

FIRST AMENDMENT
TO AGREEMENT NO. M0899
BETWEEN
THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY
AND
UNION PACIFIC RAILROAD COMPANY

THIS FIRST AMENDMENT to Agreement No. M0899 is made and entered into by the Alameda Corridor Transportation Authority ("ACTA"), acting by and through its Governing Board, and Union Pacific Railroad Company ("Union Pacific") as follows:

1. Section II, Union Pacific Reimbursement of ACTA Costs, Paragraph 2 is hereby removed and replaced in its entirety, as follows:

“2. The total estimated budget for ACTA’s Work as set forth in Exhibit B-1 is One Million Six Hundred Fifty-Seven Thousand Dollars (\$1,657,000.00). Any increase in the estimated budget for ACTA’s Work shall be evidenced by a revised exhibit in the manner set forth in Paragraph 3 of this Section.”

2. Exhibit B, “Scope of Work and Budget for Construction Related Activities for ACTA’s Work” is hereby removed and replaced in its entirety with Exhibit B-1, “Amendment 1 to Scope of Work and Budget for Construction Related Activities for ACTA’s Work”

Except as amended herein, all remaining terms and conditions of Agreement No. M0899 shall remain in full force and effect.

The effective date of this amendment shall be the date of its execution by ACTA’s Chief Executive Officer or his designee.

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IN WITNESS THEREOF, the parties hereto have executed this First Amendment to Agreement No. M0899 on the date to the left of their signatures:

ALAMEDA CORRIDOR
TRANSPORTATION AUTHORITY

Date: _____

By: _____

Michael D. Leue, P.E.
Chief Executive Officer

Attest: _____

Secretary

UNION PACIFIC RAILROAD
COMPANY

Date: _____

By: _____

Name: _____

Title: _____

Attest: _____

Name: _____

Title: _____

APPROVED AS TO FORM

_____, 2023
HYDEE FELDSTEIN SOTO, Los Angeles City Attorney

By _____
Heather M. McCloskey, Deputy
ACTA Co-General Counsel

EXHIBIT B-1

Alameda Corridor Transportation Authority

Amendment 1 to Scope of Work and Budget for Construction Related Activities for ACTA's Work

1/6/2023

PROJECT: Dolores Yard Crossover Project

ACTA Engineering		
Pre-construction Design Review	\$	20,000.00
Construction Closeout Approval	\$	25,000.00
Administration (contract management, accounts payable)	\$	15,000.00

Railworks Labor, Materials and Equipment		
Flagging & Construction	\$	196,498.84
Weld Kits	\$	4,125.00
Rental Equipment	\$	29,900.00
Equipment Operator to Assist Highball Signal with Relocation & Installation of Signal Bungalow ¹	\$	12,753.40

Railworks Subcontractors		
Hutcher (Concrete Panel Hoisting Services)	\$	105,000.00
Surfacing Crew for Turnout Installation (1 day Travel 2 days Tamp)	\$	26,276.25
Highball Signal, Inc. ¹	\$	940,787.82
Fencing & Traffic Control (allowance for services as needed)	\$	50,000.00

Pacific Railway Enterprises, Inc.		
Final Signal Design for the various Control Points and Software Development ²	\$	231,628.58

Construction Estimate Total		\$ 1,656,969.89
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¹ Per Amendment 1 the costs increase, \$493,987.72, is due to increase cost to provide the labor and equipment necessary to replace two older outdated signal huts (CP Thenard "C" House and Watson Crossing House) with a one new larger signal bungalow with state of the art equipment.

² Per Amendment 1, the cost increase, \$98,407.90, is due to the need to re-design, test of new application software, field support and as-built preparation of the affected signals. The new design incorporates the new larger signal bungalow which will replace two existing bungalows (CP Thenard "C" House and Watson Crossing House) with all needed equipment for crossing and wayside as approved and based on recommendations from the UPRR's signal department.