

AMENDMENT No. 1 TO FUNDING AGREEMENT
BETWEEN PORT OF LOS ANGELES AND
THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

This Amendment No. 1 to Funding Agreement (this "Amendment"), is dated as of December 22, 2017, by and between Port of Los Angeles ("GRANTEE"), and the Los Angeles County Metropolitan Transportation Authority ("LACMTA").

RECITALS:

A. GRANTEE and LACMTA entered into that certain Funding Agreement No. 920000000F9119, dated July 1, 2016, (the "Existing FA"), which Existing FA provides for the Harbor Boulevard/Sampson Way/7th Street Reconfiguration (the "Project"); and

B. WHEREAS, AS PART OF THE 2015 Call for Projects, the LACMTA Board of Directors authorized a grant of the Proposition C 25% funds in the amount of \$4,951,400 (the "Funds") for the Project in accordance with the terms of this Agreement; and

C. WHEREAS, under the LACMTA Federal Transportation earmark Exchange Program, GRANTEE is requesting \$3,675,079 in Proposition C 25% for use on the Project. Proposition C 25% funds are programmed in FY 2016-17 and FY 2017-18, which subject to the terms and conditions contained in the Existing FA; and

D. The total funding by LACMTA of all available grant and programmed funds for this Project is \$8,626,479; and

E. GRANTEE and LACMTA desire to amend the Existing FA as provided herein.

AGREEMENT:

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby agree as follows:

1. Part I, Paragraph 11 is hereby added to the Existing FA:

“11. Under the LACMTA Federal Transportation Earmark Exchange Program, GRANTEE exchanged federal transportation earmarks with LACMTA. Under the Federal Transportation Earmark Exchange Program, GRANTEE is entitled to 97% of the federal transportation earmark value. Under the LACMTA Federal Transportation Earmark Exchange Program, LACMTA shall make to GRANTEE a one-time grant of Proposition C 25% funds in the amount of \$3,675,079 (the “Funds”) for the Project in accordance with the terms of the Funding Agreement. The Funds are programmed over 2 years, FY 2016-2017 and FY 2017-2018.”

2. Part II, Paragraph 8 of the Existing FA is hereby amended by deleting it in its entirety and replacing it with the following:

“8. TIMELY USE OF FUNDS/REPROGRAMMING OF FUNDS:

- 8.1 GRANTEE must demonstrate timely use of the Funds by:

- (i) executing this Agreement within ninety (90) days of receiving formal transmittal of the Agreement from LACMTA, or by December 31st of the first Fiscal Year in which the Funds are programmed, whichever date is later; and
- (ii) meeting the Project milestones due dates as agreed upon by the LACMTA and GRANTEE in the FA; milestones include, but are not limited to the following:
 - a. for project development, GRANTEE must complete phase by the end of the second fiscal year following the year the Funds were first programmed; and
 - b. for right-of-way, GRANTEE must follow its right-of-way acquisition policies and must show a realistic schedule for completion of acquisition required for the project agreed upon by LACMTA and GRANTEE prior to Agreement execution; and
 - c. for construction or capital purchase projects, contracts shall be awarded within nine (9) months from the date of completion of design. Project design (preliminary engineering) must begin within six (6) months from the identified milestone start date; and
- (iii) submitting the Quarterly Progress/Expenditure Report; and
- (iv) funds programmed for Programmed Years FY 2016-17, FY 2017-18 are subject to lapse on June 30, 2020.

8.2 Quarterly Progress/Expenditure Reports will be used to evaluate compliance with the Project milestone due dates as identified in the FA. If the Project does not meet the milestone due dates as agreed upon in the FA, LACMTA will issue a notice of non-compliance to the GRANTEE, and the GRANTEE will be required to develop a written recovery plan illustrating in detail the GRANTEE's actions to resolve the delay and to meet the Project completion date agreed upon in the FA (the "Recovery Plan"). If the Recovery Plan is deemed viable by LACMTA staff, and meets the Project completion date agreed upon in the FA, LACMTA may grant an administrative schedule update as long as the Funds are expended in compliance with (iv) above. If GRANTEE fails to submit a Recovery Plan within 30 days of the notice of non-compliance from LACMTA, or the Recovery Plan illustrates that the Project will not meet the lapse date in the FA, LACMTA may recommend potential deobligation of the Funds as part of its annual Call for Projects Recertification/Deobligation process. GRANTEE will ONLY be allowed to request a one-time lapsing date extension of 20-months from the final lapse date, which request is subject to LACMTA's Technical Advisory Committee (TAC) consideration as part of the annual Call for Projects Recertification/Deobligation process.

8.3 Recertification of Funds will be based on Project progress and is subject to meeting the Project milestones as agreed upon in the FA.

8.4 If GRANTEE does not complete one element of the Project, as described in the FTIP Project Sheet, due to all or a portion of the Funds lapsing, the entire Project may be subject to deobligation at LACMTA's sole discretion. In the event that all the Funds are deobligated, this Agreement shall automatically terminate.

8.5 If the GRANTEE fails to meet any of the conditions in paragraph 8.1 above, the Project shall be considered lapsed and will be submitted to the LACMTA Board for deobligation. Expenses that are not invoiced within 60 days after the lapsing date are not eligible for reimbursement."

3. Attachment A of the Existing FA is hereby replaced by Attachment A-1, attached.

4. Attachment B of the Existing FA is hereby replaced by Attachment B-1, attached.

5. Attachment D of the Existing FA is hereby replaced by Attachment D-1, attached.

6. Except as expressly amended hereby, the Existing FA remains in full force and effect as originally executed. All rights and obligations of the parties under the Existing FA that are not expressly amended by this Amendment shall remain unchanged.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 1 to be duly executed and delivered as of the above date.

LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY

By: _____
Phillip A. Washington
Chief Executive Officer

Date: _____

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By:  _____
Deputy

Date: 6/5/18

THE CITY OF LOS ANGELES
HARBOR DEPARTMENT

Date _____, 2018

By: _____
EUGENE D. SEROKA
Executive Director

Attest _____
AMBER M. KLESGES
Board Secretary

APPROVED AS TO FORM AND LEGALITY:

Date June 7, 2018
MICHAEL N. FEUER, City Attorney
JANNA B. SIDLEY, General Counsel

By:  _____
HELEN J. SOK, Deputy City Attorney

ATTACHMENT A-1 - PROJECT FUNDING

CFP#: F9119
 FTIP#: LAF9119

FA# 920000000F9119
 PPNO: N/A

**PROJECT TITLE: HARBOR BOULEVARD/SAMPSON WAY/7TH STREET RECONFIGURATION
 GRANTEE/ PROJECT SPONSOR: PORT OF LOS ANGELES
 (\$ in Actual Dollars)**

(LACMTA Programmed Funding and Sponsors Match Only)

PROGRAMMED FUNDS	PRIOR YEARS	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	TOTAL BUDGET	% OF BUDGET
LACMTA PROGRAMMED FUNDING:								
SELECT:								
Proposition C 25%				\$ 2,552,500	\$ 2,398,900		\$ 4,951,400	44.2%
LACMTA Federal Transportation Earmark Exchange Program				\$ 1,896,341	\$ 1,778,738		\$ 3,675,079	32.8%
							\$ 8,626,479	77.0%
LACMTA SUBTOTAL								
GRANTEE/SPONSOR MATCH:								
Grantee Funding Commitment (specify type) (Write specific type of funding match)								
SELECT:								
Other (Port Funds)				\$ 1,331,033	\$ 1,248,488		\$ 2,579,521	23.0%
							\$ -	
GRANTEE / PROJECT SPONSOR MATCH SUBTOTAL								
TOTAL PROGRAMMED FUNDING	\$ -	\$ -	\$ -	\$ 5,779,874	\$ 5,426,126	\$ -	\$ 11,206,000	100.0%
							\$ 2,579,521	23.0%

ATTACHMENT B-1

SCOPE OF WORK

PROJECT TITLE: Harbor Blvd./Sampson Way/7th Street Reconfiguration – Port of Los Angeles

PROJECT LOCATION:

The project is located in the City of Los Angeles, in the San Pedro area. The Harbor Boulevard/Sampson Way/7th Street Reconfiguration is a component of the San Pedro Waterfront Project (SPWP), and entails realignment of two major arterials in San Pedro. The project improves motorized and non-motorized mobility and access to/from the following major regional destinations: community of San Pedro, downtown San Pedro, the Catalina Ferry/Freight facility, World Cruise Center, Battleship USS Iowa Museum, Ports O' Call Village, AltaSea facility, and Cabrillo Beach/Marina.

PROJECT LIMITS:

This project limits extend from the intersection of Harbor Blvd/6th Street/Sampson Way on the north side to 550' south of the intersection of Harbor Blvd. /7th Street to the south side.

PROJECT BACKGROUND:

Harbor Blvd./Sampson Way/7th Street Reconfiguration Project will improve vehicular access to accommodate existing traffic and future growth for the San Pedro Waterfront. . This project will facilitate public access throughout the waterfront area to better connect the waterfront with downtown San Pedro and the surrounding community.

PROJECT SCOPE:

The Project includes San Pedro Waterfront Motorized/Non-Motorized Access Improvements: Harbor Blvd. & Sampson Way realignment/intersection consolidation; widened sidewalks to 12 feet; Class II Bike lanes on Harbor Blvd. and Sampson Way. The project also includes intersection consolidation, which in turn decreases vehicular conflicts with pedestrians and bicyclists. The proposed improvements include:

- Reconfiguration of Harbor Blvd. /7th Street intersection to accommodate the realignment of Harbor Blvd.
- Creating an enhanced three-way intersection at Harbor Blvd./Sampson Way
- New signals will be synchronized and incorporated into City of Los Angeles' Department of Transportation (LADOT) Advanced Traffic Control System ATSAC/ATCS
- Widening of sidewalks
- Continental concrete crosswalks
- Class II bike lanes

PROJECT COST:

		% of Cost
Construction	\$ 11,206,000	100%
Total Project Cost	\$ 11,206,000	100%

PROJECT BUDGET:

		% of Budget
LACMTA		
Proposition C 25%	\$ 4,951,400	44.2%
LACMTA – Federal Transportation Earmark Exchange Program	\$ 3,675,079	32.8%
LACMTA TOTAL	\$ 8,626,479	77.0%
LOCAL MATCH		
GRANTEE (Port Funds)	\$ 2,579,521	23.0%
LOCAL MATCH TOTAL	\$ 2,579,521	23.0%
\$ 2,579,521	23.0%	100%

Milestones: The implementation schedule for this project will be as follows:

CONSTRUCTION MILESTONES:

ACTIVITIES	START DATE	COMPLETION DATE
Construction	September 2016	June 2018
Project Completion/Closeout	June 2018	September 2018

Location Map



Site Plan



ATTACHMENT D-1

**Los Angeles Metropolitan Transportation Authority
2019 Federal Transportation Improvement Program (\$000)**

TIP ID LAF9119		Implementing Agency Port of Los Angeles	
Project Description: San Pedro Waterfront Motorized/Non-Motorized Access Improvements: Harbor Boulevard & Sampson Way realignment/intersection consolidation; Class II Bike lanes (0.4 mile)			
SCAG RTP Project #: 1AL04 Study: NO Is Model: NO Model #: PM: Guillermo Martinez - (310) 732-3090 Email: gmartinez@portla.org LS: N LS GROUP#: Conformity Category: NON REPORTABLE TCM			
System :Local Hwy	Route :	Postmile:	Distance:
Phase: Construction/Project Implementation begins			Completion Date 12/31/2020
Lane # Extd:	Lane # Prop:	Imprv Desc:	Air Basin: SCAB Enviro Doc: ENVIRONMENTAL IMPACT REPORT - CEQA - C
Toll Rate:	Toll Colc Loc:	Toll Method:	Hov acs eg loc:
Program Code: NCRH1 - INTERSECTION IMPROVEMENTS/CHANNELIZATION		Stop Loc:	
	PHASE	PRIOR	18/19 19/20 20/21 21/22 22/23 23/24 BEYOND PROG TOTAL
PC25 - 2016 Earmark Repurposing	PE		
	RW		
	CON	\$3,675	\$3,675
	SUBTOTAL	\$3,675	\$3,675
PC25 - Los Angeles County Proposition "C25"	PE		
	RW		
	CON	\$4,952	\$4,952
	SUBTOTAL	\$4,952	\$4,952
PORT - Port Funds	PE		
	RW		
	CON	\$2,579	\$2,579
	SUBTOTAL	\$2,579	\$2,579
	TOTAL	\$11,206	\$11,206
TOTAL PE: \$0		TOTAL RW: \$0	
TOTAL CON: \$11,206			
<p>- General Comment: Project is currently in construction. Project funding revised to add PC25 2016 Earmark repurposing funds in FYs 16/17 (\$1,896,000) and 17/18 (\$1,779,000). PORT - Port Funds reduced in FY 16/17 from \$3,227,000 to \$1,331,000, and in FY 17/18 from \$3,027,000 to \$1,248,000. Total project cost remains at \$11,206,000.</p> <p>- Mdelling Comment: See General Comments.</p> <p>- TCM Comment: See General Comments.</p> <p>- Narrative: Total project cost remains the same at \$11,206 Project cost stays the same Programming amount in the active FTIP years stays the same Changed Current Implementation Status: - from "Engineering/Plans, Specifications and Estimates (PS&E)" to "Construction/Project Implementation begins"</p>			
Change Fund Source			
PC25:			
+ Increase funds in 16/17 in CON from \$2,553 to \$4,449			
PC25:			
+ Increase funds in 17/18 in CON from \$2,399 to \$4,178			
PORT:			
- Decrease funds in 16/17 in CON from \$3,227 to \$1,331			
PORT:			
- Decrease funds in 17/18 in CON from \$3,027 to \$1,248			
Last Revised	Adoption 19-00 - Submitted	Change reason: Carry Over, Schedule Funding Sc	Total Cost \$11,206