maximum extent practicable; and reduces stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and ensure that these management practices are properly maintained and eliminate threats to public safety. No significant adverse impacts are anticipated.*

#### **4.7 UTILITIES:**

##### **Water Supply**

The Site is serviced by the Westchester Joint Water Works ("WJWW"), which is operated by the Town/Village of Harrison in conjunction with the Town and Village of Mamaroneck. The water source is Kensico Reservoir, which is part of the New York City water system (WJWW purchases the water from the New York City system).

A 12-inch water main is located along the north curb of Halstead Avenue with a working pressure of 80 pounds per square inch (psi). WJWW has indicated that this is a feeder main for the City of Rye. Three fire hydrants are located on or adjacent to the Site along the northern sidewalk of Halstead Avenue. Recent flow tests indicated an available 6,000 gallons per minute (gpm) at 20 psi.

The estimated domestic average daily water demand from the Project will be 37,117 gallons per day (gpd) collectively among all of the proposed uses (143 apartments consisting of approximately 215 bedrooms, approximately 27,000 square feet of commercial space, and associated amenities and leasing office).

The proposed residential buildings would contain fire suppression sprinklers. The estimated required fire demand for the sprinklers and hydrants will be determined by the Fire Protection Engineer during final Site Plan development. It is anticipated that one separate fire/domestic lateral will be installed from the 12" main in Halstead Avenue to each of the proposed buildings. It is anticipated that no on-site water tanks or booster pump stations will be needed.

A preliminary assessment, based on similar projects, concluded that supply is sufficient to meet the domestic and fire demands for the Project. Final design demands for domestic and fire water service will be provided by the mechanical, electrical, and plumbing engineer for review by the Town/Village Building and Engineering Departments prior to construction.

Since the water supply is currently available and sufficient capacity exists to service the Project, no mitigation measures are proposed for water supply. However, water saving fixtures will be utilized within the proposed structures, such as low flow toilets, high- efficiency plumbing fixtures and fittings in kitchens and baths.

WJWW will review the Project's estimated water demands and will decide if upgrades to the existing network are necessary as a result of the Project.

### ***Sanitary Sewer***

The Site and the surrounding area is served by the County's Mamaroneck Sewer District. Service laterals on private property are the responsibility of the property owner. Public collection mains in the street are maintained by the Town/Village.

There are no sanitary sewer facilities located on-site. Three separate networks of public sanitary sewer main facilities exist in Halstead Avenue along the frontage of the Site. Along the western frontage of the Site, there is a gravity 8" sewer main beginning between Purdy Street and Parsons Street that conveys wastewater to the west and then to the south down Harrison Avenue. A second gravity 8" sewer main begins between Purdy Street and Parsons Street that conveys wastewater to the east and then to the south down Parsons Street. A third gravity 10" sewer main begins near Haviland Street that conveys wastewater to the east and then to the south down Oakland Avenue. All three lines ultimately discharge into the same ±30" County-managed sewer interceptor.

The estimated sewage generation for the Project is 33,405 gpd with a peak flow of 95 gpm utilizing industry standards. Flow monitoring was performed on the three separate sanitary sewer networks between the Site and the 30" County-managed sewer interceptor. A sharp and sudden spike in the flow meter results of the Harrison Avenue sewer network during rainfall events indicates the likely presence of direct stormwater connections to this sewer network from development within the vicinity of the Site. No direct stormwater connections from the Site to sanitary sewer networks currently exist. It is not anticipated that direct stormwater connections exist into the Parsons Street or Oakland Avenue sewer networks from development in the area based on flow monitoring results. The results from the flow monitoring were then compared with wastewater generation estimates prepared for the proposed Project. A downstream capacity analysis indicated that the Parsons Street and Oakland Avenue sewer systems have adequate capacity to serve the Project without any infrastructure upgrades.

It is anticipated that no upgrades will be needed to Town/Village sewer facilities to serve the Project. Since the sanitary service is currently available and sufficient capacity exists to service the Project, no site specific mitigation measures are proposed for sanitary service. However, as typically recommended by Westchester County, Inflow and Infiltration (I&I) into the system will be mitigated at a ratio of 3:1. The Applicant and project engineer will meet with the Town/Village Engineer and Department of Public Works (DPW) to identify any sanitary sewer system segments affected by the Project that require rehabilitation either through reconstruction or lining, and to assess the possible I&I reductions that can be achieved.

### ***Electricity***

Railroad catenary trusses carrying overhead high-voltage wires serving the railroad exist along the northern end of the Site. Underground electric facilities owned by

Consolidated Edison exist along the southern side of Halstead Avenue fronting the Site. A network of underground electric facilities serve the Site's lighting and the Station rail platform. Electric manholes exist along the southern edge of the Site across from the railroad pedestrian bridge.

The Project will increase electrical usage at the Site. The Project will be serviced by Consolidated Edison and the Site lies within a developed corridor from which service can be easily obtained. The electric service will tie into the existing electric lines located in Halstead Avenue. Existing on-site utility service connections will be abandoned, and utility facilities serving the rail platform from Halstead Avenue will be reviewed as necessary. The eastern half of overhead high-voltage catenary wires on the Site (and potentially the remainder of the overhead wires) will be relocated underground to allow for construction of Building C, including the Commuter Parking Garage. Full mechanical and electrical design of the proposed building will be finalized closer to construction.

It is anticipated that no upgrades will be needed to service the Project. The existing electric facilities located along Halstead Avenue will be suitable for the Project.

#### **Telecommunications & Cable**

The Site is not serviced by telecommunications or cable. Currently, there is an existing underground telecommunications line owned by Verizon located along the northern side of Halstead Avenue.

The Project will have high speed internet, fiber cable and phone service to the buildings with Wifi hotspots in the amenity areas.

It is anticipated that no upgrades will be needed to service the Project. The existing telephone and cable facilities along Halstead Avenue will be suitable for the development.

#### **Natural Gas**

An underground gas line owned by Consolidated Edison exists along the northern side of Halstead Avenue. The Site is currently not serviced by gas.

Gas service would be provided to the Site by tying into the existing underground gas line on Halstead Avenue and all work will be coordinated with Consolidated Edison.

It is anticipated that no upgrades will be needed to service the Project. The existing gas facilities along Halstead Avenue will be suitable for the development.

***FINDING.*** *The Planning Board finds that adequate infrastructural capacity exists to accommodate the Project's sewer, water and other utility demands. No adverse impacts are anticipated.*

#### **4.8 NOISE:**

Existing ambient noise conditions at the Site reflect surrounding land uses. The predominant land uses in the CBD include: residential, retail, restaurant, mixed commercial, parking lots, institutional, industrial and open space and park uses.



The Site currently contains a surface parking lot and open space. The Site is located adjacent to the railroad tracks. Ambient noise at the Site comes primarily from railroad operations and from vehicular traffic on Halstead Avenue.

Sensitive noise receptors are facilities and uses that are dependent upon a state of serenity and quiet, or are uses that are particularly sensitive to noise levels. The Site is located in a downtown business district where most of the uses are commercial and residential; however, there are some sensitive receptors within 1/4-mile of the Site that would potentially be subject to noise impacts. Sensitive noise receptors include Ma Riis Park, Town Hall, Harrison Public Library, Sollazzo Recreation Center, Wilding Park, Harrison Senior Citizens Center, Parsons Memorial School, St. Gregory's Church, All Saints Church, and Harrison Presbyterian Church.

The new uses proposed on the Site will not generate significant noise. The Project would result in a combination of residential, commercial, and parking garage uses on land that is currently used primarily for parking lots. The Project will introduce a new source of noise (compared with open space), but the proposed uses are consistent with the uses identified in the Comprehensive Plan as well as with surrounding land uses. The primary sources of new or increased noise would be automobiles, traffic, car alarms, and related parking garage noise as well as HVAC and mechanical equipment. Project traffic and traffic related noise from automobiles, traffic, car alarms and the parking garage will not significantly increase ambient noise levels within the vicinity of sensitive receptors and will adhere to Chapter 177 of Town/Village Code. New uses including the HVAC and mechanical equipment on the Site will adhere to Chapter 177 of Town/Village Code and will not significantly increase ambient noise levels within the vicinity of sensitive receptors.

The Site is located adjacent to the Station. Approximately 230 trains pass through the Station on a regular weekday. Using the US Department of Housing and Urban Development ("HUD") Day/Night Noise Level calculator, the ambient outdoor noise level including from the trains (but not train horns, the sound levels of which are set by federal regulation) is approximately 66.5 decibels, slightly higher than the recommended 65 decibel average outdoor noise level.

The new residences on the Site would be sensitive receptors. The residential component of the Project will be constructed to attenuate exterior noise levels in accordance with the New York State Uniform Fire Prevention and Building Code. To mitigate the noise from the adjacent train tracks, construction will include double-glazed windows, and sound-attenuating insulation.

Local ambient daytime noise levels would temporarily increase in the Site vicinity during construction of the proposed Project. Noise generated during construction will be primarily from the exhaust of diesel engines that power equipment. Noise during construction is a temporary, unavoidable impact, and will cease upon completion of the Project.

The impact of construction noise depends upon the specific construction activity and equipment used, as well as receptor distance from the construction site. The noisiest period of construction will occur during site clearing and grading activities, when

sections of the Site are prepared for building, and mechanical rock removal and blasting will take place. Such noise could be intrusive, but would have limited duration.

Construction related sound levels experienced by the sensitive receptors in the Site vicinity will be a function of distance. No receptor will be exposed to the same sound levels over an extended period of time, because equipment is utilized in different locations as construction progresses. Occasional noise levels at the Site property line are projected to range between 65 dBA and 90 dBA, depending on the actual location of construction equipment at any given time. These elevated noise levels would be sporadic during the construction period. Noise levels actually experienced on a nearby property would be expected to be lower, accounting for distance from the noise source and other attenuating factors.

The Project will comply with Chapter 177 of Town/Village Code, and will use best management practices during construction. Construction activities and the operation of construction equipment are an expected and required consequence of any new construction project and cannot be avoided. To minimize or eliminate adverse impacts due to equipment noise during the construction phases of the Project, all construction equipment used on the Site will be inspected periodically to ensure that properly functioning muffler systems are used on all equipment in accordance with the NYSDEC Best Management Practice for reducing noise. While on the Site, equipment would not be permitted to idle unnecessarily, and construction activities would be limited to the hours of 8:00 AM to 8:00 PM on weekdays and between 10:00 AM to 8:00 PM on weekends, per Chapter 177 of Town/Village Code. Based on these measures, the temporary increases in noise levels due to construction equipment usage and construction traffic will be minimized.

Post-construction, the Project is not anticipated to significantly increase ambient noise levels in the vicinity.

The new residential units facing the railroad tracks will be constructed with double-glazed windows rated for a Sound Transmission Class ("STC") of at least STC-30, and acoustic barrier insulation. It is anticipated that these mitigation measures will alleviate railroad noise inside the residential units.

***FINDING.*** *The Planning Board finds the Project will not result in any long-term noise impacts, and short-term construction related impacts will be adequately mitigated.*

#### **4.9 AIR QUALITY:**

The Site is located in a maintenance area for carbon monoxide ("CO"). Violation of the CO standard set by the Nation Ambient Air Quality Standards ("NAAQS") has become increasingly infrequent. This is due to a number of factors. Primarily, the vehicular emission rates of CO have decreased and will continue to decrease with the passage of time due to newer vehicles with better emission controls. Additionally, the CO

background concentration in the Westchester County area has decreased with time. Vehicle trips generated by the Project are not expected to be significant, with only 73 new trips during the AM Peak Hour and 176 new trips during the PM Peak Hour.

Considering the three controlling factors for the determination of CO impact - project traffic, background concentration, and emission rates - it is highly unlikely for the Project to cause significant CO impacts. The CO emission rates of vehicles will decrease over time, and the background CO concentration is a relatively small, less than 1% and 15% of the respective 1-hour and 8-hour NAAQS. Therefore, it is not expected that there will be any adverse impacts to the regional CO levels.

The Project may require emergency generators, and will require boilers, or other fuel burning sources. The specific equipment parameters, such as the number of units, size, and location, will be determined when building design progresses. Any required air emission permits from NYSDEC will be applied for. When the details of the fuel-burning stationary source equipment (such as emergency generators) are determined, the Applicant will submit the appropriate permit application to NYSDEC, which will include the noise and air quality mitigation measures (such as acoustic enclosures and exhaust silencers) necessary to meet the NYSDEC requirements.

Construction activities associated with grading and excavation on the Site could result in temporary air quality impacts. Air quality in the area is not expected to be substantially affected by Project construction because of the temporary nature of the construction and the confined construction area. The construction period is expected to extend up to 33 months.

Construction vehicles will emit criteria air pollutants through their engine exhaust. Emissions from the operation of construction machinery would mostly contain particulate matter. The impacts from construction vehicles are expected to be minimal because excessive idling of construction equipment engines will be prohibited. All construction equipment and vehicles will be outfitted with appropriate features to limit exhaust fumes.

There is also the potential for fugitive dust to be created during the construction period due to site preparation activities, including removal of existing parking lots and vegetation and site grading. Fugitive dust emissions will be mitigated by wetting and stabilizing soils to suppress dust generation. Other dust suppression methods would include the spraying of soil stockpiles during dry periods and covering trucks carrying solid and other dry materials.

Long term impacts to air quality are not anticipated due to the Project, therefore, no long term mitigation measures are required. The development's location adjacent to the Station and within the CBD is expected to reduce vehicle trips, thereby lessening the potential for air quality impacts due to mobile sources. Any stationary sources associated with the Project will comply with appropriate State and local regulations. Any required air emission permits will be obtained.

Short-term impacts to air quality due to construction are expected but will be temporary (during the 33 month period) and will cease upon Project completion. Construction will be conducted in accordance with approved site plans and in

accordance with all applicable federal, State and Town/Village codes. It is anticipated that nearby properties will experience temporary fugitive dust and an elevation in vehicle emissions from construction vehicles throughout occasional periods during construction of the proposed Project. This is a temporary, unavoidable impact.

Specific mitigation measures for short-term impacts during construction include prohibition of excessive construction equipment idling, outfitting all construction equipment and vehicles with appropriate features to limit exhaust fumes, wetting and stabilizing soils to suppress dust generation, and covering trucks carrying solid and other dry materials.

***FINDING.*** *The Planning Board finds that the Project will not result in any long-term air quality impacts, and short-term construction related air quality impacts will be adequately mitigated.*

#### **4.10 HAZARDOUS MATERIALS:**

Sanborn Fire Insurance Maps indicate that there was a coal storage/distribution facility on the Site during the early 20<sup>th</sup> century prior to its current use as four surface parking lots. The easternmost portion of the Site was reportedly used as an oil/waste recycling center by the Town/Village during the 1990s. Phase I and Phase II Environmental Site Assessments ("ESA") were completed for the Site. According to the Phase I ESA, "the environmental conditions and soil sample results detected at the [Site] would not restrict the future use of the [Site] as a mixed-use commercial, residential or municipal property".

The Phase I ESA identifies twelve sites with Recognized Environmental Conditions ("REC") located within 150 feet of the Site. Of the 12 REC sites, five are dry cleaners, including Paul's (Moy) Dry Cleaners, located at 368 Halstead Avenue, immediately east of the Site, which was reported to have used/or spilled tetrachloroethene.

Six soil samples were taken and analyzed in the 2010 Phase II ESA. Three of the six soil samples slightly exceeded the New York State Soil Clean Up Objective (SCO") for Unrestricted Use (the most stringent standards) for nickel, mercury, and zinc. There were no exceedances compared to the New York State SCO for Residential and Restricted Residential Use. The only exceedance of former NY Technical Administrative Guidance Memorandum Recommended Soil Cleanup Objectives criteria was mercury at 0.24 mg/kg, which slightly exceeded the criteria of 0.1 mg/kg.

The 2014 Phase II ESA built upon the earlier testing and included additional soil and groundwater sampling. The 2014 Phase II ESA determined that there are a total of five areas of concern ("AOCs") at the Site. These AOCs include:

- AOC 1 - Former Coal Yard;
- AOC 2 - Reported Oil / Waste Recycling Center;
- AOC 3 - Former Lumber Yard;
- AOC 4 - Potential Impacts from Historical Building Materials;
- AOC 5 - Potential Impacts from Off-Site Sources including Railroad Operations.

The soils testing conducted for the 2014 Phase II ESA yielded the following results:

- Diesel Range Organics ("DRO") – Diesel range organics are any synthetic and/or naturally occurring organic compound that happens to be in the same boiling point range as diesel fuel or diesel oil. DRO have been detected at the Site at concentrations ranging from 23.7 to 407 mg/kg. There are no established SCO for DRO.
- Volatile Organic Compounds ("VOCs") – Trace concentrations of VOCs were detected in five of the 16 soil samples which have been collected at the Site (including 2-butanone, acetone, benzene, and xylenes). The concentrations of VOCs were below the most stringent (Unrestricted Use) SCOs.
- Polynuclear Aromatic Hydrocarbons ("PAHs") – Low concentrations of PAHs have been detected in five of the 16 soil samples collected. The concentrations of PAHs were below the most stringent (Unrestricted Use) SCOs.
- Metals – Low concentrations of several metals have been detected in Site soils. The concentrations of total chromium exceeded the Unrestricted Use and Residential Use SCOs when compared against the SCO for trivalent chromium. To further evaluate these elevated detections of chromium, six samples were collected throughout the Site and analyzed specifically for hexavalent chromium. Hexavalent chromium was detected in two of the six samples (ENV-3A and ENV-5A), both located on the west side of the Site and potentially being associated with the reported historic coal yard use on the Site. Hexavalent chromium was detected in one sample at a concentration which exceeded the Unrestricted Use SCO, but not the Residential or Restricted Residential SCOs. Mercury and zinc were also detected in at least one sample at concentrations which exceeded the Unrestricted Use SCO, but not the Residential or Restricted Residential SCOs.
- Pesticides – The pesticide 4-4-DDE was detected in one sample at a concentration below the most stringent (Unrestricted Use) SCO.
- Polychlorinated biphenyls ("PCBs") – PCBs were detected in three samples at concentrations ranging from 0.0754 and 0.127 mg/kg in the northeast of the Site adjacent to the railroad (HS-3, HS-3A, and HS-3B). Concentrations of PCBs exceeded the Unrestricted Use SCO of 0.1 mg/kg in one sample (HS-3A); however, concentrations were below the Residential and Restricted Residential Use SCOs.

A total of three groundwater samples were collected on the Site. One well had a detection of DRO. There are no established NYSDEC groundwater criteria for DRO; however, the presence of petroleum in groundwater at the Site triggers a requirement to report the condition to the NYSDEC. Halogenated VOCs (and derivatives of dry cleaning solvents) were also detected in a groundwater sample. The concentrations of cis-1,2-dichloroethylene and tetrachloroethylene in that sample exceeded the applicable NYSDEC Technical and Operational Guidance criteria. The apparent source of the solvents is an off-site dry cleaner.

Despite the fact that the soil conditions across the majority of the Site comply with the NYSDEC Residential and Restricted Residential Use SCOs, certain levels of

contaminants are present above background (Unrestricted Use) levels. Therefore, soils which are excavated for the construction of the Project may not be considered unrestricted clean fill. Excess soils which are generated during construction of footings, drainage features and utilities may require disposal as a regulated waste if beneficial reuse cannot be arranged. The 2010 and 2014 Phase II ESAs determined the DRO, VOC, PAH, metals, and pesticides levels to be relatively low. A soil management plan will be developed for the construction of the Project.

Groundwater at the Site is not used, and will not be used, for drinking water or process water purposes. As such, there is no risk of ingestion or dermal contact. However, three recommendations were specified for future development:

1. Further evaluation of the PCBs detected in the groundwater samples should be undertaken to confirm that concentrations comply with applicable State and federal cleanup objectives.
2. The presence of petroleum in Site soil and groundwater should be reported to NYSDEC.
3. The presence of the solvents (cis-1,2-dichloroethylene and tetrachloroethylene) in the groundwater appears to be the result of an off-site source. A sub-slab venting system is recommended for any future structures constructed on the Site.

***FINDING.*** *The Planning Board finds that impacts due to hazardous materials are not anticipated. Best management practices for handling and disposing any potential hazardous materials will be implemented, including following proper protocol in handling and disposing of these materials. As described above, certain soils excavated as part of construction activities may not be considered unrestricted clean fill. A soil management plan shall be implemented for construction of the Project. The proposed Project will be connected to the Town/Village's municipal water supply, and will not draw groundwater for any purpose. A sub-slab venting system shall be required to be installed as part of the Project.*

#### **4.11 CONSTRUCTION:**

The construction of the Project will consist of three phases within a timeframe of approximately 33 months. Phase I will include all of the infrastructure work (site preparation, earthwork, utilities, building foundations, and building superstructures). It will also include the construction of Building B, Building C (including the Commuter Parking Garage), and the East Plaza. The Commuter Parking Garage and partial occupancy of Building C will take place approximately 18 months after the start of the Project. The remaining portion of Building C will be completed two months after the Commuter Parking Garage opens (or 20 months after the start of the Project). One month after the completion of Building C, Building B will be completed (or 21 months after the start of the Project). After the completion of all of the buildings in Phase I, the East Plaza will be finalized.

The components of Phase II will include Building A and the West Plaza. Associated infrastructure work of these components (site preparation, earthwork, utilities, building foundations, and building superstructures) is also part of Phase II. Site work for Phase

II will begin immediately upon the opening of the Commuter Parking Garage in Phase I (18 months). After the completion of Building A, the West Plaza will be finalized. The duration of the construction period for Phase II is 15 months (33 months from the start of the overall Project).

There will also be a third phase of construction. This phase consists of completing of Halstead Avenue roadwork and installing final pavement and sidewalks.

Construction staging will occur on-site. Construction access will be primarily from Halstead Avenue. Existing on-street parking will be blocked off along Halstead Avenue starting at the beginning Phase I.

Fill will be transported to and from the Site as appropriate via construction vehicles using Halstead Avenue via Harrison Avenue.

Commercial and mixed-use buildings along the opposite sides of Halstead and Harrison Avenues may experience elevated noise levels, fugitive dust and emissions at occasional periods during the construction phases. The Applicant anticipates that these short-term impacts would be mitigated through the management of the construction process.

The Applicant will obtain an Entry Permit from MNR as required by MNR for construction of the Project.

The preliminary construction sequence is described below.

**Phase I** (approximately 21 months and approximately 2.5 acres of disturbance):

1. Overhead electric line relocation
2. Preconstruction meeting with the Town/Village
3. Installation of perimeter erosion controls
4. Clear vegetation as necessary
5. Installation of remaining erosion controls
6. Abandon and replace existing utilities as necessary
7. Mass excavation for Buildings B and C, parking garage, and stormwater management area
8. Install stormwater management system
9. Install foundation and superstructure for Buildings B and C and parking garage
10. Install plaza infrastructure
11. Removal of erosion controls

**Phase II** (approximately 15 months and approximately 1.5 acres of disturbance):

1. Installation of perimeter erosion controls
2. Clear vegetation as necessary
3. Installation of remaining erosion controls
4. Abandon and replace existing utilities as necessary
5. Mass excavation for Building A
6. Installation of foundation and superstructure for Building A
7. Installation of plaza infrastructure
8. Removal of erosion controls

**Phase III** (approximately 2 months and approximately 0.7 acres of disturbance):

1. Perform roadway widening of Halstead Avenue



## 2. Installation of final paving and sidewalks

As part of the site plan submission, the Applicant will submit a detailed sequencing plan. At a minimum, the sequencing plan shall identify the start and completion dates for the following items:

- Installation of sediment and erosion controls as shown on the Sediment and Erosion Control Plan
- Clearing and grubbing
- Installation of temporary diversion berms and sediment basins per the SWPPP
- Implementation of the maintenance of traffic control plan for Halstead Avenue
- Earthwork and rock removal operations
- Building foundations and superstructures
- Installation of utilities
- Installation of walls, curbs, driveways, and plazas
- Landscaping and site restoration
- Stabilization of the Site in accordance with landscaping and site layout plans
- Maintenance and continued inspection of erosion and sediment controls

### **Earthwork**

The Project will require significant excavations to install basement levels for Building A, Building C, including the Commuter Parking Garage, and parking garage in Building A, and the on-site stormwater management facility. Boring tests performed at the Site indicate the presence of shallow ledge across the majority of the Site. Accordingly, it is anticipated that significant rock removal will be necessary to complete the proposed Project, that blasting will be performed, and that material will need to be removed from the Site. Approximately 35,000 cubic yards of soils will be removed from the Site. The Applicant will comply with MNR's blasting protocols. All soils will be removed in compliance with applicable federal, State, and local codes.

### **Construction Traffic**

Site-generated traffic as a result of construction workers is not anticipated to significantly impact traffic volumes, as arrival and departure from a work site generally occurs before the weekday AM and PM Peak Hours. It is anticipated that there will be an average of 4-5 truckloads each day of material leaving the Site. Construction will commence with the expansion of existing Lot #2 east to Lot #3 to accommodate approximately 134 parking spaces. When added to the 126 spaces in Lot #1, this will provide a total of approximately 260 parking spaces. The Commuter Parking Garage will then be constructed, after which approximately 440 of the 584 parking spaces will be made available for commuter parking while the balance of the Project is under construction.

All construction delivery vehicles will be directed to use I-95 to access the Site and to enter and exit I-95 at Exit 19 and use Halstead Avenue to travel to and from the Site.

### **Existing Utilities**

It is anticipated that the majority of existing on-site utilities will be abandoned and not reused. Prior to the start of construction, investigations will be performed to determine whether there are existing utilities from Halstead Avenue serving the rail facilities. The eastern half of overhead catenary high-voltage wires on the Site (and potentially the

remainder) that service the railroad will be relocated underground to allow for construction of Building C, including the Commuter Parking Garage. This work will be designed and executed in consultation with MNR, and subject to the Entry Permit.

#### **Erosion and Sedimentation**

Construction activities can create the potential for the transportation of sediment in stormwater flows. A SWPPP and Sediment and Erosion Control Plan will be prepared and implemented for the Site to mitigate potential impacts.

#### **Rock Removal/Blasting Plans**

In addition to the sequencing plan, the Applicant will submit a rock removal plan that will include the following elements:

- If blasting is required, as part of the building permit application, the contractor shall prepare and submit for review/approval by the Town/Village Engineer and MNR a detailed blasting plan and schedule to include safety procedures and measures to be implemented prior to commencement of any blasting activities.
- To the extent possible/practical, the contractor shall remove rock via mechanical means (e.g., ripping and hoe ram techniques).
- Depending on the nature and quality of bedrock encountered, it is conceivable that both hoe ramming and blasting techniques could be needed for site development. In either case, vibration energy caused by these methods can be predicted. The U.S. Bureau of Mines has established the standard by which peak particle velocity ("PPV") and vibration frequency can be correlated to potential damage to different types of structures. The Applicant will keep the combination of PPV and frequency below those potential damage thresholds both by design and by field verification using portable seismographs during bedrock excavation events.
- If blasting is required, it shall be the responsibility of the Applicant and/or its contractor(s) to notify the fire marshal and MNR of the blasting schedule and any changes to that schedule.
- If blasting is required, it shall be the responsibility of the Applicant and/or its contractor(s) to provide advance notice to neighbors/property owners within the distance of blasting activities as required by local and state regulations.
- If blasting is required, blasting depths shall not exceed 16-foot cuts.

All construction will be conducted in accordance with the approved site plan and in accordance with all applicable federal, State, and local codes. Impacts from construction will be temporary (during the 33 month construction period) and unavoidable, and will conclude when the Project is completed.

During the construction phases of development, to minimize or eliminate adverse impacts due to equipment noise or air quality, all construction equipment used on-site will be inspected periodically to ensure that properly functioning muffler systems are used in accordance with the NYSDEC Best Management Practice for reducing noise. While on the Site, equipment would not be permitted to idle unnecessarily, and construction activities would be limited to hours permitted under Chapter 177 of the Town/Village Code. Based on these measures, the temporary increases in noise levels due to construction equipment usage and construction traffic will be minimized. The

earthwork and rock removal operations have the potential to impact adjacent properties and natural resources. These impacts would be mitigated through the use of sediment and erosion controls in accordance with an approved Sediment and Erosion Control Plan and SWPPP.

Controls would be inspected in accordance with permit requirements and maintained and/or replaced as per *New York Standards and Specifications for Erosion and Sediment Control*.

In addition to the implementation of sediment and erosion controls and sequencing as described above, the following Best Management Practices would be adhered to for construction:

- The construction Site will be kept clear of debris and litter at all times.
- Fuel stored on Site must have a dual containment system to prevent the accidental discharge of material.
- All stockpiles are to be protected through the use of siltation fence barriers and hay bales to prevent loss of material during rain events. Stockpiles left on Site longer than 30 days shall be stabilized with temporary vegetation as required per the *New York State Stormwater Management Design Manual*.
- The generation of dust from exposed soils and any rock crushing operation will be minimized by the use of water as necessary. Dust control will be provided through appropriate techniques, thus reducing air and water pollution and improving on-site working conditions. Methods to control dust include minimizing the area of the Site that is subject to disturbance at any time and limiting the movement of trucks and construction equipment. The contractor shall set up a temporary wheel wash on the tracking pads exiting the Site to accommodate heavy truck traffic during mass earthwork activities. This wash should serve to control the amount of mud tracking.
- During the transportation of excavated materials from the Site, all dump trucks will be covered by tarps to reduce the exposure of the exported loads to wind erosion. The use of mulch barriers or other temporary covers on exposed soil areas will also help to reduce dust levels. During dry weather conditions, spraying water on unpaved areas subject to heavy construction vehicle traffic will also help control dust. Access to the Site during construction will use stabilized construction entrances (i.e., a layer of 2-inch broken stone), which reduce the transport of mud by construction vehicles from the construction site onto public roads. All paved areas shall be swept as specified in the notes in the plan set.
- The dumping of oil or other chemicals to the storm drainage system or ground is forbidden. All hazardous materials or waste oils will be disposed of off-site at an approved location.
- Construction activities would be limited to occur between the hours of 8:00 AM to 8:00 PM on weekdays and between 10:00 AM to 8:00 PM on weekends, per Chapter 177 of the Town/Village Code.
- Truck traffic will be limited to roads that are suitable for truck traffic and will not be permitted on adjacent residential streets. Traffic controls will be utilized at the exit to the Site. All construction delivery vehicles will be directed to use I-95 to access the Site and to enter and exit I-95 at Exit 19 and use Halstead Avenue to travel to and from the Site.

- Construction waste and demolition material will be separated to the extent practicable and recycled. Disposal of the construction debris will be the responsibility of the demolition contractor. Any debris will be disposed of in accordance with all applicable local, State, and federal regulations. A disposal site will be identified as the Project moves forward. At the preconstruction meeting with the Town/Village, the demolition contractor will identify the disposal site(s).
- Ingress and egress to/from the Site is via Halstead Avenue. A suitable path for dump trucks will be determined depending on the disposal facility for the construction and demolition debris.
- If there is a need to import fill into the Site, a testing protocol will be developed to confirm that the fill is clean. Testing documentation would be provided to the Town/Village.
- Any other requirements set forth in MNR's Entry Permit.

**FINDING.** *The Planning Board finds that there will be unavoidable short-term construction related impacts that will result from the development of the Site. However, provided the mitigation measures outlined above are implemented, no significant adverse impacts are anticipated.*

#### **4.12 GREENHOUSE GAS EMISSIONS, ENERGY CONSERVATION, GREEN BUILDING AND SUSTAINABILITY:**

In an effort to address the rising concern and awareness of the potential negative impacts of global warming and greenhouse gas ("GHG") emissions, NYSDEC, under the *Greenhouse Gas Emissions Policy* issued on July 15, 2009, took the lead on assessing and potentially mitigating impacts related to GHG emissions from new developments. As identified in the NYSDEC policy, GHG emissions from development projects include mobile and stationary sources. Stationary sources of GHG and emissions from those sources are classified as direct or indirect. Direct emissions are GHG emissions from fuel that is consumed at a project site. Indirect emissions are associated with energy expended at a project site but purchased from a utility. The NYSDEC GHG policy requires identification of feasible measures to minimize both mobile and stationary sources of GHG emissions generated as a result of a project.

The Site currently contains 260 parking spaces within four parking lots on 2.50 acres of impervious asphalt. Vehicles traveling to and from the parking lots are currently the primary source of GHG emissions related to the Site. Electricity to light the parking lots is a current indirect stationary GHG source.

The Project will meet all applicable New York State building codes including the New York State Energy Conservation Construction Code. The New York State Energy Conservation Construction Code regulates the design and construction of energy-efficient building envelopes and the installation of energy-efficient mechanical, lighting and power systems. The Code establishes minimum requirements for energy-efficient buildings.

The Project will require the use of electricity for lighting and air conditioning, natural gas for cooking, heat, and hot water, and water for drinking, laundry, and sanitation. The Project will implement the following energy saving measures, several of which are

listed in the NYSDEC *Guide for Assessing Energy Use and Greenhouse Gas Emissions in an Environmental Impact Statement* as “measures that can increase energy efficiency, reduce energy demand, and reduce GHG emissions from proposed projects”:

**Water Conservation Measures**

- Water Sense technology plumbing fixtures will be used to minimize water usage.
- Energy Star compliant kitchen appliances will be provided.
- Landscaping with native plants will occur where possible.

**Air Quality Measures**

- Low VOC paints and sealants will be used to improve air quality index.

**Material Conservation Measures**

- Pre-fabricated floor and roof trusses will be used to minimize material waste and on-site debris.

**Energy Saving Measures**

- A combination of LED and CFL lighting will be used to minimize electric usage.
- High efficiency tankless water heaters will be installed in every apartment to provide on demand hot water to save on energy consumption.
- Energy Star compliant appliances will be provided in every residential apartment.
- Each apartment will have its own HVAC zone with its own equipment and thermostat.
- Insulation of R-38 will be installed in attics as well as an insulation sheathing panel of R-3 to reduce heat loss in the winter and heat gain in the summer.
- The windows will be double paned, insulating glass for winter heating and low emissivity for summer cooling.

As an energy-efficient planning consideration, the Project is located directly adjacent to the Harrison Station and in the CBD, with neighborhood shopping accessible to pedestrians, thereby reducing vehicular trips. In addition, bicycle parking will also be integrated into the plans.

The Project will have a recycling program as required by law which will include the recycling of paper, plastic, and glass.

The Applicant proposes to achieve Energy Star or United States Green Building Council's Leadership in Energy and Environmental Design (“LEED”) certification.

The energy conservation building features and systems of the Project will be determined as Project design advances through the site plan approval process. The Applicant will provide the Town documentation that the Project meets the certification requirements of the Energy Star or LEED certification programs.

**Greenhouse Gas Sources**

The Project will increase the GHG emissions that will be generated from the Site from both mobile and stationary sources.

The mobile GHG sources of the Project will include the following:

- Vehicles and traffic to and from the Site for the residential and commercial uses as well as the Commuter Parking Garage. The Project will increase the total AM Peak Hour and PM Peak Hour traffic by 73 new trips during the AM Peak Hour and 176 new trips during the PM Peak Hour.

The stationary GHG sources of the Project will include the following:

- Electrical use for lighting, cooling, and cooking.
- Natural gas for heat, hot water, and cooking fuel. Natural gas emits the least amount of carbon dioxide emissions compared to other fuels types such as oil, propane, or coal.

Specific preliminary measures to decrease the GHG emissions of the Project include:

- A combination of LED and CFL lighting will be used to minimize electric usage.
- High efficiency tankless water heaters will be installed in every apartment to provide on demand hot water to save on energy consumption.
- Energy Star compliant appliances will be provided in every residential apartment.
- Each apartment will have its own HVAC zone with its own equipment and thermostat.
- Insulation of R-38 will be installed in attics as well as an insulation sheathing panel of R-3 to reduce heat loss in the winter and heat gain in the summer.
- The windows will be double paned, insulating glass for winter heating and low emissivity for summer cooling.

The specific GHG emissions reduction measures to be implemented will be determined as Project design advances through the site plan approval process.

#### ***Transit Oriented Development***

The Project will be a Transit Oriented Development), which by design reduces the GHG emissions and provides long-term sustainability compared to a traditional single-family suburban subdivision development. The Project includes 143 units of residential housing and approximately 27,000 square feet of retail/commercial space. The mixed-use Project is located directly adjacent to the Station and a Westchester County Bee-line bus stop. The Site is located in Harrison's downtown, with neighborhood shopping area accessible to pedestrians, thereby reducing vehicular trips to and from work as well as the need to drive to retail establishments. Bicycle parking will also be integrated into the plans. Walking, bicycling, and public transportation will reduce the amount of vehicles miles traveled and therefore the amount of GHG emissions that would otherwise be produced if the Project was not located near public transportation or in a downtown setting. Transit Oriented Development promotes long term sustainability by reducing household driving, creating a walkable community, increasing public transportation ridership, and supporting economic development of the Town/Village downtown.

**FINDING.** The Planning Board finds that while there will be additional GHG emissions as a result of the Project, the emissions will be less than a traditional single family subdivision with a similar number of homes due to the location of the Site, which reduces the overall amount of vehicles miles traveled. In addition, the Applicant is committed to incorporating energy saving measures in the Project design that will minimize the increase in future GHG emissions. The Applicant intends for the Project to obtain either Energy Star or LEED certification. The specific energy saving measures will be determined as Project design advances through the site plan approval process but, at a minimum, will include the measures identified above. The GHG emissions of the Project are not expected to significantly impact regional GHG levels and therefore no significant adverse impacts are anticipated.

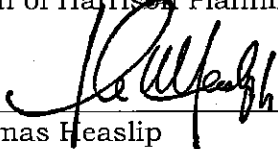
---

### CERTIFICATION OF FINDINGS

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions and specific findings relied upon to meet the requirements of 6 N.Y.C.R.R. Part 617, this Statement of Findings certifies that:

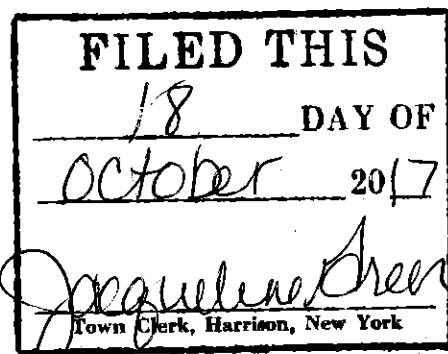
1. The requirements of 6 N.Y.C.R.R. Part 617 have been met;
2. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Town of Harrison Planning Board

  
Thomas Heaslip  
Planning Board Chairman

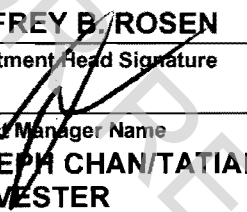
Date

10/17/17




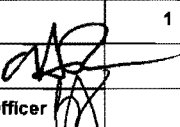



# Staff Summary

<b>Subject</b> <b>HARRISON TRANSIT-ORIENTED DEVELOPMENT</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JEFFREY B. ROSEN</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>JOSEPH CHAN/TATIANA ECK/GREG SYLVESTER</b>

<b>Date:</b> <b>SEPTEMBER 22, 2014</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Metro-North Committee	9/22/14		X	
2	Finance Committee	9/22/14	X		
3	Board	9/24/14	X		

Internal Approvals			
Order	Approval	Order	Approval
		1	Legal 
3	Chief of Staff 		
2	Chief Financial Officer 		

**AGENCY:** MTA Metro-North Railroad ("Metro-North")

**LOCATION:** 3.28 acres immediately south of Metro-North's Harrison Station (the "Station"), designated as Section 18, Block 182, Lots 12 and 15 on the Town/Village of Harrison's assessment map (the "Site"), comprised of a 1.9-acre parcel (the "East Parcel") and a 1.4-acre parcel (the "West Parcel")

**ACTIVITY:** Potential sale of the Site to a subsidiary of AvalonBay Communities Inc. (the "Developer") to permit the construction of a mixed-use transit-oriented development ("TOD") and commuter parking garage (collectively, the "Project")

**ACTION REQUESTED:** Approval to enter into a joint development agreement ("JDA") and negotiate a land disposition agreement ("LDA") and other related agreements

**COMPENSATION:** In exchange for title to the Site, the Developer will, at no cost to Metro-North, construct a new parking garage on a portion of the Site (the "Garage"), in which 475 spaces (the "Commuter Parking Spaces") will be owned by Metro-North and dedicated to commuter parking, and will construct ramps, driveways, sidewalks, vertical transportation and other means of vehicular and pedestrian access between the Garage, adjoining streets and the Station (collectively with the Commuter Parking Spaces, the "Metro-North Facilities")

**COMMENTS:**

The Site, which is owned in fee by MTA, is currently used for surface commuter parking. Its 257 existing parking spaces are insufficient to meet demand at the Station and, were they continue to be operated as currently laid out, would require physical rehabilitation by Metro-North. However, the Site offers great potential for a TOD, as it adjoins the Station and is located in the central business district of the Town/Village of Harrison, NY (the "Town"). In recognition of the Site's potential, Metro-North and the Town collaborated in formulating a TOD concept plan that addressed Metro-North's parking and station access needs as well as the Town's downtown revitalization goals. This TOD plan was packaged and publicly marketed to developers via a request for proposals ("RFP") process, beginning in July 2011.

Responses to the RFP were received from AvalonBay Communities Inc. ("AVB") and Conifer Realty, LLC. Following interviews with both respondents, AVB's proposal was deemed the more advantageous as, unlike Conifer's, it was not contingent upon the availability of public subsidies (the availability of which could not be assured) or, indeed, any form of third-party financing. As such, AVB was selected as the conditionally designated developer and an exclusivity agreement was executed in November, 2012, on the strength of which AVB has expended the time and money required to develop a

# Staff Summary

## Metro-North Railroad Harrison Station TOD

project plan for review under the State Environmental Quality Review Act ("SEQRA") and the Town's formal land use review procedures. Such plan (the "Preliminary Project Plan") calls for the Developer to design, construct and operate the Project with the following components:

- 143 rental apartment units
- Approximately 27,000 square feet of retail, restaurant and/or other neighborhood commercial space
- A total of 753 parking spaces, including 569 spaces in the Garage, of which no less than 475 parking spaces will be set aside for Metro-North commuters

Construction of the Garage by the Developer will allow Metro-North both to avoid rebuilding its existing surface lot and to gain 218 new spaces, all at no cost to Metro-North, a combined economic benefit in excess of the current fair market value of the Site as determined by an independent appraiser.

Subject to SEQRA review and community input pursuant to the Town's land use review procedures, the current members of Harrison's Town Board have endorsed the general design and scope of the Project as set forth in the Preliminary Project Plan, and accordingly a JDA is currently being negotiated among the Developer, Metro-North and the Town.

The purpose of the JDA will be to set forth the terms and conditions on the basis of which:

- the Developer will seek the requisite Town zoning and site plan approvals in order to develop the proposed Project at the Site, and will arrange for and fund all required studies and environmental impact statements required under SEQRA in connection with such approvals;
- the Town, acting as lead agency, and Metro-North will review the proposed Project pursuant to SEQRA;
- the Developer and Metro-North will seek to reach agreement with respect to definitive designs for the Metro-North Facilities;
- the Developer and Metro-North will seek to agree on the definitive terms of the LDA, pursuant to which Metro-North would convey to the Developer first the East Parcel and then the West Parcel, it being understood that :
  - at LDA signing, the Developer will be required to deposit into escrow an amount equal to 10% of the projected Metro-North Facilities construction cost;
  - at closing on the East Parcel, the Developer will be required to replace such deposit with a parental guaranty of AVB, guaranteeing completion of the Metro-North Facilities; and
  - Metro-North will not be required to deliver title to or possession of the West Parcel, and the Developer's interest in the Site will be non-transferable, until the Developer has achieved "substantial completion" of the Metro-North Facilities;
- the Developer and Metro North will seek to agree on the definitive terms of the condominium regime pursuant to which the Garage will be owned, maintained and operated;
- the Town and Metro-North will seek to agree on the definitive terms of agreements pursuant to which (a) provision will be made for temporary off-site parking pending completion of the Garage on the East Parcel and (b) the Town will commit to permanently preserving at least 338 commuter parking spaces on the north side of the Station; and
- the Developer will be required to fund expenses to be incurred by the Town and Metro-North pursuant to the JDA.

Based on the foregoing, MTA Real Estate requests authorization to enter into the JDA, and, subject to completion of the SEQRA process and further Board review, to negotiate the other above-referenced agreements, on the above-described


# Staff Summary

## Metro-North Railroad Harrison Station TOD

terms and conditions. Final execution of the LDA and consummation of the transactions contemplated by this staff summary will be subject to future MTA Board approval.

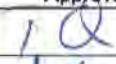

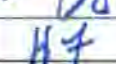

# Staff Summary



Subject <b>PROPERTY ACQUISITION OF 12 CROTON FALLS ROAD</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JOHN N. LIEBER</b>
Department Head Signature 
Project Manager Name <b>ANTHONY CAMPBELL</b>

Date <b>APRIL 23, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Appr	Info	Other
1	Metro-North Committee	4/23/18		X	
2	Finance Committee	4/23/18	X		
3	Board	4/25/18	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Development Officer		
3	Chief Financial Officer		
4	Chief of Staff		

AGENCY: MTA Metro-North Railroad ("Metro-North")

GRANTOR: The Roman Catholic Church of St. Joseph (the "RCC")

LOCATION: 12 Croton Falls Road, Somers, Westchester County, NY, Section 07.09, Block 1, Lot 1.1, 19.91± acres of land with improvements (the "Property")

ACTIVITY: Acquisition of the fee simple title to the Property

ACTION REQUESTED: Approval of terms

COMPENSATION: \$3,100,000.00

## COMMENTS:

Metro-North seeks to acquire the Property to provide additional customer parking for commuters using the Croton Falls Station in North Salem, NY (the "Station"). Information about the proposed acquisition was submitted to the Comptroller's office in 2016.

Metro-North will construct a surface parking facility with approximately 450 spaces, with the ability to add approximately 200 spaces on the Property if Metro-North decides to do so at a later date (the "Project").

Currently, there is a lack of suitable parking near the Station for approximately 200 commuter vehicles. This has resulted in vehicles being routinely parked in unauthorized locations, including the shoulders of busy streets and on highways which lack sufficient sidewalks and lighting. Construction of the parking facility will provide Metro-North customers with a convenient and safe parking amenity. Furthermore, the facility will alleviate overflow parking at the nearby Purdy's Station. Additional benefits of the Project include improved traffic flow in the vicinity of the Station and reduced pollution of sensitive NYC Watershed lands which surround the area.

RCC's former church (now deconsecrated), school, rectory and convent, all of which are vacant, as well as operating equipment, are currently located on the Property. All of these improvements will be removed or demolished by Metro-North. Approximately 12.5 acres of the land has very steep slopes and is not suitable for development. The New York State Historic Preservation office has indicated that none of the RCC's structures are eligible for listing in the New York State or National Registers of Historic Places.

# Staff Summary

## **FINANCE COMMITTEE MEETING PROPERTY ACQUISITION OF 12 CROTON FALLS ROAD**


A portion of the Project will be federally funded. As such, in accordance with Federal Transit Administration (“FTA”) rules and requirements MTA Real Estate on behalf of Metro-North offered to purchase the property at fair market value (\$3,100,000.00) based upon an independent appraisal procured by MTA Real Estate for this purpose, which offer was accepted by RCC.

Metro-North’s Environmental Compliance and Services Department undertook an Environmental Assessment of the Property. The assessment did not reveal any significant environmental conditions. Since federal funding will be used for a portion of the Project, compliance with the National Environmental Policy Act (“NEPA”) was also required. Ultimately, the FTA issued a Class II Categorical Exclusion (CE) for the Project, and a State Environmental Quality Act evaluation resulted in a Negative Declaration determination.

Based on the foregoing, MTA Real Estate requests authorization for Metro-North to acquire the Property on the above terms and conditions.

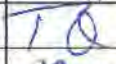

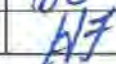
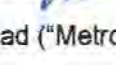


# Staff Summary

<b>Subject</b> <b>LEASE AGREEMENT FOR TARRYTOWN STATION</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JOHN N. LIEBER</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>ALICIA BIGGS</b>

<b>Date</b> <b>APRIL 23, 2018</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Metro-North Committee	4/23/18		X	
2	Finance Committee	4/23/18	X		
3	Board	4/25/18	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Development Officer		
3	Chief Financial Officer		
4	Chief of Staff		

**AGENCY:** Metropolitan Transportation Authority ("MTA" and MTA Metro-North Railroad ("Metro-North"))

**LESSEE:** The Bakehouse of Tarrytown LLC ("The Bakehouse")

**LOCATION:** Tarrytown Station, Hudson Line, Westchester County

**ACTIVITY:** Lease for bakery and café/restaurant

**ACTION REQUESTED:** Approval of terms

**TERM:** Five years with three 5 year renewal options

**SPACE:** Tarrytown Station Building, including the loft area, for a total of 3,842± square feet

**COMPENSATION:** \$37,080 for Year 1 with 3% annual increases through Year 5  
Year 6 rent increases by the greater of CPI or 3%, with 3% annual increases through Year 10.  
Year 11 rent increases by the greater of CPI or 3%, with 3% annual increases through Year 15.  
Year 16 rent increases by the greater of CPI or 3%, with 3% annual increases through Year 20.

## COMMENTS:

In furtherance of a station leasing program that MTA Real Estate and Metro-North have developed, a Request For Proposals ("RFP") was issued seeking proposals to utilize and maintain the entire Tarrytown Station Building (the "Building"), exclusive of the Metro-North Ticket Office. This includes the office loft, waiting room and concession space while preserving a waiting area and bathrooms for the public and Metro-North customers. The RFP also provided the option to operate a mobile coffee cart within the station overpass during peak morning hours.

In response to the RFP, one proposal was received from The Bakehouse Inc. (also known as Riviera Bakehouse), a well-known bakery located in Ardsley-on-Hudson. The Bakehouse Inc. proposed \$37,080 in the first year with increases over

# Staff Summary

## FINANCE COMMITTEE MEETING LEASE AGREEMENT FOR TARRYTOWN STATION

the term of the lease. They also proposed three, 5 year renewal options. The rent for each renewal period will increase by CPI or 3%, whichever is higher. Over the initial 5 year term, the proposed rent is equivalent to a present value of \$122,463.39 using a 7% discount rate. Over 20 years, the net present value, with 3% annual increases, is \$446,295.02. While this proposal is lower than the appraised value as determined by an independent appraiser, Lessee will be making significant improvements to the Building totaling nearly \$250,000.00.

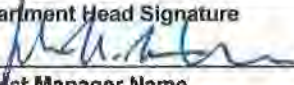
The Bakehouse Inc. has been in business for 45 years in Ardsley-on-Hudson. They offer a wide variety of cakes, pastries and specialty goods. They plan to operate a full service bakery in addition to a sit down/take-out restaurant/café in the Building. The Bakehouse Inc. has proposed reconfiguring and updating the Building's interior, including: 1) installing a kitchen with new fixtures and appliances, and 2) relocating the men's restroom. Metro-North has agreed to upgrade the station's electrical service. The tenant shall fund \$80,000 of the electrical upgrade, which shall be reimbursed by Metro-North through rent credits. The Bakehouse Inc. will also provide a guaranty for project completion and rent payment.

The lease will permit Metro-North continued operation and maintenance of the ticket office. Furthermore, Lessee will be required to provide use of the waiting area and restrooms for Metro-North's customers and the public during their business hours, 6:00 a.m. to 8:00 p.m., which expands the hours of availability of the waiting room and restrooms. The Lessee will assume all operation and maintenance of the Building's interior and Lessee's improvements.

Based on the foregoing, MTA Real Estate requests authorization for MTA and Metro-North to enter into a lease agreement with The Bakehouse of Tarrytown on the above-described terms and conditions.





# Staff Summary



Subject <b>GRAND CENTRAL TERMINAL EVENT FEE SCHEDULE MODIFICATION</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JOHN N. LIEBER</b>
Department Head Signature 
Project Manager Name <b>LEAH BASSKNIGHT</b>

Date <b>APRIL 23, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	4/23/18	X		
2	Board	4/25/18	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Development Officer		
3	Chief Financial Officer		
4	Chief of Staff		

AGENCY: MTA Metro-North Railroad ("Metro-North")  
 LOCATION: Vanderbilt Hall, Grand Central Terminal  
 ACTIVITY: Licensing Vanderbilt Hall for Events  
 ACTION REQUESTED: Approval of Event Rate Schedule Modification  
 SPACE: Vanderbilt Hall

## COMMENTS:

MTA Real Estate is requesting Board approval for Metro-North to modify the Vanderbilt Hall event rate schedule. The revised rates are intended to: (1) increase revenue, notably during January, when post-holiday demand has been historically low; and in July and August when Vanderbilt Hall often remains vacant, as clients look for outdoor venues; (2) increase the number of events in Vanderbilt Hall, by offering a greater discount for long-term engagements; (3) encourage non-profit clients to host events in Vanderbilt Hall by offering a further discounted daily rate; and (4) encourage tenants of Grand Central Terminal ("Terminal") to host events and further promote their retail locations in the Terminal.

The current daily rate is \$15,000 per day. MTA Real Estate's consultant, Jones Lang LaSalle, conducted an analysis of comparable public and private New York City ("NYC") event spaces. The rental rates for these venues ranged from \$6,800 to \$45,000 per day. Furthermore, JLL concluded that other venues have the flexibility to negotiate their rates during the summer months and for multi-day events. Therefore, in order to increase Vanderbilt Hall activations and to remain competitive in the current market, the rates are set forth in the schedule below (the "Scheduled Rates"). If approved, the new Scheduled Rates will take effect on May 1, 2018.

Further, inasmuch as rental rates for event venues are susceptible to seasonal fluctuation and other market driven conditions that change from time to time, MTA Real Estate is seeking further approval at this time for Metro-North to have the ability to further adjust such Scheduled Rates in the future for events at Vanderbilt Hall, (with supporting documentation), based upon advice of its consultants and consistent with NYC event industry standards and market fees, in order to remain competitive in the market in the future, without need for further Board approval provided that the aggregate of all such future adjustments will not increase or decrease the Scheduled Rates by more than 20%.



# Staff Summary

## FINANCE COMMITTEE MEETING

### GRAND CENTRAL TERMINAL EVENT FEE SCHEDULE MODIFICATION (Cont'd.)



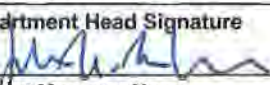
#### Proposed Vanderbilt Hall Rental Rates

Type/duration of Vanderbilt Hall Rental Fee	Daily Rate	Notes
February through June & September through December		
1+ Day(s)	\$15,000	Full day rate
Existing GCT Tenant Produced Events	\$7,500	Existing GCT tenants have the opportunity to host an event in Vanderbilt Hall at a 50% discount for the first event day. All subsequent days are full rate
Non-profit rate	\$11,250	Client must submit proof of 501c3 status to receive this rate
Load in/Load out hourly rate	\$625 per hour	Maximum of 6 hours for load in and load out only Maximum notice of 30 days before the event
January, July, and August		
1 - 6 Days	\$7,500	Daily rate during January, July, and August
7+ Days	\$6,500	Daily rate for events that are 7+ days long
Existing GCT Tenant Produced Events	\$6,000	Daily rate for existing tenants of GCT
Load in/Load out hourly rate	\$625 per hour	Maximum of 6 hours for load in and load out only Maximum notice of 30 days before the event
<i>Rates do not include production costs and additional services fees. These rates are strictly room rental fees.</i>		

**With the new fee structure in place, MTA Real Estate will evaluate the financial performance of the GCT Events Program during the course of 2018 to determine whether it is the optimal model for activation of Vanderbilt Hall.**



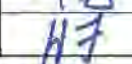

Based on the foregoing, MTA Real Estate requests authorization for Metro-North to modify the Vanderbilt Hall rate schedule on the above-described terms and conditions.

# Staff Summary

<b>Subject</b> <b>ENTRY PERMIT AT WILLIAMS BRIDGE STATION</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JOHN N. LIEBER</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>PAUL M. FITZPATRICK</b>

<b>Date</b> <b>APRIL 23, 2018</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	4/23/18	X		
2	Board	4/25/18	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Development Officer		
3	Chief Financial Officer		
4	Chief of Staff		

**PERMITTOR:** MTA Metro-North Railroad ("Metro-North")

**PERMITTEE:** Bove Industries, Inc. ("Bove")

**LOCATION:** Former Sidetrack Yard at Metro-North's Williams Bridge Station, Harlem Line, at Bronx Block 3357, Lot 247, Bronx County, City of New York, State of New York, in the vicinity south of Gun Hill Road Bridge (MP 10.52)

**ACTIVITY:** Permit for the temporary use of Metro-North property as described above, for staging of construction equipment and vehicles in support of New York State Department of Transportation's ("DOT") Project D263501, which Project is intended to effect upgrades to the Bronx River Parkway

**ACTION REQUESTED:** Approval of Terms

**TERM:** 8 months, terminating on December 21, 2018

**TERMINATION:** 30 days' notice

**SPACE:** (1) A non-exclusive access way of approximately 3,053 square feet, and (2) an adjacent fenced-in and gated construction staging area for Permittee's exclusive use to occupy consisting of approximately 7,733 square feet

**COMPENSATION:** \$1,500 per month

## COMMENTS:

An entry permit was requested to support Permittee's work along the Bronx River Parkway through the remainder of 2018. Because work is expected to be completed by December 21, 2018, this is a temporary occupancy.

MTA Legal assisted in the drafting of this entry permit and incorporated comments from Metro-North. MTA Risk Management provided insurance requirements.

Compensation has been determined through conversations with our independent appraiser, and Permittee has agreed to the amount.

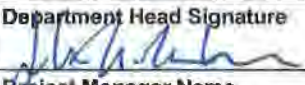
Based on the foregoing, MTA Real Estate requests authorization to grant an Entry Permit to Bove Industries, Inc. on the above-described terms and conditions.

# Staff Summary






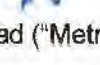
Metropolitan Transportation Authority

Page 1 of 2

<b>Subject</b> <b>LICENSE WITH SPICES AND TEASE - GCT</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JOHN N. LIEBER</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>LEAH BASSKNIGHT</b>

<b>Date</b> <b>APRIL 23, 2018</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	4/23/18	X		
2	Board	4/25/18	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Development Officer		
3	Chief Financial Officer		
4	Chief of Staff		

AGENCY: Metropolitan Transportation Authority ("MTA") and MTA Metro-North Railroad ("Metro-North")

LESSEE: Spices and Tease Inc. d/b/a Spices and Tease

LOCATION: Retail Space MKT 21

ACTIVITY: Lease for the retail sale of high-quality tenant-branded spices and teas

ACTION REQUESTED: Approval of terms

TERM: Ten (10) years

SPACE: Approximately 238 sq. ft.

COMPENSATION: Annual Base Rent plus 10% of gross sales over Breakpoint as follows:

Year	Annual Base Rent	PSF	Breakpoint
1	\$177,310.00	745.00	\$725,000.00
2	\$182,629.30	767.35	\$725,000.00
3	\$188,108.18	790.37	\$725,000.00
4	\$193,751.42	814.08	\$725,000.00
5	\$199,563.96	838.50	\$725,000.00
6	\$205,550.87	863.66	\$725,000.00
7	\$211,717.39	889.57	\$725,000.00
8	\$218,068.91	916.26	\$725,000.00
9	\$224,610.97	943.74	\$725,000.00
10	\$231,349.30	972.06	\$725,000.00

## COMMENTS:

In response to a recent MTA Request for Proposals for retail space MKT-21 in Grand Central Terminal, proposals were received from the incumbent, Spices and Tease Inc. d/b/a Spices and Tease and Donut Plant Inc., d/b/a Donut Plant.

Per the Guidelines for Selection of Tenants for Grand Central Terminal approved by the MTA Board in November 2009, the proposals received were independently evaluated by MTA Real Estate's third party real estate service providers Newmark Knight Frank and Jones Lang LaSalle, and subsequently evaluated by the Director of GCT Retail

# Staff Summary

## **FINANCE COMMITTEE MEETING LICENSE WITH SPICES AND TEASE - GCT (Cont'd.)**

Leasing and Management. When evaluating the proposals, two evaluation criteria were taken into account. Selection Criterion A, which accounts for 70% of the score, is designed to evaluate the direct economic value of a proposal. Selection Criterion B, which accounts for 30% of the score, is the evaluators' determination of a proposal's potential indirect benefit to the MTA.

As illustrated in the attached chart, both (i) the Unadjusted Guaranteed Rent Amount (i.e. the proposed guaranteed minimum rent, on a present value basis using a discount rate of 6%); and (ii) the Total Selection Criteria Score for Spices and Tease were higher than the scores for Donut Plant. Since the highest score was chosen, it did not trigger the need to convene a selection committee, pursuant to GCT leasing guidelines. The rent proposed by Spices and Tease is at fair market rental value for the subject space, as determined by an independent appraiser.

Spices and Tease Inc. is the U.S. brand of a French family business, operated by the Forte family since 1933 and sells quality spices, teas, and seasonings to customers, including chefs, worldwide. Spices and Tease has been a tenant in the market since 2012 and is in good standing. In addition to spices (including house blends), teas, tea accessories and salt and pepper mills, the Licensee proposes to introduce truffles and mushrooms to their product line. The quality products that they sell and their skillful visual merchandising continues to enhance the overall quality and ambience of the Grand Central Market.

Based on the foregoing, MTA Real Estate requests authorization for MTA and Metro-North to enter into a lease agreement with Spices and Tease Inc. d/b/a Spices and Tease on the above-described terms and conditions.

**Grand Central Terminal Retail Leasing Evaluation Sheet**  
 Evaluator: Leah Bassknight, Director GCT Development

Space: MK-21 (currently Spices and Teas)  
 Date: December 16, 2017

	A	B	C	D	E	F	G	H	I	J
PROPOSER	<u>Unadjusted Guaranteed Rent Amount</u>	<u>Guaranteed Rent Adjustment Factor*</u>	<u>Adjusted Guaranteed Rent Amount (A x B)</u>	<u>Unadjusted Percentage Rent Amount</u>	<u>Percentage Rent Adjustment Factor**</u>	<u>Adjusted Percentage Rent Amount (D x E)</u>	<u>Adjusted Total Rent Amount (C + F)</u>	<u>Selection Criterion A Score *** (0-70)</u>	<u>Selection Criterion B Score (0-30)</u>	<u>Total Selection Criterion Score (H + I)</u>
Spices and Teas	1,475,000.03	1	1,475,000.03	49,178.55	.00	0	1,475,000.03	70	25	95
Donut Plant	1,327,681.01	1	1,327,681.01	74,362.58	.50	37,181.29	1,331,392.30	63.2	20	83.2
* Guaranteed Rent Adjustment Factor: from 1.00 (no uncertainty about A) to as low as 0.50 (great uncertainty about A); however may be as low as 0.00 per guidelines										
** Percentage Rent Adjustment Factor: as high as 0.50 (no uncertainty about D) to as low as zero (great uncertainty about D).										
*** Selection Criterion A Score: 70 multiplied by the ratio of the Adjusted Total Rent Amount for the proposer to the highest Adjusted Total Rent Amount (from column G)										



## Procurement

Steve Plochochi, Senior Vice President




Flatcars are used to transport equipment and materials to work sites. Photos show before and after images of flatcar frame repair. These refurbished flatcars will support ongoing maintenance and construction activities.

### PROCUREMENTS

The Procurement Agenda this month includes 8 actions for a proposed expenditure of \$28.7M.

<b>Subject</b> Request for Authorization to Award Various Procurements					
<b>Department</b> Materiel – NYCT					
<b>Department Head Name</b> Stephen M. Plochochi					
<b>Department Head Signature</b> 					
<b>Project Manager Name</b> Rose Davis					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Committee	4/23/18			
2	Board	4/25/18			

April 16, 2018			
<b>Department</b>			
<b>Department Head Name</b>			
<b>Department Head Signature</b>			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
	President NYCT	X	Buses
	Executive VP	X	Subways
X	Capital Prog. Management	X	Diversity/Civil Rights
X	Law		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval

**PURPOSE:**

To obtain approval of the Board to award various contracts and purchase orders, and to inform the NYC Transit Committee of these procurement actions.

**DISCUSSION:**

**NYC Transit proposes to award Noncompetitive procurements in the following categories:**

Schedules Requiring Majority Vote:

Schedule G:	Miscellaneous Service Contracts	1	\$	2.5 M
	• Arro, Inc.		\$	2.5 M
Schedule I:	Modification to Purchase and Public Work Contracts	1	\$	2.1 M
	• Seon Design (USA) Corp.		\$	2.1 M
SUBTOTAL		2	\$	4.6 M

**MTA Capital Construction proposes to award Noncompetitive procurements in the following categories: NONE**

**MTA Bus Company proposes to award Noncompetitive procurements in the following categories: NONE**



**NYC Transit proposes to award Competitive procurements in the following categories:**

<u>Procurements Requiring Two-Thirds Vote:</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule B:	Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	1	\$ TBD M
<u>Schedules Requiring Majority Vote:</u>			
Schedule F:	Personal Service Contracts	1	\$ 0.9 M
Schedule L:	Budget Adjustments to Estimated Quantity Contracts	2	\$ 19.9 M
		<b>SUBTOTAL</b>	<b>\$ 20.8 M</b>

**MTA Capital Construction proposes to award Competitive procurements in the following categories: NONE**

**MTA Bus Company proposes to award Competitive procurements in the following categories: NONE**

**MTA Capital Construction proposes to award Ratifications in the following categories: NONE**

**MTA Bus Company proposes to award Ratifications in the following categories: NONE**

**NYC Transit proposes to award Ratifications in the following categories: NONE**

Schedules Requiring Majority Vote:

Schedule K:	Ratification of Completed Procurement Actions	2	\$ 3.3 M
		<b>SUBTOTAL</b>	<b>\$ 3.3 M</b>
		<b>TOTAL</b>	<b>\$ 28.7 M</b>

**COMPETITIVE BIDDING REQUIREMENTS:** The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

**BUDGET IMPACT:** The purchases/contracts will result in obligating funds in the amounts listed. Funds are available in the current operating/capital budgets for this purpose.

**RECOMMENDATION:** That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)

## **BOARD RESOLUTION**

**WHEREAS**, in accordance with Section 1265-a and 1209 of the Public Authorities Law and the All-Agency General Contract Procurement Guidelines, the Board authorizes the award of certain noncompetitive purchase and public work contracts, and the solicitation and award of requests for proposals in regard to purchase and public work contracts; and

**WHEREAS**, in accordance with the All-Agency Service Contract Procurement Guidelines and General Contract Procurement Guidelines the Board authorizes the award of certain noncompetitive miscellaneous service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts, and certain budget adjustments to estimated quantity contracts; and

**WHEREAS**, in accordance with Section 2879 of the Public Authorities Law and the All-Agency Service Contract Procurement Guidelines, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.

2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals, and authorizes the solicitation of such proposals.

3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.

4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein, and ratifies each action for which ratification is requested.

5. The Board authorizes the execution of each of the following for which Board authorization is required: (i) the miscellaneous procurement contracts set forth in Schedule E; (ii) the personal service contracts set forth in Schedule F; (iii) the miscellaneous service contracts set forth in Schedule G; (iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; (v) the contract modifications to purchase and public work contracts set forth in Schedule I; and (vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.

6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

7. The Board authorizes the budget adjustments to estimated contracts set forth in Schedule L.

**APRIL 2018**

**LIST OF NONCOMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

**G. Miscellaneous Service Contracts**

(Staff Summaries required for all items greater than: \$100K Sole Source; \$750K Other Noncompetitive; \$1M RFP; No Staff Summary required if sealed bid procurement.)

1. **Arro, Inc.** **\$2,458,470** **Staff Summary Attached**  
**5-month contract**  
**Contract# SSE 36327**  
Pilot contract for E-Hail services for Paratransit.

**I. Modifications to Purchase and Public Work Contracts**

(Staff Summaries required for individual change orders greater than \$750K. Approval without Staff Summary required for change orders greater than 15% of the adjusted contract amount which are also at least \$250K.)

2. **Seon Design (USA) Corp.** **\$2,051,089** **Staff Summary Attached**  
**Contract# C-52097A.8**  
Modification to the contract for purchase and installation of a Bus Camera Security System ("BCSS"), in order to provide continued maintenance services for buses and depots equipped with bus camera security systems, the installation of additional interior cameras, the purchase of mobile hard drives, and Microsoft server and client access licenses to support the use of BCSS.

## Schedule G: Miscellaneous Service Contracts



Item Number: 1

<b>Vendor Name (Location)</b> Arro Inc. (Long Island City, New York)
<b>Description</b> Pilot contract for E-Hail services for Paratransit
<b>Contract Term (including Options, if any)</b> May 1, 2018–October 10, 2018
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Test and Evaluation

<b>Contract Number</b> SSE-36327	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount</b> \$2,458,470	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Department of Buses, Darryl C. Irick	

### Discussion

In October 2017, NYC Transit began a 12-month pilot program to test and evaluate if E-Hail companies could be utilized to electronically disseminate paratransit trips to NYC Taxi and Limousine Commission (“TLC”) licensed drivers through the use of web-based applications. At this time NYC Transit is requesting approval to award an estimated quantities contract under this E-Hail pilot program to Arro Inc. (“Arro”), a New York-based company, for the remainder of the pilot program.

Access-A-Ride (“AAR”) service is provided through two different approaches, dedicated service and non-dedicated service. Dedicated service providers are known as Primary Carriers whose only business is to transport NYC Transit AAR customers. Non-dedicated service providers such as Broker Car Service, Voucher Car Service, Taxicabs, and E-Hail perform AAR service in concert with each contractor’s existing operations. The use of non-dedicated service provides cost and operational benefits to NYC Transit in that Paratransit does not bear the total responsibility for maintenance and operating costs, as is the case with dedicated service, and non-dedicated service providers offer access to a larger vehicle capacity to perform a high volume of trips.

E-Hail providers are technology companies that have developed web-based applications intended to match customers with vehicles located within a customer’s immediate geographical area. In New York City, Arro operates an application that disseminates trips to approximately 7,800 yellow and green metered taxicabs that are affiliated to its application and that are located within the five boroughs. The drivers of these vehicles are TLC-licensed drivers that are independent contractors. Arro is expected to perform an estimated 69,000 AAR trips during this pilot.

It is anticipated that the E-Hail pilot program will continue to deliver improved customer service to AAR customers by providing additional transportation options. The E-Hail pilot also allows for the testing of on-demand same-day service, which is expected to provide AAR customers with flexibility of their schedules and reduce the out-of-pocket expenses to AAR customers who utilize the current Taxicab service program (which requires customers to pay the entire taxi fare up front and then be reimbursed by NYC Transit). It is also anticipated that E-Hail will provide additional capacity at a cost savings to NYC Transit when compared to the cost of Primary Carriers. The addition of Arro to the existing pilot program will provide even greater capacity and allow Paratransit to analyze the capabilities of multiple E-Hail companies simultaneously. The E-Hail pilot program has been operating successfully since October 2017, with service being provided by VeriFone Transportation Systems (“VeriFone”) and has received positive feedback from AAR Customers and paratransit advocates.

The limited term of the pilot program has necessitated that an Immediate Operating Need (“ION”) be declared to expedite the award of a contract to Arro, expedite awards to other additional contractors during this period, as well as increase the capacity of the work already being performed by VeriFone (another action on this month’s Procurement Agenda). The expedited award will enable NYC Transit to evaluate multiple contractors engaged in the pilot and to continue improvements to customer service.

Arro’s pricing is based on a fixed price per trip based on distance. The estimated average price per trip is \$35.63 and the total contract value is for an estimated \$2,458,470 (69,000 trips x \$35.63 per trip). This represents a savings of approximately \$33.08 per trip (or 48 percent) when compared to the average cost of \$68.71 for a Primary Carrier trip. If Primary Carriers were used to perform these trips, the cost to the Authority would be approximately \$4,740,990. Arro’s pricing is deemed fair and reasonable. This action is being processed as an ION and therefore not subject to prior approval by the Office of the State Comptroller.

**Schedule I: Modifications to Purchase and Public Work Contracts**



**Item Number:** 2

<b>Vendor Name (Location)</b> Seon Design (USA) Corp (Bellingham, Washington)
<b>Description</b> Bus Camera Security System
<b>Contract Term (including Options, if any)</b> February 15, 2011–December 31, 2019
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Department of Buses, Darryl C. Irick

<b>Contract Number</b>	<b>AWO/Mod. #</b>
C-52097A	8
<b>Original Amount:</b>	\$ 9,748,256
<b>Option Amount:</b>	\$ 22,642,618
<b>Total Amount:</b>	\$ 32,390,874
<b>Prior Modifications:</b>	\$ 2,984,795
<b>Prior Budgetary Increases:</b>	\$ 249,800
<b>Current Amount:</b>	\$ 35,625,469
<b>This Request:</b>	\$ 2,051,089
<b>% of This Request to Current Amount:</b>	5.8%
<b>% of Modifications (including This Request) to Original Amount:</b>	51.7%

**Discussion**

This modification is for the provision of maintenance services for buses and depots equipped with bus camera security systems (“BCSS”) and the installation of additional interior cameras to further enhance operator safety and security on 1,505 buses in the estimated total amount of \$2,051,089. The BCSS allows video images to be captured on buses and then wirelessly uploaded along with a system health report from buses to depot servers during the refueling process for use in managing data and ensuring proper operation of the onboard equipment.

Contract C52097 was awarded to UTC Fire & Security (“UTCFS”) for the provision and installation of its MobileView BCSS, consisting of cameras and mobile digital video recorders, on an estimated quantity of 426 buses as well as software and hardware for nine depots with an option for an additional 1,150 buses and corresponding depots. An additional 37 buses and 19 depots were outfitted with BCSS through subsequent modifications, bringing the total number of buses and depots retrofit with BCSS to 1,613 and 28 respectively. As of March 29, 2017, NYC Transit and MTA Bus Company have also received a combined 1,512 new bus deliveries with BCSS pre-installed, bringing the total number of buses equipped with BCSS to 3,125.

The original procurement was conducted after an outreach to eight companies that were invited to present their BCSS for evaluation. Of the eight, three ultimately provided their equipment for a five-bus test to determine performance acceptability: NICE Systems, Inc. (“NICE”); UTCFS; and March Networks (“March”). Negotiations with each commenced while the tests were underway. Technical ratings on the performance of the respective systems showed that UTCFS’s performance far exceeded that of March and NICE. This process allowed the Authority to evaluate technical performance, price and warranty provisions, and ultimately select a superior product at a competitive price from UTCFS.

In October 2017, UTCFS notified NYC Transit that Seon Design (USA) Corp. (“Seon”) was acquiring its MobileView business unit. NYC Transit performed a responsibility check on Seon and agreed to the assignment. Seon officially acquired MobileView on November 30, 2017. Contract C52097 was renamed C52097A as a result of the assignment to Seon.

This modification will provide maintenance services for 1,613 buses and 28 depots currently equipped with BCSS through the end of 2019, allowing for the warranty and maintenance of all systems purchased under this contract to expire simultaneously. A renewal contract will be put in place prior to this expiration. In addition, this modification will allow for the purchase and installation of an additional interior camera on 1,505 buses in order to capture additional data that can be utilized in post-incident analysis.

Through negotiations, Procurement was able to achieve significant savings for the maintenance portion of the modification as compared to these services under the initial acquisition. Procurement also achieved savings for the additional cameras as compared to pricing negotiated in a previous modification. The final price of \$2,051,089 was determined to be fair and reasonable by the Cost Price Analysis Unit, and both Procurement and the Department of Buses concur with this determination.

**APRIL 2018**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Two-Thirds Vote:**

**B. Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)**  
(Staff Summaries required for items estimated to be greater than \$1M.)

- |                                                                                                                                                                                      |                              |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|--------------------------------------|
| <b>1. Contractor To Be Determined</b><br><b>Contract Term To Be Determined</b><br><b>Contract# P-36340</b>                                                                           | <b>Cost To Be Determined</b> | <b><u>Staff Summary Attached</u></b> |
| <p>RFP Authorizing Resolution for the design-build, furnish, and delivery of four deployable battery-powered substations; funded under the Superstorm Sandy Resiliency contract.</p> |                              |                                      |

**Procurements Requiring Majority Vote:**

**F. Personal Service Contracts**  
(Staff Summaries required for all items greater than: \$100K Sole Source; \$750K Other Noncompetitive; \$1M Competitive.)

- |                                                                                                    |                  |                                      |
|----------------------------------------------------------------------------------------------------|------------------|--------------------------------------|
| <b>2. Tramm Consultants, Inc.</b><br><b>Two Proposals – 60-month contract</b><br><b>RFP# 96217</b> | <b>\$925,000</b> | <b><u>Staff Summary Attached</u></b> |
| <p>Provide Quality Assurance reviews of union assistance programs.</p>                             |                  |                                      |

**L. Budget Adjustments to Estimated Quantity Contracts**  
(Expenditures which are anticipated to exceed the lesser of \$750,000 or \$50,000 in the event such expenditures exceed 15% of the adjusted contract budget, including any contract modifications.)

- |                                                                                                                               |                     |                                      |
|-------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------|
| <b>3. Ultimate Power, Inc.</b><br><b>Contract# 8983</b>                                                                       | <b>\$550,000</b>    | <b><u>Staff Summary Attached</u></b> |
| <p>Provide additional funding for continued maintenance and repair of heating, ventilation, and air-conditioning systems.</p> |                     |                                      |
| <b>4. VeriFone Transportation Systems</b><br><b>Contract# 6%19129</b>                                                         | <b>\$19,335,380</b> | <b><u>Staff Summary Attached</u></b> |
| <p>Provide additional funds for continued Paratransit E-Hail services under NYC Transit's E-Hail Pilot program.</p>           |                     |                                      |

# Staff Summary



<b>Item Number</b> 1			
<b>Department, Department Head Name:</b> SVP Operations Support, Stephen M. Plochochi			
<b>Internal Approvals</b>			
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>
1	Materiel	6	EVP
2	X Law	7	President
3	X CPM	8	
4	X Subways	9	
5	X CFO	10	

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> RFP Authorizing Resolution	<b>Contract No.</b> P-36340
<b>Description</b> Sandy Resiliency: Deployable Substations (Design-Build)	
<b>Total Amount</b> \$TBD	
<b>Contract Term (including Options, if any)</b> 25 Months	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Purpose

To request that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is in the public interest to issue a competitive Request for Proposal ("RFP") pursuant to Public Authorities Law, Section 1209, Subdivision 9(f) to solicit Sandy Resiliency: Deployable Substations for the Design-Build, Furnish, and Delivery of Four Deployable Battery-Powered Substations. This project will be managed by NYC Transit's Capital Program Management.

## Discussion

NYC Transit is pursuing a more streamlined design-build strategy for certain types of capital projects, as well as alternate project delivery and procurement methods to achieve overall best value and approach for NYC Transit and the public. As a result, this project is part of a design-build program within the 2015–2019 timeframe, which promises efficient and faster delivery of projects while achieving best value benefits.

NYC Transit's subway system depends on traction power to run subway service. The network of substations in the system convert high-tension AC power to the DC power used for train propulsion. Substations located in the low-lying areas along the coastline were damaged by floodwater from Superstorm Sandy, which resulted in prolonged service outages and required emergency repairs to restore service. Deployable Battery-Powered Substations ("DBPS") are part of NYC Transit's overall resiliency strategy for restoring traction power to substations that could experience flood damage in the future. The purpose of this project is to procure four DBPS units that will be used to provide temporary power until the damaged substations are repaired and placed back in service. The DBPS units will be designed, manufactured, and delivered to designated NYC Transit storage facilities. Each unit will consist of two trailers: one housing battery cells and the other containing the converter, transformer, and all the substation elements. A separate contract will be issued to provide site improvements at two designated storage facilities to house these units.

Selection will be accomplished by using a competitive RFP process. Firms that participate will receive an RFP, including conceptual design documents and the proposed contract terms. As part of the RFP, prospective Design-Build teams will propose their technical solutions and will be encouraged to provide alternate proposals to NYC Transit requirements in addition to proposed price. In accordance with MTA policy regarding the use of design-build, a stipend will be paid to design-build teams that were not selected, yet provided detailed proposals. This will be done in order to enhance competition and defray proposal costs.



# Staff Summary

Utilizing an RFP process is the best way to solicit for this project. Given the project's complex nature, it is in the best interest of NYC Transit to be able to consider, in addition to cost, technical factors such as design and fabrication and integration approach, technical ability, performance record, proposed schedule improvements, and other relevant matters to select a contractor to perform the work and determine which proposal offers the best overall value. In addition, the RFP process will allow NYC Transit greater flexibility (than a low-bid process) to negotiate alternative approaches to the work and incentives for early completion, as well as contract terms and conditions, which could potentially shorten the project duration.

## **Alternatives**

The use of a sealed bid process in which factors other than price cannot be considered is not recommended as it does not provide the best flexibility in assessing the alternative means toward accomplishing this project. An RFP is the best means to evaluate different technical approaches and to enable the consideration of alternative proposals. A negotiated procurement in the context of a complex project would better serve the public interest and offer NYC Transit the best overall value.

## **Impact on Funding**





This project is federally funded under Superstorm Sandy Resiliency Funding and managed by NYC Transit under the Capital Program. The stipends will be funded by the MTA.

## **Recommendation**

That the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate, and that, pursuant to Public Authorities Law, Section 1209, Subdivision 9(f), it is in the public interest to issue a competitive RFP to solicit Sandy Resiliency: Deployable Substations for the Design-Build, Furnish, and Delivery of Four Deployable Battery-Powered Substations.

# Staff Summary



<b>Item Number</b> 2			
<b>Department, Department Head Name:</b> SVP Operations Support, Stephen M. Plochochi			
			
<b>Internal Approvals</b>			
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>
1 	Materiel	6 	President
2 X	Law	7	
3 X	DDCR	8	
4 X	CFO	9	
5 	EVP	10	

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b>	<b>Contract No.</b>
Tramm Consultants, Inc.	RFP 96217
<b>Description</b>	
Provide Quality Assurance Reviews of Union Assistance Programs	
<b>Total Amount</b>	
\$925,000	
<b>Contract Term (including Options, if any)</b>	
60 Months	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Procurement Type</b>	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b>	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b>	
<input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Purpose

To obtain approval from the Board to award a five-year competitively negotiated contract requested by MTA Occupational Health Services to Tramm Consultants, Inc. ("Tramm") to provide Quality Assurance reviews of Union Assistance Programs ("UAPs") in the estimated amount of \$925,000.

## Discussion

Federal Transit Administration ("FTA") regulations mandate that transit agencies establish programs to provide diagnosis, counseling, and treatment to employees with drug and alcohol issues. NYC Transit maintains a management-administered Employee Assistance Program ("EAP") to assist employees with these and other issues. To further promote participation in such programs, since 1988, three Union Assistance Programs ("UAPs") were established through collective bargaining agreements between NYC Transit and the Transport Workers Union Local 100, as well as the Amalgamated Transit Union locals 726 and 1056. Under these agreements, union members may be required to go to the UAPs in certain circumstances to obtain appropriate treatment. In addition, in furtherance of participation in such programs, represented employees seeking voluntary assistance are directed to the UAPs rather than the EAP. Voluntary requests account for the largest number of entries into the UAPs.

NYC Transit's oversight of the UAP programs is necessary to ensure continued compliance with FTA regulations. The UAPs are administered and managed by the unions while being funded by NYC Transit. The UAPs refer employees to outside providers for treatment and manage the outside providers. Subsequently, the UAPs make recommendations for employees returning to work.

A consultant hired by NYC Transit reviews UAP policies, procedures, and practices to ensure the program follows state, local, and FTA rules and regulations and clinical industry standards. In addition, the consultant: (1) evaluates credentials of UAP staff and treatment providers' staff, (2) reviews UAP treatment plans to determine appropriateness of the types and length of services provided, (3) reviews the clinical validity of return-to-work decisions made by UAPs based on clinical industry standards, (4) evaluates treatment facilities to which employees are referred, (5) determines overall compliance with regulatory requirements, (6) reviews UAP expenditures, administrative costs, budget and per-client cost of treatment, and (7) audits payments made by the UAPs.

This contract is performed by a third-party consultant because the aforementioned collective bargaining agreements contemplate third-party oversight, primarily to ensure confidentiality of those employees who seek treatment voluntarily.

Prior to advertising the Request for Proposal (“RFP”), the Procurement team engaged in an extensive outreach effort to firms engaged in the EAP field to enhance interest and competition for this procurement. The RFP was advertised with selection criteria that included (1) the proposer’s relevant experience and qualifications, including demonstrated experience and expertise as a qualified industry expert in the evaluation of substance abuse programs’ policies and procedures, particularly as they relate to FTA regulations, demonstrated experience and expertise performing quality assurance reviews and care management evaluations of substance abuse programs, quality of proposer’s assigned personnel as demonstrated by the quality and length of experience, knowledge of relevant local, state and federal rules and regulations, labor/management contractual agreements and clinical industry standards, and demonstrated experience and expertise evaluating assistance programs’ policies and procedures; (2) the proposer’s approach to the work, including the proposer’s understanding of the work, the technique by which the proposer plans to meet the technical requirements, the proposer’s responsiveness to the RFP, and project management plan; (3) overall project cost; and (4) other relevant matters.

Seven firms obtained the solicitation, and three firms attended the pre-proposal conference. Two firms submitted proposals: Masi Research Consultants (“Masi”) and Tramm. A survey of potential proposers revealed that some firms did not propose because they normally manage employee assistance programs, while this contract only calls for the consultant to provide oversight; as stated above, the UAPs are managed by the TWU and ATU unions.

The Selection Committee (“SC”) reviewed the proposals in accordance with the evaluation criteria in the RFP, and recommended that both proposers be invited for oral presentations. Following oral presentations, the SC recommended that Masi and Tramm be invited to negotiations. Both firms were invited because of their experience and expertise. In addition, the SC considered Tramm’s approach to the work to be superior.

Negotiations with Masi and Tramm focused on pricing. Following negotiations, Best and Final Offers (“BAFOs”) were requested, and were received on February 16, 2018. The results are summarized below:

<u>Proposer</u>	<u>Initial Proposal</u>	<u>BAFO</u>
Masi	\$1,483,000	\$1,113,500
Tramm	\$1,280,000	\$925,000

After reviewing the BAFOs, in accordance with the evaluation criteria, the SC unanimously recommended Tramm for award. Tramm was unanimously determined to be the highest technically ranked proposer because its demonstrated experience and expertise exceeded Masi’s, particularly with regard to quality assurance reviews and care management evaluations of substance abuse programs and evaluating such programs’ policies and procedures. Further, Tramm demonstrated a superior approach to the work and understanding of the work, especially in the context of unionized workforces which made it especially well qualified. Tramm has performed quality assurance reviews of union and employee assistance programs for firms including Brooklyn Union Gas and Consolidated Edison. Tramm’s references were checked and all were positive. In addition to receiving the highest technical rating, Tramm’s BAFO price was 17 percent below Masi’s BAFO price. The final price has been found to be fair and reasonable based on the competitive nature of the RFP.

Tramm was unable to provide sufficient financial data to make a determination on its financial responsibility. However, payments under this contract are made only after services are rendered. Therefore, Procurement concluded that there is reasonable assurance that Tramm can fulfill this contract and recommends award based on a business decision.

### M/W/DBE Information

The MTA Department of Diversity and Civil Rights has established goals of 0 percent MBE and 0 percent WBE for this contract due to the limited number of available M/WBE firms. Tramm Consultants Inc. has not completed any MTA contracts with goals; therefore, no assessment of the firm’s M/W/DBE performance can be determined at this time.

### Impact on Funding

Funding is available in the Division of Human Resources’ operating budget under RC 7134, General Ledger number 712542, and Function 900.

### Alternative

None recommended.

**L. Budget Adjustments to Estimated Quantity Contracts**

(Expenditures anticipated to exceed the lesser of \$250,000 or \$50,000 in the event such expenditures exceed 15% of the adjusted contract budget, including any contract modifications.)

<b>3.</b>	<b>Ultimate Power, Inc.</b>	<b>Original Amount:</b>	<b>\$</b>	<b>1,204,432</b>
	<b>Contract# 8983</b>	<b>Prior Modifications:</b>	<b>\$</b>	<b>29,320</b>
	<b>June 1, 2014–May 31, 2019</b>	<b>Prior Budgetary Increases:</b>	<b>\$</b>	<b>248,500</b>
		<b>Current Amount:</b>	<b>\$</b>	<b>1,482,252</b>
		<b>This Request:</b>	<b>\$</b>	<b>550,000</b>
		<b>% of This Request to Current Amount:</b>		<b>37.1%</b>
		<b>% of Mods/Budget Adjustments (including This Request) to Original Amount:</b>		<b>68.7%</b>

**Discussion**

This budget adjustment for \$550,000 will provide additional funds for the continued maintenance and repair of heating, ventilation, and air-conditioning (“HVAC”) systems for NYC Transit Department of Buses (“DOB”) and MTA Bus Company (“MTABC”) through May 31, 2019. The contract is for HVAC repairs on a task-order basis for all DOB and MTABC facilities within the five boroughs and Yonkers. Additional funding is required due to an increase in repairs being performed due to the performance of the equipment. If expenditures continue at the current rate, \$550,000 will be sufficient to cover expenditures for the remaining 13 months of the contract. This budget adjustment does not extend the contract term or modify the contract provisions.

This contract was an MTA Bridges and Tunnels-led joint procurement. DOB and MTABC, and Staten Island Rapid Transit Operating Authority were also participants, each as separate classes on the solicitation. Contract 8983 was awarded as a five-year contract in the estimated amount of \$1,204,432 on June 1, 2014 for DOB and MTABC. Ultimate Power was the lowest of five bidders on the DOB and MTABC class, and was 16.6 percent lower than the second low bidder. Pricing will remain the same as originally established at contract award. A market survey conducted by Procurement confirmed that better pricing could not be obtained if this requirement is solicited on a new procurement. A review of the Producer Price Index indicated that pricing for this service has increased by approximately 6.1 percent since the contract was awarded.

**L. Budget Adjustments to Estimated Quantity Contracts**

(Expenditures anticipated to exceed the lesser of \$250,000 or \$50,000 in the event such expenditures exceed 15% of the adjusted contract budget, including any contract modifications.)

<b>4.</b>	<b>VeriFone Transportation Systems</b>	<b>Original Amount: (including options)</b>	<b>\$</b>	<b>11,627,562</b>
	<b>Contract# 6%19129</b>	<b>Prior Modifications:</b>	<b>\$</b>	<b>0</b>
	<b>October 11, 2017–October 10, 2018</b>	<b>Prior Budgetary Increases:</b>	<b>\$</b>	<b>0</b>
		<b>Current Amount:</b>	<b>\$</b>	<b>11,627,562</b>
		<b>This Request:</b>	<b>\$</b>	<b>19,335,380</b>
		<b>% of This Request to Current Amount:</b>		<b>166.3%</b>
		<b>% of Mods/Budget Adjustments (including This Request) to Original Amount:</b>		<b>166.3%</b>

**Discussion**

NYC Transit is requesting the approval of a budget adjustment to provide additional funds for continued Paratransit E-Hail services being provided by VeriFone Transportation Systems, a division of VeriFone Systems (“VeriFone”), under NYC Transit’s E-Hail Pilot program.

In October 2017, NYC Transit began a 12-month pilot program to test and evaluate if E-Hail companies could be utilized to electronically disseminate paratransit trips to NYC Taxi and Limousine Commission (“TLC”) licensed drivers through the use of the E-Hail company’s web-based application. VeriFone was the first of multiple E-Hail companies intended to be awarded a contract under this pilot. E-Hail providers are technology companies that have developed web-based applications intended to match individuals in need of transportation with vehicles located within the individual’s immediate geographical area. In New York City, VeriFone operates an application that disseminates trips to approximately 13,500 yellow and green metered taxicabs that are affiliated to its application and that are located within the five boroughs. The drivers of these vehicles are TLC-licensed drivers that are independent contractors.

At the beginning of the pilot, it was anticipated that VeriFone would perform approximately 2,500 daily trips for the 12-month pilot, however, they are actually performing approximately 5,000 trips daily. In addition, it was originally anticipated that multiple E-Hail companies would participate in the program and share the work. However, to date, while negotiations are ongoing, additional E-Hail companies are not yet participating, which has dramatically increased VeriFone’s daily trip volume.

The limited term of the pilot program has necessitated that an Immediate Operating Need (“ION”) be declared to increase the capacity of work being performed by VeriFone, and expedite the award to other additional contractors during this period such as Arro (another action on this month’s Procurement Agenda). These actions will enable NYC Transit to evaluate multiple contractors engaged in the pilot and continue improvements to customer service. The E-Hail pilot program has also been receiving positive feedback from customers, which has resulted in increased demand. For these reasons, there is a need to increase the funding in this VeriFone Contract through the end of the term.

In order to fulfill the estimated 538,440 Access-A-Ride (“AAR”) trips that will be performed by VeriFone through October 10, 2018, funding of \$19,335,380 (538,440 trips x \$35.91 per trip) is being requested. VeriFone’s pricing is based on a fixed price per trip based on distance. Per the contract price schedule, the average price per trip is \$35.91. VeriFone’s continued participation in this pilot yields a savings of approximately \$32.80 per trip (or approximately 47 percent) when compared to the average cost of \$68.71 for a Primary Carrier trip. If Primary Carriers were used to perform these trips, the cost to the Authority would be approximately \$36,996,212.

This action is being processed as an ION and therefore not subject to prior approval by the Office of the State Comptroller.

**APRIL 2018**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

**K. Ratification of Completed Procurement Actions (Involving Schedule E–J)**  
(Staff Summaries required for items requiring Board approval.)

- |                                                                                                                                                                                                                                                             |                    |                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------------------|
| <b>1. Ebenezer Railcar Services, Inc.</b>                                                                                                                                                                                                                   | <b>\$1,769,760</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract# RFX 175791</b>                                                                                                                                                                                                                                 |                    |                                      |
| Provide additional funding for the repair of flatcar frames.                                                                                                                                                                                                |                    |                                      |
|                                                                                                                                                                                                                                                             |                    |                                      |
| <b>2. Penta Corporation</b>                                                                                                                                                                                                                                 | <b>\$1,499,992</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract# 06%13034.1</b>                                                                                                                                                                                                                                 |                    |                                      |
| Modification to the multi-agency contract for maintenance support services for the Penta Communications Exchange Control (PCx) system; in order to provide hardware and software upgrades to NYC Transit's portion of the PCx system, and training modules. |                    |                                      |

**Item Number: 1**

<b>Vendor Name (Location)</b> Ebenezer Railcar Services, Inc. (West Seneca, New York)
<b>Description</b> Repair of up to 38 Flatcar Frames
<b>Contract Term (including Options, if any)</b> October 6, 2017–July 10, 2020
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Department of Subways, Frank Jezycki

Contract Number	AWO/Mod. #
RFx# 175791	
<b>Original Amount:</b>	\$ 1,311,968
<b>Prior Modifications:</b>	\$ 0
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 1,311,968
<b>This Request:</b>	\$ 1,769,760
<b>% of This Request to Current Amt.:</b>	134.9%
<b>% of Modifications (including This Request) to Original Amt.:</b>	134.9%

**Discussion**

This budget adjustment adds \$1,769,760 to an estimated quantity contract for the repair of flatcar frames. A flatcar consists of a frame (a flat steel girder-like structure with a deck and sideboards) mounted on a pair of trucks (a chassis with two axles, each axle having two wheels), and is designed to handle and transport track maintenance machinery and other heavy equipment, materials and supplies throughout the NYC Transit system. Flatcars are used to support work at various NYC Transit jobsite locations by transporting equipment and materials to and from, and carrying debris away from, contractor and in-house worksites. NYC Transit has a critical need for flatcars to support both in-house and construction contractors' work in the transit system. The significant volume of maintenance and construction projects occurring simultaneously at multiple locations throughout the transit system pursuant to the Subway Action Plan necessitates the availability of a greater number of flatcars than has typically been available. NYC Transit in-house forces remanufacture the trucks.

The initial estimated quantity contract was for the repair of 38 flatcar frames whose award was split between two contractors to accelerate delivery. As part of the initial awards, NYC Transit reserved the right to increase the quantity to either contractor after reviewing the contractor's performance, and as a result, funding has been added to the contract with Ebenezer Railcar Services, Inc. ("Ebenezer") to repair 10 additional frames.

The initial estimated quantity contract was solicited and awarded pursuant to EO 168. A Request for Proposals was sent to seven contractors in order to secure competition. Five contractors responded to the solicitation. The contract award was split between the two lowest-priced proposers meeting technical requirements in order to expedite NYC Transit's receipt of repaired flatcar frames. At the time of award, 28 of the fleet of 38 R141 flatcars were in immediate need of rehabilitation. A contract for 70 percent (20 frames) was awarded to the lowest-priced proposer and another contract for 30 percent (8 frames) was awarded to Ebenezer, the second-lowest priced proposer. There was a third proposer with prices significantly higher than Ebenezer that did not receive any contract award.

The award of these contracts was reported to the Board during the October 2017 meeting. Ebenezer has significantly improved and accelerated its rate of production and delivery schedule and has the capacity to take the balance of the 10 flatcar frames from the R141 fleet and deliver rehabilitated frames sooner than the other contractor awarded the 20 flatcar frames, therefore, funding for the remaining 10 frames requiring repair has been added to Ebenezer's estimated quantity contract. This action will result in the completion of repairs on all 38 frames within a shorter time frame than if these additional frames were given to the other contractor.

Procurement was able to secure a price reduction from Ebenezer that saved NYC Transit \$139,000.



**Item Number: 2**

<b>Vendor Name (Location)</b> Penta Corporation (New Orleans, Louisiana)	
<b>Description</b> Multi-agency for Maintenance Support Services for Penta Communications Exchange Control System	
<b>Contract Term (including Options, if any)</b> December 1, 2015–November 30, 2020	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> MTA-IT, Sidney Gellineau; Dept. of Subways, Frank Jezycki	

Contract Number	AWO/Mod. #
06%13034	1
<b>Original Amount:</b>	\$ 2,421,634
<b>Prior Modifications:</b>	\$ 0
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 2,421,634
<b>This Request:</b>	\$ 1,499,992
<b>% of This Request to Current Amt.:</b>	60.0%
<b>% of Modifications (including This Request) to Original Amt.:</b>	60.0%

**Discussion**

It is requested that the Board ratify the declaration of an Immediate Operating Need (“ION”) approved by the Senior Vice President, Operations Support, pursuant to Article VIII.B of the All Agency General Contract Procurement Guidelines and approve the award of a modification to a miscellaneous procurement contract for a hardware and software upgrade to NYC Transit’s Penta Communications Exchange Control (“PCx”) system, and procurement of training modules. The base contract is for maintenance of Penta communication systems utilized by NYC Transit, Long Island Rail Road (“LIRR”) and MetroNorth Railroad (“MNR”).

The base contract was approved by the Board and was awarded to Penta Corporation (“Penta”) by LIRR, on behalf of itself, NYC Transit, and MNR. It is a sole-source multi-agency miscellaneous procurement contract with a term of three-years, with two one-year options for maintenance support services for the Penta communications systems installed at NYC Transit, LIRR, and MNR locations that were developed and integrated by Penta. Under this contract, Penta supports the LIRR Audio Visual Paging System, the MNR Public Address System, and NYC Transit’s PCx system.

The PCx system facilitates communications between the Rail Control Center (“RCC”), Department of Subways’ dispatchers, towers, and train crews. The system includes approximately 2,160 devices located at eight NYC Transit locations, including the RCC and field locations. The PCx system is a sophisticated audio matrix switch critical to the operations of NYC Transit’s Department of Subways. The PCx system works in conjunction with the Rapid Transit Operations (“RTO”) VHF Radio System to allow RTO staff at both the RCC and in towers to communicate with dispatchers, subway train crews, groups of trains, or all trains simultaneously. The PCx provides extensive command capabilities, permitting immediate control over a vast number of lines and consoles.

MTA IT requested an upgrade to the hardware and software at all eight locations that make up the PCx. This work will include (1) new servers, (2) installing and updating the existing software, (3) testing, and (4) a one-year warranty on the hardware and software. It was necessary to expedite award of this modification because the servers and certain other hardware that support the PCx system are end-of-life. Further, the servers currently run unsupported operating systems and were becoming increasingly more challenging to keep in a state of good repair. Replacing the entire PCx system would be far more costly than the proposed upgrade, as the upgrade requires primarily only replacement of the server hardware while a replacement of the entire PCx would require replacement of considerable additional Penta hardware.

This modification also includes training modules which will be used to train personnel from NYC Transit’s Electronics Maintenance Division (“EMD”) on testing the components of the Penta system that EMD repairs.

The in-house estimate was \$1,612,805 and Penta’s proposal was \$1,556,654. Through negotiations, the final price was reduced to \$1,499,992. The final price has been found to be fair and reasonable.

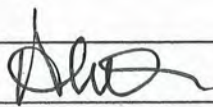
The PCx software was developed specifically for NYC Transit by Penta, which is also the system integrator. The software components are proprietary to Penta. Only Penta can maintain and upgrade the PCx system.



**Metro-North Railroad**

# **Procurements**



<b>Subject</b>	Request for Authorization to Award Various Procurements
<b>Department</b>	Procurement and Material Management
<b>Department Head Name</b>	Alfred Muir, Sr. Director
<b>Department Head Signature</b>	
<b>Project Manager Name</b>	

<b>Date</b>	April 13, 2018
<b>Vendor Name</b>	Various
<b>Contract Number</b>	Various
<b>Contract Manager Name</b>	Various
<b>Table of Contents Ref #</b>	

Board Action					
Order	To	Date	Approval	Info	Other
1	MNR Comm. Mtg.	4-23-18	X		
2	MTA Board Mtg.	4-25-18	X		

Internal Approvals			
	Approval		Approval
X	President 	X	V.P. Capital Programs
X	Sr. V.P. Operations 		
X	V.P. & General Counsel 		
X	V.P. Finance & IT 		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
_____	_____	_____	_____	_____	_____	_____	_____

**PURPOSE:**

To obtain approval of the Board to award various contracts/contract modifications and purchase orders, and to inform the MTA Metro-North Railroad Committee of these procurement actions.

**DISCUSSION:**

MNR proposes to award non-competitive procurements in the following categories:

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	

<u>Schedules Requiring Majority Vote</u>	NONE
------------------------------------------	------

SUB TOTAL:

**MNR proposes to award competitive procurements in the following categories:**

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>		
Schedule I: Modifications to Purchase and Public Work Contracts	1	\$8,149,272
• Judlau-TC Electric Joint Venture \$8,149,272		
SUB TOTAL:	1	\$8,149,272

**MNR presents the following procurement actions for Ratification:**

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>	NONE	
SUB TOTAL:		
TOTAL:	1	\$8,149,272

The contractors noted above and on the following Staff Summary Sheets have been found in all respects responsive and responsible, and are in compliance with State laws and regulations concerning procurements.

**BUDGET IMPACT:** The purchases/contracts will result in obligating MNR operating and capital funds in the amount listed. Funds are available in the current MNR operating/capital budgets for this purpose.

**RECOMMENDATION:** That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)

## METROPOLITAN TRANSPORTATION AUTHORITY

WHEREAS, in accordance with Section 1265-a and Section 1209 of the Public Authorities law and the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public work contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

WHEREAS, in accordance with the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive miscellaneous procurement contracts, and certain change orders to procurement, public work, and miscellaneous procurement contracts; and

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All Agency Guidelines for Procurement of Services, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in the annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.

2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which it is deemed in the public interest to obtain authorization to solicit competitive proposals through a publicly advertised RFP for the reasons specified therein the Board declares it to be impractical or inappropriate to utilize a procurement process inviting sealed bids with award to the lowest responsive/responsible bidder.

3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.

4. The Board ratifies each action taken set forth in Schedule D for which ratification is requested.

5. The Board authorizes the execution of each of the following for which Board authorization is required: i) the miscellaneous procurement contracts set forth in Schedule E; ii) the personal service contracts set forth in Schedule F; iii) the miscellaneous service contracts set forth in Schedule G; iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; v) the contract modifications to purchase and public work contracts set forth in Schedule I; and vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.

6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.



APRIL 2018

METRO-NORTH RAILROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Majority Vote:

**I. Modifications to Purchase and Public Work Contracts**

(Approvals/Staff Summaries required for individual change orders greater than \$250K. Approvals without Staff Summaries required for change orders greater than 15% of previously approved amount which are also at least \$50K)

**1. Judlau-TC Electric Joint Venture      \$8,149,272 (not-to-exceed)      Staff Summary Attached**  
**Design/Build Power/C&S Infrastructure Improvements CP-5 to CP-35**

Approval is requested for a contract modification in the not-to-exceed amount of \$8,149,272 to the firm Judlau-TC Electric Joint Venture for the Design/Build Power/C&S Infrastructure Improvements from Mott Haven (CP-5) to Croton-Harmon (CP-35).

As a result of Superstorm Sandy, a significant portion of MNR's Hudson Line was completely submerged and Power and Communication & Signal (C&S) infrastructure systems were inundated with salt water and significantly damaged. As part of that infrastructure restoration program, a design/build contract was competitively solicited and awarded in May 2015 to the firm Judlau-TC Electric Joint Venture. Phase 1 of the project from Greystone to Croton-Harmon totaled \$105,521,300; the second phase included in the original competitive solicitation from Mott Haven to Greystone and was elected in November 2016 in the amount of \$86,898,700. The key contract work includes hardening of C&S and power infrastructure components via installation of elevated equipment platforms and installation of new power and C&S cabling in conduits and cable troughs for protection against damage. Compromised and/or failed system components such as 3<sup>rd</sup> rail sectionalizing switches, snow-melt systems, remote terminal cabinets, signal transformers positive and negative system cabling and 3<sup>rd</sup> rail system components exposed to the brackish water are to be replaced as part of this program.

Approval is requested at this time for a contract modification in the not-to-exceed amount of \$8,149,272 for additional and adjusted quantities of various unit bid items to complete Phase 1. It was not feasible or desirable to fully investigate all field conditions existing on the Hudson Line prior to solicitation and award of this contract. A full investigation of all subsurface conditions would have greatly extended the pre-solicitation design period such that the availability of federal funds would have been jeopardized. Accordingly, the contract was bid as a combination of lump sum items and estimated unit price quantities, which provided a reasonable allocation of risk between MNR and the contractor. Placing the risk of subsurface conditions on the contractor, where neither MNR nor the contractor had the ability to fully investigate those conditions before the start of the contractor, would have resulted in a higher initial contract price based on the contractor's need to include a very high level of contingency in its price.

In fact, field conditions have dictated that alternate design considerations and construction means & methods be implemented, and unit prices adjusted or renegotiated, in order to reduce or eliminate

conflicts with existing buried utilities, to lessen service impacts by reducing the need for track outages and to minimize interference with existing signal power or communication cable/fiber installations.

The result of these additions and deletions will be a net not-to-exceed amount of \$8,149,272 to complete Phase 1. The design changes and revised unit bid items have been negotiated by MNR and the contractor and are deemed fair and reasonable.

In connection with a previous contract awarded to the Contractor, the Contractor was found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Interim Executive Director in consultation with the MTA General Counsel. No new SAI has been found relating to the Contractor and the Contractor has been found to be responsible.

It is recommended at this time a contract modification be approved in the not-to-exceed amount of \$8,149,272. Funding is included in the MTA Capital Program through the FTA funded Sandy Emergency Relief Program.



## Schedule I: Modifications to Purchase and Public Works Contracts

Item Number: I

<b>Vendor Name (&amp; Location)</b> Judlau-TC Electric Joint Venture	<b>Contract Number</b> 39881	<b>AWO/Modification #</b> 14-32
<b>Description</b> Design/Build Power/C&S Infrastructure Improvements CP-5 to CP-35		
<b>Contract Term (including Options, if any)</b> 50 Months	<b>Original Phase 1*</b>	\$105,521,300
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Prior Modifications: Phase 1</b>	\$8,087,671
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Option – Phase 2</b>	\$86,898,700
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>Prior Budgetary Increases:</b>	\$0.00
<b>Funding Source</b> <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>Current Amount:</b>	\$ 200,507,671
<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> Procurement & Material Management, Al Muir, Sr. Director	<b>This Request:</b>	\$8,149,272 (not-to-exceed)
	<b>% of This Request to Current Amount:</b>	4.064% (Phase 1 )
	<b>% of Modifications (Including This Request) to Original Amount:</b>	15% (Phase 1)

### Discussion and Background:

Approval is requested for a contract modification in the not-to-exceed amount of \$8,149,272 to the firm Judlau-TC Electric Joint Venture for the Design/Build Power/C&S Infrastructure Improvements from Mott Haven (CP-5) to Croton-Harmon (CP-35).

As a result of Superstorm Sandy, a significant portion of MNR's Hudson Line was completely submerged and Power and Communication & Signal (C&S) infrastructure systems were inundated with salt water and significantly damaged. As part of that infrastructure restoration program, a design/build contract was competitively solicited and awarded in May 2015 to the firm Judlau-TC Electric Joint Venture. Phase 1 of the project from Greystone to Croton-Harmon totaled \$105,521,300; the second phase included in the original competitive solicitation from Mott Haven to Greystone and was elected in November 2016 in the amount of \$86,898,700. The key contract work includes hardening of C&S and power infrastructure components via installation of elevated equipment platforms and installation of new power and C&S cabling in conduits and cable troughs for protection against damage. Compromised and/or failed system components such as 3<sup>rd</sup> rail sectionalizing switches, snow-melt systems, remote terminal cabinets, signal transformers positive and negative system cabling and 3<sup>rd</sup> rail system components exposed to the brackish water are to be replaced as part of this program.

### Procurement Action

Approval is requested at this time for a contract modification in the not-to-exceed amount of \$8,149,272 for additional and adjusted quantities of various unit bid items to complete Phase 1. It was not feasible or desirable to fully investigate all field conditions existing on the Hudson Line prior to solicitation and award of this contract. A full investigation of all subsurface conditions would have greatly extended the pre-solicitation design period such that the availability of federal funds would have been jeopardized. Accordingly, the contract was bid as a combination of lump sum items and estimated unit price quantities, which provided a reasonable allocation of risk between MNR and the contractor. Placing the risk of subsurface conditions on the contractor, where neither MNR nor the contractor had the ability to fully investigate those conditions before the start of the contractor, would have resulted in a higher initial contract price based on the contractor's need to include a very high level of contingency in its price.

In fact, field conditions have dictated that alternate design considerations and construction means & methods be implemented, and unit prices adjusted or renegotiated, in order to reduce or eliminate conflicts with existing buried utilities, to lessen service impacts by reducing the need for track outages and to minimize interference with existing signal power or communication cable/fiber installations.

## Schedule I: Modifications to Purchase and Public Works Contracts

The specific contract changes are as follows:

- 1) Based on pre-solicitation assumptions made by the railroad, it was anticipated that installing C&S cable trough above signal power conduits in an over/under configuration would be the most advantageous methodology for efficient installation. However, this over/under configuration requires an approximate excavation depth of 6'. It became apparent during the construction that this configuration was causing actual interference with existing railroad utilities and increased the potential to encounter substantial quantities of subsurface rock. The implementation of this configuration would be made more expensive by the requirement for OSHA-approved safety sheeting to protect workers and any adjoining facilities. It was determined that an alternate configuration would allow a significantly shallower, thus safer, excavation that would encounter less rock. This revised methodology while increasing certain contractor costs benefits MNR by reducing the number of required track outages that have a negative effect on train operations. The project cost directly related to this field change, after the reduction of certain unit items along with the increase of previously defined units yielded a net not-to-exceed amount of \$2,634,530.
- 2) The railroad had initially specified a minimum offset of the installation of cable troughs and other infrastructure of 12" from the edge of tie. However, it was determined during the construction phase that this specified offset would negatively impact the future maintenance of the railroad, and therefore the railroad determined to increase the infrastructure distance from edge of tie to 30". In connection with this design change, the railroad allowed for the installation of eight-4" diameter C&S conduits in lieu of trough reducing interfaces with adjacent property owners, existing wetlands, slopes, rock outcroppings, and the Hudson River. This change allows for the installation of hardened cable conduits to be used above ground where field conditions dictate, increasing resiliency and protecting the railroad's critical infrastructure. These alternate designs necessitated the creation of new contract unit items for this installation method that were not originally envisioned in the contract documents. The project cost related to this field change, after the reduction of certain unit items along with the increase of other units yielded a net not-to-exceed amount of \$4,898,852.
- 3) The remaining adjustments in contract quantities are related to the increased use of test pits and soil and rock excavation, which exceeded estimated quantities but did not require changes to the design. These activities require an increase not-to-exceed amount of \$615,890.

The result of these additions and deletions will be a net not-to-exceed amount of \$8,149,272 to complete Phase 1. The design changes and revised unit bid items have been negotiated by MNR and the contractor and are deemed fair and reasonable.

In connection with a previous contract awarded to the Contractor, the Contractor was found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Interim Executive Director in consultation with the MTA General Counsel. No new SAI has been found relating to the Contractor and the Contractor has been found to be responsible.

It is recommended at this time a contract modification be approved in the not-to-exceed amount of \$8,149,272. Funding is included in the MTA Capital Program through the FTA funded Sandy Emergency Relief Program.

**LONG ISLAND RAIL ROAD**

**PROCUREMENTS**

**FOR**

**BOARD ACTION**

**April 25, 2018**

# Staff Summary



Long Island Rail Road

Subject: Request for Authorization to Award Various Procurements						Date April 25, 2018			
Department Procurement and Logistics									
Department Head Name Dennis L. Mahon, Chief Procurement and Logistics Officer									
Department Head Signature 									
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	LI Committee	4.23.18				2	President		
2	MTA Board	4.25.18				1	Executive VP		

**PURPOSE:**

To obtain approval of the Board to award various contracts and purchase orders, and to inform the Long Island Rail Road Committee of these procurement actions.

**DISCUSSION:**

**LIRR proposes to award Non-Competitive Procurements in the following categories:**

	<u># of Actions</u>	<u>\$ Amount</u>
	None	

**LIRR proposes to award Competitive Procurements in the following categories:**

	<u># of Actions</u>	<u>\$ Amount</u>
--	---------------------	------------------

Schedules Requiring Majority Vote

Schedule I: Modifications to Purchase and Public Work Contracts	1	\$2,473,852
SUBTOTAL:	1	\$2,473,852

**LIRR proposes to award Ratifications in the following categories:**

	<u># of Actions</u>	<u>\$ Amount</u>
	None	

<b>TOTAL:</b>	<b>1</b>	<b>\$2,473,852</b>
---------------	----------	--------------------

**BUDGET IMPACT:**

The purchases/contracts will result in obligating LIRR operating and capital funds in the amounts listed. Funds are available in the current operating budget for this purpose.

**RECOMMENDATION:**

That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)

## METROPOLITAN TRANSPORTATION AUTHORITY

WHEREAS, in accordance with Section 1265-a and Section 1209 of the Public Authorities law and the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public work contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

WHEREAS, in accordance with the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive miscellaneous procurement contracts, and certain change orders to procurement, public work, and miscellaneous procurement contracts; and

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All Agency Guidelines for Procurement of Services, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in the annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.
2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which it is deemed in the public interest to obtain authorization to solicit competitive proposals through a publicly advertised RFP for the reasons specified therein the Board declares it to be impractical or inappropriate to utilize a procurement process inviting sealed bids with award to the lowest responsive/responsible bidder.
3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.
4. The Board ratifies each action taken set forth in Schedule D for which ratification is requested.
5. The Board authorizes the execution of each of the following for which Board authorization is required: i) the miscellaneous procurement contracts set forth in Schedule E; ii) the personal service contracts set forth in Schedule F; iii) the miscellaneous service contracts set forth in Schedule G; iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; v) the contract modifications to purchase and public work contracts set forth in Schedule I; and vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.
6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

**APRIL 2018**

**MTA LONG ISLAND RAIL ROAD**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

*Procurements Requiring Majority Vote*

**Schedule I: Modifications to Purchase and Public Work Contracts**

(Staff Summaries required for individual change orders greater than \$250K. Approval without Staff Summary required for change orders greater than 15% of the adjusted contract amount which are also at least \$50K)

1. **L.K. Comstock and Company Inc. \$2,473,852** *Staff Summary Attached*  
**Contract Modification** **Not-to-Exceed**  
**Contract No. 6257**

LIRR requests MTA Board approval to award a contract modification to L.K. Comstock (Comstock) in the not-to-exceed amount of \$2,473,852 to provide trench excavation and utility pole modifications between Central Islip and Farmingdale. This change order is a modification to contract #6257 with Comstock for the Design-Build Track and Systems Installation for the New Second Track on the Main Line Ronkonkoma Branch Phase II. The new second track project calls for utility trenching and emplacement of PVC conduit to run signal and other cabling underneath the tracks between Central Islip and Farmingdale. In all, 121 trenches must be dug (80% of them using hand tools), conduit emplaced in them, and backfilled. This work originally was assigned to internal LIRR forces, but current labor resource constraints make this impossible within the project's schedule. Hence LIRR requires the contractor to undertake the work.



## Staff Summary

Item Number: 1
Vendor Name (& Location) L.K. Comstock and Company, Inc.
Description Main Line Second Track Ronkonkoma Branch Phase II
Contract Term (including Options, if any)  572 consecutive calendar days
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Change Order
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Program Management, Paul Dietlin 

SUMMARY INFORMATION	
Contact Number 6257	AWO/Modification # #3
Original Amount:	\$66,530,000
Prior Modifications:	\$3,102,008 NTE
Prior Budgetary Increases:	
Current Amount:	\$69,632,008 NTE
This Request:	\$2,473,852 NTE
% of This Request to Current Amount:	3.55%
% of Modifications (Including This Request) to Original Amount:	8.38%

**I. PURPOSE/RECOMMENDATION**

LIRR requests MTA Board approval to award a contract modification to L.K. Comstock (Comstock) in the not-to-exceed amount of \$2,473,852 to provide trench excavation and utility pole modifications between Central Islip and Farmingdale. This change order is a modification to contract #6257 with Comstock for the Design-Build Track and Systems Installation for the New Second Track on the Main Line Ronkonkoma Branch Phase II.

**II. DISCUSSION**

The new second track project calls for utility trenching and emplacement of PVC conduit to run signal and other cabling underneath the tracks between Central Islip and Farmingdale. In all, 121 trenches must be dug (80% of them using hand tools), conduit emplaced in them, and backfilled. This work originally was assigned to internal LIRR forces, but current labor resource constraints make this impossible within the project's schedule. Hence LIRR requires the contractor to undertake the work.

Additionally, cable mounting equipment must be installed on 135 existing utility poles along the same project area to accommodate the cabling connections. The contractor originally was to install poles supplied by LIRR and make the attachments prior to the poles being erected. Subsequent LIRR field analysis indicated that existing poles on the project site could be used in lieu of installing new poles. However, attaching cable mounts to existing poles requires a change in work means and methods (to include climbing), at additional cost. A credit against the contract will be taken as part of this change order for not installing the original poles.

The requested amount for Comstock's scope of work is not to exceed \$2,473,852. LIRR has reviewed Comstock's proposal in detail and found their prices to be fair and reasonable.

In connection with a previous contract awarded to L.K. Comstock, L.K. Comstock was found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines and such responsibility finding (SAI waiver) was approved by Thomas F. Prendergast, MTA Chairman and CEO, on February 26, 2016. No new SAI has been found relating to L.K. Comstock and L.K. Comstock has been found to be responsible.

## Staff Summary



### **III. D/M/WBE INFORMATION**

The MTA Department of Diversity and Civil Rights has established MBE/WBE goals of 15%/15% for this contract.

### **IV. IMPACT ON FUNDING**

Funding for this change order is included in LIRR's 2015-2019 Capital Budget.

### **V. ALTERNATIVES**

The only other alternative to including the conduit installation in this contract modification would be to solicit proposals for this work from other contractors. Contracting with another contractor would not be in the best interest of the LIRR for the following reasons:

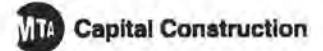
- LIRR would lose the benefit of L.K. Comstock's knowledge of the project gained so far through their design and construction work.
- L.K. Comstock has other Contract work in the same area. As such, by utilizing a different contractor, there would be significant duplication of effort by the new contractor, which would have to mobilize to the area, become familiar with the needs of the project and understanding of the project corridor. The increased time resulting from the learning curve of a new contractor would adversely impact the schedule of this fast track project.

**METRO NORTH AND LONG ISLAND RAIL ROAD  
JOINT COMMITTEE**

**MTA BOARD**

**PROCUREMENT PACKAGE  
APRIL 2018**

## Staff Summary



<b>Subject</b> Request for Authorization to Award Various Procurements					
<b>Department</b> Law and Procurement					
<b>Department Head Name</b> Evan M. Eisland					
<b>Department Head Signature</b> 					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	MNR and LIRR Joint Committee	4/23/18	X		
2	Board	4/25/18	X		

<b>Date:</b> April 19, 2018			
<b>Vendor Name</b> GCT Constructors Joint Venture (Secaucus, NJ)			
<b>Contract Number</b> CM014B			
<b>Contract Manager Name</b> Michael Gaspar			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
3	Vice President, Program Controls 	5	President 
2	Vice President & Chief Financial Officer 	4	Executive Vice President 
1	Vice President & Chief Procurement Officer 		

### PURPOSE

To obtain the approval of the Board to award a contract modification and, to inform the Long Island Rail Road Committee of this procurement action.

### DISCUSSION

MTA Capital Construction proposes to award a Competitive Procurements in the following category:

Schedules Requiring Majority Vote:	# of Actions	\$ Amount
Schedule I Modification to Purchase or Public Work Contract	2	\$ 1,855,000
<b>TOTAL</b>	<b>2</b>	<b>\$ 1,855,000</b>

### Budget Impact:

The approval of the contract modification will obligate MTA Capital Construction capital funds in the amount listed. Funds are available in the capital budget for this purpose.

### Recommendation:

That the contract modifications be approved as proposed. (The items are included in the resolution of approval at the beginning of the Procurement Section.)



**MTA Capital Construction Company**

**BOARD RESOLUTION**

**WHEREAS**, in accordance with Section 1265-a and 1209 of the Public Authorities Law and the All Agency Procurement guidelines, the Board authorizes the award of certain non-competitive purchase and public works contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

**WHEREAS**, in accordance with the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive miscellaneous service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts;

**WHEREAS**, in accordance with Section 2879 of the Public Authorities Law and the All-Agency Guidelines for Procurement of Services, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.
2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals and authorizes the solicitation of such proposals.
3. As to each request for proposals (for purchase and public work contracts set forth in Schedule C for which a recommendation is made to award the contract), the Board authorizes the execution of said contract.
4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein, and ratifies each action for which ratification is requested.
5. The Board authorizes the execution of each of the following for which Board authorization is required: i) the miscellaneous procurement contracts set forth in Schedule E; ii) the personal service contracts set forth in Schedule F; iii) the miscellaneous service contracts set forth in Schedule G; iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; v) the contract modifications to purchase and public work contracts set forth in Schedule I; vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.
6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.
7. The Board authorizes the budget adjustments to estimated contracts set forth in Schedule L.

April 2018

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

**Schedule I. Modification To Purchase and Public Work Contracts**

(Staff Summaries required for individual change orders greater than \$750K. Approval without Staff Summary required for change orders greater than 15% of the adjusted contract amount which are also at least \$250K)

GCT Constructors Joint Venture		<u>Staff Summary Attached</u>
1.	Contract No. CM014B Mod No. 155                      \$ 933,000	↓
2.	Contract No. CM014B Mod No. 157                      \$ 922,000	↓

In accordance with Article VIII of the All-Agency General Contract Procurement Guidelines, MTACC seeks Board approval to modify the contract to resolve a portion of the backlog of differing site conditions, and other related issues.

## Item Number: 1 and 2

Page 1 of 2

<b>Vendor Name (&amp; Location)</b> GCT Constructors Joint Venture (Secaucus, NJ)	<b>Contract Number</b> CM014B	<b>AWO/Modification #</b> 155 & 157
<b>Description</b>  GCT Concourse and Facilities Fit-Out for the ESA Project	<b>Original Contract Amount:</b> \$ 404,622,096 <b>Original Option Amounts:</b> \$ 24,277,904 <b>Original Board Approved Amount:</b> \$ 428,900,000	
<b>Contract Term (including Options, if any):</b>  1,726 Days	<b>Prior Modifications:</b> \$ 14,578,430 <b>Exercised Options:</b> \$ 24,277,904 <b>Prior Budgetary Increases:</b> \$ 0	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Current Amount:</b> \$ 443,478,430	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid Other: Modification		
<b>Funding Source</b>  <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other:		
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>  East Side Access/William Goodrich, P.E.	<b>This Request</b> \$ 933,000 \$ 922,000 <b>% of This Request to Current Amount:</b> . 4% <b>% of Modifications (including This Request) to Original Amount:</b> 4%	

**Discussion:**

Contract CM014B is for the architectural, structural, electrical, plumbing, and mechanical fit-out of the new Long Island Railroad (LIRR) Concourse located in the former Madison Yard of Grand Central Terminal. In accordance with Article VIII of the All Agency General Contract Procurement Guidelines, MTACC seeks Board approval to modify the contract to resolve a portion of the backlog of differing site conditions, and other related issues discussed below, that are affecting completion of the Contract.

The changes to the work associated with Modifications 155 and 157 address 49 separate issues. The majority of the issues involve the resolution of structural steel clashes, revisions to mechanical equipment, utility and duct layouts, and masonry walls, and the relocation of drainage pipes as a result of existing field conditions not being adequately represented in the contract drawings. Other issues include adjustments to fire alarms, the addition of valves for the domestic water system, and revisions affecting access and architectural features. Some of these changes may be the result of design errors or omissions and to the extent they are, claims will be pursued against the designer of record. Bundling these smaller issues into larger modifications is a more efficient way to resolve the backlog of issues facing this contract and MTACC anticipates that similar bundles of these types of issues will be presented to the Board in the future until the backlog is eliminated.

For Modification 155, the Contractor submitted a cost proposal of \$1,520,969 for 31 issues. MTACC prepared a separate estimate for each issue and the total estimate for all 31 issues was \$1,047,960. Negotiations were held and both parties agreed to a cost of \$933,000, which is considered to be fair and reasonable as it falls below the MTACC Project Estimate.

For Modification 157, the Contractor submitted a cost proposal of \$2,286,717 for 18 issues. MTACC prepared separate estimates for each issue and the total estimate for all 18 issues was \$1,228,939. Negotiations were held and both parties agreed to a cost of \$922,000 which is considered to be fair and reasonable as it falls below the MTACC Project Estimate.



**Item Numbers: 1 and 2**

Page 2 of 2

In connection with previous contracts awarded to the joint venture partners who form GCT Constructors Joint Venture, both John P. Picone Inc. ("JPP") and Schiavone Construction Company, LLC ("Schiavone") were found to be responsible notwithstanding significant adverse information ("SAI") pursuant to the All-Agency Responsibility Guidelines and such responsibility findings were approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in December 2014. MTACC is currently performing an updated responsibility review of the joint venture partners which is not complete. In the event that new SAI is discovered in connection with that review we will report it to the Board and take appropriate action.



# Bridges and Tunnels

---

---

## Procurements April 2018



# Staff Summary

<b>Subject:</b>	Request for Authorization to Award Various Procurements
<b>Department:</b>	Procurement
<b>Department Head Name</b>	M. Margaret Tera
<b>Department Head Signature</b>	<i>[Signature]</i>
<b>Project Manager Name</b>	Various

<b>Date</b>	04/16/2018
<b>Vendor Name</b>	
<b>Contract Number</b>	
<b>Contract Manager Name</b>	
<b>Table of Contents Ref #</b>	

Board Action					
Order	To	Date	Approval	Info	Other
1	President	04/16/2018			
2	MTA B&T Committee	04/23/2018			
3	MTA Board	04/25/2018			

Internal Approvals			
Order	Approval	Order	Approval
	President <i>[Signature]</i>		VP Operations
	VP & Chief of Staff <i>[Signature]</i>		VP & Chief Engineer
	SVP & General Counsel <i>[Signature]</i>		VP & Chief Procurement Officer <i>[Signature]</i>
	VP & Chief Financial Officer <i>[Signature]</i>		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Chief Financial Officer		Chief Technology Officer		Chief Health & Safety Officer		Chief EEO Officer
	Chief Security Officer		Chief Maintenance Officer		MTA Office of Civil Rights		

## PURPOSE:

To obtain approval of the Board to award various contracts and purchase orders, and to inform the MTA B&T Committee of these procurement actions.

## DISCUSSION:

MTA B&T proposes to award Non-Competitive procurements in the following categories: None

MTA B&T proposes to award Competitive procurements in the following categories:

### Schedules Requiring Two-Thirds Vote:

Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)

### # of Actions

1

### \$ Amount

\$29.440M

### Schedules Requiring Majority Vote

Schedule H: Modifications to Personal Service Contracts and Misc. Service Contracts Awarded as Contracts for Services

1

\$ 2.031M

### **SUBTOTAL**

2

\$31.471M

MTA B&T presents the following procurement actions for Ratification: None

### **TOTAL**

2

\$31.471M

## BUDGET IMPACT:

The purchases/contracts will result in obligating MTA B&T and Capital funds in the amount listed. Funds are available in the current MTA B&T operating/capital budgets for this purpose.

## RECOMMENDATION:

That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)

The legal name of MTA Bridges and Tunnels is Triborough Bridge and Tunnel Authority.

**MTA BRIDGES & TUNNELS**  
**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**

**WHEREAS**, in accordance with §559 and §2879 of the Public Authorities Law and the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public work contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

**WHEREAS**, in accordance with §2879 of the Public Authorities Law and the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive miscellaneous procurement contracts, and certain changes orders to procurement, public work, and miscellaneous procurement contracts; and

**WHEREAS**, in accordance with § 2879 of the Public Authorities Law and the All Agency Guidelines for Procurement of Services, the Board authorizes the award of certain service contracts, and certain change orders to service contracts; and

**NOW**, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.
2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals and authorizes the solicitation of such proposals.
3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.
4. The Board ratifies each action set forth in Schedule D for which ratification is requested.
5. The Board authorizes the execution of each of the following for which Board authorization is required: i) the miscellaneous procurement contracts set forth in Schedule E; ii) the personal service contracts set forth in Schedule F; iii) the miscellaneous service contracts set forth in Schedule G; iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; the contract modifications to purchase and public work contracts set forth in Schedule I; and vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.
6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.
7. The Board authorizes the budget adjustments to estimated contracts set forth in Schedule L.

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**APRIL 2018**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Two-Thirds Vote:**

**C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)**  
(Staff Summaries for items requiring Board approval)

- |                                                                  |                        |                                      |
|------------------------------------------------------------------|------------------------|--------------------------------------|
| <b>1. Kiewit Infrastructure Co.</b><br><b>Contract No. RK-07</b> | <b>\$29,440,000.00</b> | <b><u>Staff Summary Attached</u></b> |
| <br>2yr. Contract- Competitive RFP                               |                        |                                      |

B&T is seeking Board approval under the All Agency General Contract Procurement Guidelines to award a competitively solicited public work contract for Design- Build Services for electrical and mechanical rehabilitations to the Harlem River Lift Span at the Robert F. Kennedy Bridge to Kiewit Infrastructure Co. The Work is necessary to maintain the existing lift span electrical and mechanical systems in a state of good repair.

**Procurements Requiring Majority Vote:**

**H: Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services**  
(Approvals/Staff Summaries required for substantial change orders and change orders that cause original contract to equal or exceed monetary or durational threshold required for Board approval)

- |                                                                   |                       |                                      |
|-------------------------------------------------------------------|-----------------------|--------------------------------------|
| <b>2. LiRo Engineers, Inc.</b><br><b>Contract No. PSC-15-2965</b> | <b>\$2,031,154.00</b> | <b><u>Staff Summary Attached</u></b> |
| <br>3yr. Contract- Competitive RFP                                |                       |                                      |

B&T is seeking Board approval under the All Agency Service Contract Procurement Guidelines to amend personal service contract PSC-15-2965 in order to provide ongoing construction inspection and administration (CI&A) services for the electrical and mechanical Rehabilitation, friction mitigation, miscellaneous steel repairs, painting and fire standpipe installation at the Marine Parkway-Gil Hodges Memorial Bridge.



# Staff Summary

Page 1 of 2

<b>Item Number: 1 (Final)</b>					
<b>Dept. &amp; Dept. Head Name:</b>					
Engineering and Construction, Joe Keane, P.E., V.P. & C.E. <i>Joe Keane</i>					
<b>Division &amp; Division Head Name:</b>					
Engineering and Construction, Walter Hickey, P.E. <i>Walter Hickey</i>					
<b>Board Reviews</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	President	4/09/18			
2	MTA B&T Committee	4/23/18			
3	MTA Board	4/25/18			
<b>Internal Approvals</b>					
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>		
1	Chief Financial Officer <i>John MC</i>	4	Vice President & Chief of Staff		
2	General Counsel <i>MM</i>	5	President <i>W</i>		
3	Chief Procurement Officer <i>BB</i>				

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b>	<b>Contract Number</b>
Kiewit Infrastructure Co.	RK-07
<b>Description:</b>	
Design-Build of Electrical and Mechanical Rehabilitations at the RFK Bridge Harlem River Lift Span	
<b>Total Amount</b>	
\$29,440,000	
<b>Contract Term (including Options, if any)</b>	
24 Months	
<b>Option(s) included in Total Amount?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b>	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b>	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency General Contract Procurement Guidelines to award a competitively solicited public work contract for services for electrical and mechanical rehabilitations to the Harlem River Lift Span at the Robert F. Kennedy Bridge to Kiewit Infrastructure Co. for a period of 24 Months in the negotiated amount of \$29,440,000. The Work is necessary to maintain the existing lift span electrical and mechanical systems in a state of good repair. In accordance with the MTA Design-Build Best Practice Guidance, and in order to enhance competition and defray proposal costs, this solicitation included stipends to be paid to each unsuccessful proposer in the amount of \$51,000 whose proposal met a defined standard. Accordingly, approval is also requested to pay stipends totaling \$102,000 to the two unsuccessful shortlisted firms.

### II. DISCUSSION

In July 2016, the Board authorized B&T to enter into a competitive Request for Proposal (RFP) process for design-build services for rehabilitation of the Harlem River Lift Span electrical and mechanical systems at the Robert F. Kennedy Bridge. The Work requires the design, construction and construction management of electrical and mechanical rehabilitation, as well as structural and environmental tasks in support of the upgrades at the Harlem River Lift Span of the Robert F. Kennedy Bridge.

(rev. 4/07/10)

## Staff Summary

The service requirements were publicly advertised; four firms submitted qualification information and based on a review of their qualifications, those four firms were deemed qualified to receive the RFP. Three of the four firms submitted proposals: Kiewit Infrastructure Co. (KIC) (\$27,730,000), Posillico Civil, Inc. (Posillico) (\$55,192,800), and Skanska Koch, Inc. (Skanska) (\$53,508,035). The proposals and oral presentations were evaluated against established criteria set forth in the RFP, including proposed price, technical approach, key personnel and management approach.

In accordance with the MTA Design-Build Best Practice Guidance, Technical Proposals were evaluated by a Selection Committee (SC) prior to evaluation of the cost proposals. The SC recommended KIC as the highest rated firm based on several factors. KIC's proposal demonstrated successful past experience on comparable moveable bridge projects of similar complexity including that of their proposed designer, HNTB. KIC provided an innovative design which will minimize traffic disruptions and improve operability and maintenance of the systems. KIC proposed an aggressive schedule which includes a nine-month construction duration and completion of the entire project in 21 months. These factors in combination with the lowest proposed price, compared to other proposers, made KIC's proposal the most advantageous to the Authority.

Although Posillico and Skanska provided strong technical proposals demonstrating extensive moveable bridge experience and viable technical solutions, their price proposals were higher and the SC unanimously considered the KIC proposal to offer the best value for the Authority.

KIC submitted a proposal of \$27,730,000. Negotiations were conducted with KIC which included discussion of technical requirements, design assumptions, and construction approach. During the detailed technical discussion, it was agreed that, due to the actual field conditions and difficulty removing and replacing components of the lift span mechanical system, additional time and effort are required, including additional maintenance and protection of traffic, additional equipment to lift out the mechanical components, additional cabling and raceway and associated engineering. KIC offered reasonable explanations to support its revised pricing that include: the high complexity of the design; high risk of the construction process on a difficult site with low tolerance for variances; and difficult access to the work areas. The bridge shutdown period to navigation was re-evaluated to ensure adequate time to safely complete the construction work. Based on these scope clarifications, the parties agreed to a contract duration of 24 months with a value of \$29,440,000, which is 6.11% above the Engineer's revised estimate of \$27,745,941 and is fair and reasonable. Upon review of final technical score and the negotiated fee, the SC recommended the KIC team for award, determining that they proposed the best technical solution, and based on the reasons listed above, will provide the best value to the Authority.

In connection with a previous contract awarded to the Contractor, KIC was found to be responsible notwithstanding significant adverse information (SAI) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Interim Executive Director in consultation with the MTA General Counsel on February 26, 2013. No new SAI has been found related to the Contractor and KIC has been deemed responsible.

### III. D/M/WBE INFORMATION

MTA Department of Diversity and Civil Rights has assigned goals of 15% MBE and 15% WBE to this contract. Award will not be made until the Department of Diversity and Civil Rights' approval is obtained. Kiewit Infrastructure Co. has not completed any MTA contracts with MWDBE goals for B&T; therefore, no assessment of the firm's MWDBE performance can be determined at this time.

### IV. IMPACT ON FUNDING

Funding is available in the 2015-2019 Capital Program under projects: D704RK07/D03585, D701RK70/D03668, and D706AW22/D03453.

### V. ALTERNATIVES

There are no recommended alternatives. The Authority does not possess the resources required to perform these services.



## Schedule H: Modifications to Personal Service Contracts and Miscellaneous Service Contracts

Item Number: 2 (Final)

<b>Vendor Name (&amp; Location)</b> LiRo Engineers, Inc.		<b>Contract Number</b> PSC-15-2965	<b>AWOModification#</b>
<b>Description</b> Construction Administration and Inspection Services for Project MP-03/MP-16, Electrical and Mechanical Rehabilitation, Friction Mitigation, Miscellaneous Steel Repairs, Painting and Fire Standpipe Installation at the Marine Parkway-Gil Hodges Memorial Bridge			
<b>Contract Term (including Options, if any)</b> October 29, 2015 – October 28, 2018			
<b>Option(s) included in Total Amount</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Original Amount:</b> \$7,438,401.37	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>Prior Modifications:</b> \$722,343.00	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>Prior Budgetary Increases:</b> \$0.00	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.		<b>Current Amount:</b> \$8,160,744.37	
		<b>This Request:</b> \$2,031,154.00	
		<b>% of This Request to Current Amount:</b> 24.9%	
		<b>% of Modifications (including This Request) to Original Amount:</b> 37.0%	

### Discussion:

B&T is seeking Board approval under the All Agency Service Contract Procurement Guidelines to amend this personal service contract with LiRo Engineers, Inc. (LiRo) to provide ongoing construction inspection and administration (CI&A) services for the Project in the amount of \$2,031,154.

On October 29, 2015 pursuant to Board approval the subject contract was awarded to LiRo in the negotiated amount of \$7,438,401.37 for a duration of three (3) years to provide CI&A services to support Project MP-03/MP-16. The scope of construction includes: replacement of lift span motors and drives; electrical and mechanical replacements and upgrades to the lift span; installation of new auxiliary counterweight ropes; rope socket enhancements; installation of new fire line system and hydrants; machinery and control room upgrades and restorations; various structural steel and grid deck repairs; abatement of asbestos and lead containing materials; painting and maintenance and protection of traffic.

B&T requires additional funding for ongoing CA&I services resulting from: (i) increases to the construction scope of work; (ii) the construction contract duration was extended 6 months by addenda after proposals for the CA&I were received and under final evaluation; (iii) construction contractor's use of multiple shifts and weekend work; (iv) complexities associated with the electrical and mechanical upgrades for the Project. LiRo requires a six (6) month extension of time to complete its services through project close-out.

LiRo submitted a proposal in the amount of \$2,201,663. The Engineer's estimate is \$1,973,293. Negotiations resulted in B&T and LiRo agreeing to the negotiated amount totaling \$2,031,154, which is 2.9% above the estimate and is considered fair and reasonable. Funding for this amendment is available in the 2010 – 2014 Capital Program as follows: Project MP-03, Task D03311 - \$566,824.54; Project MP-16 Structural, Task D03316 - \$602,203.03; Project MP-16 Paint, Task D03321 - \$426,299.04 and the Operating Budget in the amount of \$435,827.39.




# Staff Summary

Page 1 of 2

<b>Subject</b> MTA 2015-2019 Capital Program Amendment
<b>Department</b> Capital Programs
<b>Department Head Name</b> Don Spero
<b>Department Head Signature</b> 
<b>Project Manager/Division Head</b> Stephen Berrang  Stephanie DeLisle 

<b>Date</b> April 25, 2018
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Board	4/25			

Internal Approvals			
Order	Approval	Order	Approval
4	Managing Director		
3	Chief of Staff		
2	Chief Financial Officer		
1	Legal		

## Purpose:

To obtain MTA Board approval of the proposed amendment to the MTA 2015-2019 Capital Program that increases it to \$33.270 billion and to authorize the MTA to submit the \$30.334 billion Capital Program Review Board (CPRB) portion of it to the CPRB for its review and approval, in accordance with Public Authorities Law §1269-b. No new funds, beyond those already approved, are required by this amendment.

## Discussion:

**Proposed 2015-2019 Capital Program Amendment:** This amendment increases the current capital program by \$813 million from \$32.457 billion to \$33.270 billion. The CPRB portion of the program increases from \$29.517 billion to \$30.334 billion and MTA Bridges and Tunnel's (B&T) program is reduced from \$2.940 billion to \$2.936 billion. Changes to the capital program address the following: (a) the addition of a fully funded subway action plan; (b) updated project assumptions reflecting the cost estimates and timing of ongoing projects and emerging needs; (c) consolidation of all budgets for City of New York sponsored stations within the NYC Transit stations program; (d) reallocating funds within the East Side Access (ESA) project; (e) reallocating funds within Regional Investment (RI) programs; (f) a transfer of budget from B&T's 2015-2019 program to its 2010-2014 program; and (g) elements with 10% increases that require CPRB approval.

The proposed capital program amendment includes the following three sections:

**CPRB Core Program: \$22.681 billion.** Agencies continue to make investments that renew and enhance the networks of NYC Transit, the Long Island Rail Road (LIRR), Metro-North Railroad (Metro-North), the MTA Bus Company and MTA Interagency. The core program increases from \$22.382 billion to \$22.681 billion due to the following changes:

- Net increase of \$427 million for NYC Transit, mainly reflecting
  - Inclusion of the Subway Action Plan approved by the Board in December 2017, as adjusted in this amendment;
  - Consolidation of \$300 million of funding for circulation and accessibility improvements at certain stations to coordinate with City of New York sponsored development initiatives, including a transfer of \$80 million from the MTA Interagency program to NYC Transit;
  - Cost estimate and bid adjustments for various NYC Transit projects, notably in the Stations category and rolling stock; and
  - An increase in the number of NYC Transit stations benefitting from Americans with Disabilities Act (ADA) investments.
- \$97 million decrease in the LIRR's program, reflecting a \$100 million transfer to the LIRR Expansion Project in Network Expansion that the Board approved in December 2017 and the addition of \$3 million from the Empire State Development Corporation and the New York State Department of Transportation for the Wyandanch Station building; and
- The inclusion of \$48 million of new funds for Metro-North from the State of Connecticut Department of Transportation (CDOT).

# Staff Summary

Page 2 of 2

In this amendment other changes are reflected for the Core agencies. New projects are included reflecting agencies' priorities. Administrative split-outs of specific scope and budgets into new projects are included. Also included are changes to project budgets based on updated estimates at completion and current scheduling assumptions for projects. Select projects and scope are rescheduled to a future capital program.

**CPRB Network Expansion Program: \$7.652 billion.** Network expansion increases from \$7.135 billion to \$7.652 billion due to the following changes:

- Revised estimates at completion in both the (East Side Access) ESA and Regional Investments (RI) programs, \$418 million is shifted from the 2010-2014 Capital Program to the 2015-2019 Capital Program. This consolidation also includes re-allocating 2015-2019 funds within the ESA project and re-scheduling work to a future capital program to reflect updated commitment schedules. Any increases to the overall ESA/RI envelope (\$10.9 billion) will be addressed in a future capital program;
- A transfer of \$100 million to the LIRR Expansion Project from the LIRR's core program; and
- Pursuant to the MTA Board's approval in October 2017, \$29 million is being set aside within existing Network Expansion Program reserves for potential needs related to Second Avenue Subway Phase 1.

**B&T (non-CPRB): \$2.936 billion.** B&T's program decreases from \$2.940 billion to \$2.936 billion. Key changes include:

- Adjustments to reflect current estimates at completion and scheduling for ongoing and upcoming work;
- Inclusion of two new safety projects; and
- A transfer of \$4 million to B&T's 2010-2014 Capital Program to address project needs in that program.

This proposed 2015-2019 Capital Program amendment continues to reflect an ongoing commitment to improving capital program investment strategies and business practices including:

- Continuing to build on the successes of the MTA's mentoring through the Small Business Development Program (SBDP);
- Exploring opportunities to utilize innovative design-build procurements;
- Updating design standards to be more resilient by incorporating lessons learned from Superstorm Sandy;
- Continuing component replacement programs that quickly target critical renewal needs; and
- Improving investment planning and transparency through processes including: "Gates" reviews at key stages.

## Impacts on Funding:

The proposed amendment increases the 2015-2019 funding envelope by \$813 million, from \$32.457 billion to \$33.270 billion. The proposed increase in funding includes: \$348 million contribution from the State of New York and the City of New York for the Subway Action Plan, \$418 million in planned asset sale proceeds transferred from the 2010-2014 Capital Program to reflect reprogramming of East Side Access needs between the prior program and the 2015-2019 program, and the addition of \$48 million in CDOT capital funding to Metro-North for upgrades on the New Haven line. This amendment also includes a technical funding swap between the 2015-2019 program and the 2010-2014 program (to align federal formula/flexible funds and MTA local funding to actual project usage), as well as \$125 million decrease to PAYGO, offset by a corresponding increase in MTA bonds.

## Alternatives:

Without CPRB approval of the changes, certain work may not proceed. The amendment is critical to continue renewing, enhancing and expanding the MTA's network to meet the mobility needs of the region. Pursuant to the Public Authorities Law, program element increases exceeding 10% require CPRB approval.

## Recommendation:

That the MTA Board approve the proposal to amend the MTA 2015-2019 Capital Program as described and authorize the \$30.334 billion CPRB portion of the program to be submitted to the CPRB for its review and approval.