


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 Second Amendment to Agreement M0899 with Union Pacific Railroad for Reimbursement of ACTA Costs for Construction Related Activities on Dolores Yard Crossover Project, increasing contract compensation amount by \$493,000 and extending the term to three years

Recommendation:

Authorize the Chief Executive Officer or his designee to execute the Second Amendment to Reimbursement Agreement with the Union Pacific Railroad Co. (UPRR), wherein ACTA agrees to perform certain reimbursable services for UPRR's Dolores Yard Crossover Project in accordance with the project Memorandum of Agreement.

The Second Amendment increases the costs associated with construction on ACTA right-of-way, design review and administration by \$493,000 to a total amount of \$2,150,000 to be reimbursed by UPRR as costs are expended by ACTA and its contractors.

Discussion:

The ACTA Governing Board approved execution of Agreement M0899 on June 16, 2022 and approved the First Amendment to the agreement on February 02, 2023. In early May 2023, construction on the project stopped due to unforeseen field conditions. Once the project resumes, there will be a need for additional flagging, additional signal field support, completion of all signal work, testing, and the commissioning of Control Point (CP) Thenard, CP Long Beach and CP Sepulveda. There will also be a re-mobilization to complete signal and trackwork and additional administration costs related to the project. The total increase is \$493,000 and the total amount of amended Agreement M0899 is \$2,150,000.

Budget Impact:

There is no impact to the FY24 Budget for the Dolores Yard Crossover Project, which is fully reimbursable. These are pass-through costs that ACTA is initially required to pay, but which are subsequently fully reimbursed by UPRR. ACTA utilizes the Local Agency Investment Fund (LAIF) account to pay for the services and reimburses the account when payment is received.

Co-General Counsel Review:

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

Transmittal:

Transmittal 1 – Second Amendment to Agreement No. M0899 between the Alameda Corridor Transportation Authority and Union Pacific Railroad Company

