


M E M O

Alameda Corridor Transportation Authority

To: Governing Board

Meeting Date: June 20, 2024

From: Michael C. Leue, Chief Executive Officer 

Subject: APPROVE a Revised Second Amendment to Agreement No. M0899 with Union Pacific Railroad for the Dolores Yard Crossover Project Reimbursement of ACTA Costs for Construction Related Activities, increasing the reimbursement amount by \$865,451 and extending the term to three years

Recommendation:

Authorize the Chief Executive Officer or his designee to execute the revised Second Amendment to Agreement No. M0899 with the Union Pacific Railroad Co. (UPRR), so ACTA may continue to provide certain reimbursable services for UPRR's Dolores Yard Crossover Project.

The revised Second Agreement increases the costs associated with construction on ACTA right-of-way, design review and administration by \$865,451 to a total not to exceed amount of \$2,522,451 to be reimbursed by UPRR as costs are expended by ACTA and its contractors.

Discussion:

This Board item is for ACTA cost reimbursement from UPRR on the Dolores Yard Crossover Project in accordance with the Project Memorandum of Agreement. This Board item replaces in its entirety the previously approved Second Amendment approved by the Governing Board meeting.

The ACTA Governing Board approved execution of Agreement M0899 on June 16, 2022, and approved the first amendment to the agreement on February 2, 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 for the second amendment is \$865,451 and the total not to exceed amount of the agreement will be \$2,522,451.

Budget Impact:

There is no impact to the FY24/25 Operating Budget associated with the Dolores Yard Crossover Project since it is fully reimbursable by UPRR. ACTA utilizes the Local Agency Investment Fund (LAIF) account to pay for services and reimburses that account when payment is received from UPRR.



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Co-General Counsel Review:

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

Transmittals:

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