


M E M O

Alameda Corridor Transportation Authority

To: Governing Board

Meeting Date: December 14, 2023

From: Michael C. Leue, Chief Executive Officer 

Subject: APPROVE First Amendment to Reimbursement Agreement C0905 with the City of Long Beach Harbor Department for ACTA to provide various support services in connection with the Pier B On-Dock Rail Support Facility Project, increasing the contract compensation amount by \$184,000 and extending the term to three years

Recommendation:

Authorize the Chief Executive Officer or his designee to execute the First Amendment to Reimbursement Agreement with the City of Long Beach Harbor Department (POLB) to cover ACTA expenditures for legal, environmental review, engineering and flagging services associated with POLB's Pier B On-Dock Rail Support Facility (Pier B Project) in accordance with the Agreement. The First Amendment extends the term of the Agreement for two additional years through March 2026, and increases the total compensation amount to \$431,250 including contingency.

Discussion:

The Pier B Project is a rail yard located in POLB North Harbor that will provide five 10,000-foot arrival/departure tracks, 90,000 feet of staging tracks, locomotive facility, in addition to the two existing mainlines, which together will significantly boost the productivity of on-dock rail yards. The portions of the Pier B Project west of Anaheim Street are proposed to be on jointly owned port property allocated to ACTA by the Use Permit to manage and operate the rail corridor. The impacts of the Pier B Project on ACTA's operations will require certain approvals by the ACTA Governing Board, including amendments to the UOA and Use Permit.

The additional time and funding set forth in the proposed amendment will allow ACTA to provide the following services for the Pier B Project during construction:

- ACTA's maintenance contractor will be required to perform flagging services during construction to enable safe working conditions for the Ports contractor when they are within 25 feet of ACTA's railroad tracks;

- ACTA will review all design packages that impact ACTA's operational jurisdiction and upon acceptance of the final design package, will issue a Notice to Proceed;

- ACTA will complete the appropriate documents giving the POLB improvements the right to be used within ACTA's operational jurisdiction.

ACTA's Chief Executive Officer recommends that the Board approve the proposed amendment to Agreement No. C0905, extending the Agreement an additional two years through March 2026, and increasing the contract value to \$345,000 plus \$86,250 contingency. All ACTA costs associated with work performed by ACTA for the benefit of the Pier B Project will be reimbursed by POLB. An updated budget is included in Transmittal 1, Exhibit A-1, which also shows the categories of work ACTA will perform in support of the Pier B Pre-Construction and Construction Work.

Budget Impact:

There will be no net impact to the ACTA Program Budget because ACTA's costs will be fully reimbursed by POLB. ACTA will pay its costs up-front for the services, utilizing the Local Agency Investment Fund (LAIF) account to pay for the services. The LAIF account will be refunded using the reimbursements from POLB.

Co-General Counsel Review:

ACTA's Co-General Counsel has reviewed and approved the proposed amendment as to form.

Transmittal:

Transmittal 1 – First Amendment to Agreement No. 905 with the City of Long Beach for the Reimbursement of Expenditures by ACTA in Support of POLB's Pier B On-Dock Rail Support Facility