

SERVICE AGREEMENT
BETWEEN
THE NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
AND
THE CITY OF NIAGARA FALLS

THIS SERVICE AGREEMENT (this "Agreement"), dated as of _____, 2018, by and between the NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC. ("Metro"), a New York public benefit corporation with its principal office for the transaction of business at 181 Ellicott Street, Buffalo, New York 14203 and the CITY OF NIAGARA FALLS (the "City"), a New York Municipal Corporation with its principal office for the transaction of business at 745 Main Street, Niagara Falls, New York 14301.

Section 1 Service

For the year 2018, Metro will provide fixed route open door service (the "Service") from the Niagara Falls International Airport to downtown Niagara Falls, as more fully described herein. The Service will operate weekends only (Friday, Saturday and Sunday) from May 18, 2018 through and including May 27, 2018. Thereafter the Service will operate daily beginning May 28, 2018 through and including September 30, 2018. Thereafter the Service will operate weekends only (Friday, Saturday and Sunday) beginning October 5, 2018 through and including October 28, 2018. The Service will operate hourly between 9:00 a.m. and 12:00 a.m. on the Service days described above. From November 1, 2018 through December 31, 2018 guests from participating Hotels (defined below) will have access to Metro's regular fixed route open door non-trolley service. Metro agrees to use commercially reasonable efforts to ensure that the only vehicles used for this Service are the trolley replication vehicles. Attached hereto as **Exhibit A** and incorporated herein by reference is a map showing the agreed upon area of Service.

Section 2 Compensation

The City will pay Metro the sum of \$580,500.00 for the operation of the Service described herein, which amount shall be payable in six (6) equal installments of \$96,750.00 on the 15th of each calendar month commencing May 15, 2018.

Section 3 Metro Passes

Metro will provide the Niagara Falls Hotel Association ("Hotels") with Metro passes ("Passes") for their customers, which can be used as proof of fare. These Passes will be valid for use on all Metro fixed routes from May 18, 2018 through December 31, 2018. The Passes will entitle the Hotels' customers to unlimited access to Metro's regular fixed route bus and rail service on the day and month for which it is validated upon board by the Metro operator. All Passes must be validated in Niagara County. For each customer the Hotels provide a Pass or Passes, the Hotels shall cause a statement to be placed on the customer's bill noting the date and number of Passes provided. The Hotels shall maintain these records for a period of one year and agree to provide these records to Metro for audit purposes.

Section 4 Termination

This Agreement may be terminated by either party hereto upon not less than thirty (30) days' prior written notice if there is a default by the other party hereto.

Section 5 All notices delivered pursuant hereto shall be personally served or sent by registered or certified mail, return receipt requested, at or to the addresses set forth in the preamble of this Agreement, or to such other address(es) as a party hereto may, from time to time, designate after the date first set forth above.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first set forth above.

NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC. THE CITY OF NIAGARA FALLS

By: _____

Kimberley A. Minkel
Executive Director

By: _____

Paul A. Dyster
Mayor

[Exhibit Follows]

EXHIBIT A

Map of Service Area

See attached.

EXHIBIT A



Niagara Falls Trolley 2018



NFTA Service Planning Department
Source: NFTA Data
Created in ArcGIS 10.3.1 Using Arc Map

Sources: Esri, HERE, DoT, Ordnance Survey, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Grand Island, NGCC, © OpenStreetMap contributors, and the GIS User Community

Navy Island Nat'l
Historic Site

South St

Canada

Marine Park

Marine Park

King's
Edgefield

Portage Rd

Portage Rd