

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

THIS SECOND 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-2, and the maximum payable amount under this Agreement, is Two Million Five Hundred Twenty-two Thousand Four Hundred Fifty-one Dollars (\$2,522,451).”

2. Section II, Union Pacific Reimbursement of ACTA Costs, Paragraph 3 is hereby removed from the Agreement.

3. Section IV, Effective Date and Term, Paragraph 2 is hereby removed and replaced in its entirety, as follows:

“2. This Agreement shall be in full force and effect commencing from the date of ACTA’s CEO execution and shall continue until three (3) years have lapsed from the effective date of this Agreement.”

4. Section IV, Paragraph 6, Amendments and Modifications, is hereby removed and replaced in its entirety, as follows (including a paragraph numbering correction):

“7. Amendments and Modifications: The terms of this Agreement may be modified only by written amendment approved by the Parties, subject to all applicable approval processes required by either Party.”

5. Section IV, Paragraph 7, Counterparts, is administratively corrected to be numbered as paragraph number 8.

6. Exhibit B-2, “Amendment 2 to Schedule, Scope of Work and Budget for Construction Related Activities for ACTA’s Work” is hereby added to the Agreement.

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.

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

ALAMEDA CORRIDOR
TRANSPORTATION AUTHORITY

Date: _____

By: _____
Michael C. Leue, P.E.
Chief Executive Officer

Attest: _____
Secretary

UNION PACIFIC RAILROAD
COMPANY

Date: _____

By: _____

Name: _____

Title: _____

Attest: _____

Name: _____

Title: _____

APPROVED AS TO FORM

_____, 2024
HYDEE FELDSTEIN SOTO, Los Angeles City Attorney

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

EXHIBIT B-2

Alameda Corridor Transportation Authority

Amendment 2 to Schedule, Scope of Work and Budget for Construction Related Activities for ACTA's Work

6/3/2024

PROJECT: Dolores Yard Crossover Project

Schedule:

ACTA Engineering	
Administration	Effective date through end of term
Railworks Construction	
Resumption of Construction through end of term	
Pacific Railway Enterprises, Inc.	
Resumption of Construction through end of term	

Scope:

The revised Pacific Railway Enterprise, Inc, Highball Signal, Inc and Railworks Track Services LLC estimates include the cost of additional signal field support, completion of all signal work, test and commission CP's Thenard, Long Beach and Sepulveda, flagging, and re-mobilizing once project resumes to complete the Signal and Trackwork for the Project. Increase Administration costs equal 5% of Amendment 2 increase.

Estimate:

ACTA Engineering		
Pre-construction Design Review	\$	20,000.00
Construction Closeout Approval	\$	25,000.00
Administration (contract management, accounts payable)	\$	57,400.00

Railworks Labor, Materials and Equipment		
Flagging & Construction ³	\$	463,902.38
Weld Kits	\$	4,125.00
Rental Equipment	\$	29,900.00
Equipment Operator to Assist Highball Signal with Relocation & Installation of Signal Bungalow	\$	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	\$	1,407,182.80
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	\$	320,910.58

Construction Estimate Total	\$	2,522,450.41
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¹ Per Amendment 2 the costs increase, \$466,394.98, is due to having to correct factory bungalow discrepancies for Thenard C house, picking up material, that was supposed to be delivered by UPRR, from Colton and Santa Fe UPRR yards numerous times, required the use of their own flagger when others should have provided one to avoid further delays, provided their own equipment operator to dig in conduit periodically when others were not available to assist, train delays due to coordination with two (2) dispatchers due to territory jurisdiction and having to partially install signal equipment and having to return at a later date to complete once missing or delayed material was delivered or picked up. In addition, the revised estimate increase is due to the annual rate increases for the labor force from last year to the current year. It also includes 6 weeks of work to finish construction and 1 week to test and commission the signal system.

² Per Amendment 2, the cost increase, \$89,282.00, is due to increased field support to test and commission CP Thenard, CP Long Beach and CP Sepulveda.

³ Per Amendment 2, the cost increase, \$267,403.54, is due to the high demand for flagging by Highball Signal for 7 weeks with Form B with overtime and the UPRR's contractor's work. Also adding 6 EIC's for the weekend cut over to assist Highball Signal at 5 locations, including overtime and double time. Due to the long project delay, the Union Wages have increased, also with delay RailWorks had to demobilize and re-assigned the work force scheduled to remove the No. 14 turnout, build the straight section of track, re-ballast, distress and surface the new track. RailWorks will need to mobilize again once the project resumes. This will require work to start on Wednesday to prep the area and all materials. The removal of the track will start Friday night and go through Sunday night. Saturday will include a day and night shift and Sunday double time Works will need to mobilize again once the project gets re-instated. This will require work to start on Friday to prep the area and all materials and continue through Sunday night. Saturday will include a day and night shift and Sunday, double time, to complete all work, pick up excess material and clean up the site.

Revised Cost Estimate Summary

ACTA Engineering	
Revised Estimate per Amendment 2	\$ 102,400.00
Original Estimate	\$ 60,000.00
Delta due to Administration (contract management, accounts payable)	\$ 42,400.00

Pacific Railway Enterprises, Inc.	
Revised Estimate per Amendment 2	\$ 320,910.58
Revised Estimate per Amendment 1	\$ (231,628.58)
Original Estimate	\$ (133,220.68)
Delta	\$ 89,282.00

Higball Signal, Inc.	
Revised Estimate per Amendment 2	\$ 1,407,182.80
Revised Estimate per Amendment 1	\$ (940,787.82)
Original Estimate	\$ (459,553.50)
Delta	\$ 466,394.98

Raiworks Labor - Flagging & Completion of Construction Items once Project re-starts.	
Additional flagging due to the high demand for flagging protection to date and the months long project delay. RailWorks demobilized due to delays and will re-mobilize once construction resumes to complete remaining track work. Includes 5% markup for Subcontractors request for additional funds.	\$ 267,403.54

Total Estimate Increase	\$ 865,480.52
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The revised Pacific Railway Enterprise, Inc., Highball Signal, Inc. and RailWorks Track Services LLC estimates include the cost of additional signal field support, completion of all signal work, test and commission CP's Thenard, Long Beach and Sepulveda, flagging, and re-mobilizing once project resumes to complete the Signal and Trackwork for the project. Increased Administration costs equal 5% of Amendment 2 increase.

Railworks Dolores Yard Crossover Project

Track Cost

Cost Code	Description	*2024 Rates*				
CT07	Dolores Crossover - 2024 Estimated Work	U of M	QTY	Rate	Split	Total
	Line track, line crossover, and tamp					
	Superintendent ST	Hour	16	\$ 128.64	100%	\$ 2,058.24
	Superintendent OT	Hour	24	\$ 176.89	100%	\$ 4,245.36
	Superintendent DT	Hour	24	\$ 225.13	100%	\$ 5,403.12
	Foreman ST	Hour	16	\$ 105.15	100%	\$ 1,682.40
	Foreman OT	Hour	24	\$ 141.66	100%	\$ 3,399.84
	Foreman DT	Hour	24	\$ 178.16	100%	\$ 4,275.84
	Track Inspector ST	Hour	0	\$ 105.15	100%	\$ -
	Track Inspector OT	Hour	0	\$ 141.66	100%	\$ -
	Track Inspector DT	Hour	0	\$ 178.16	100%	\$ -
	Track Laborers ST	Hour	80	\$ 98.12	100%	\$ 7,849.60
	Track Laborers OT	Hour	282	\$ 131.11	100%	\$ 36,973.02
	Track Laborers DT	Hour	282	\$ 164.10	100%	\$ 46,276.20
	Welder ST	Hour	8	\$ 100.14	100%	\$ 801.12
	Welder OT	Hour	24	\$ 134.14	100%	\$ 3,219.36
	Welder DT	Hour	24	\$ 168.14	100%	\$ 4,035.36
	Welder Helper ST	Hour	8	\$ 98.12	100%	\$ 784.96
	Welder Helper OT	Hour	24	\$ 131.11	100%	\$ 3,146.64
	Welder Helper DT	Hour	24	\$ 164.10	200%	\$ 7,876.80
	Equipment Operator ST	Hour	0	\$ 129.95	100%	\$ -
	Equipment Operator OT	Hour	48	\$ 175.42	100%	\$ 8,420.16
	Equipment Operator DT	Hour	48	\$ 220.88	200%	\$ 21,204.48
						\$ -
	Vehicles					\$ -
	F550	Hour	48	\$ 31.00	100%	\$ 1,488.00
	F350	Hour	192	\$ 16.00	100%	\$ 3,072.00
						\$ -
	2024 Flagging					\$ -
	Flagging ST	Hour	280	\$ 129.00	100%	\$ 36,120.00
	Flagging OT	Hour	164	\$ 166.00	100%	\$ 27,224.00
	Flagging DT	Hour	60	\$ 202.00	100%	\$ 12,120.00
						\$ -
	Surfacing					\$ -
	Foreman ST	Hour	0	\$ 105.15	100%	\$ -
	Foreman OT	Hour	0	\$ 141.66	200%	\$ -
	Foreman DT	Hour	12	\$ 178.16	100%	\$ 2,137.92
	Equipment Operator ST	Hour	0	\$ 129.95	100%	\$ -
	Equipment Operator OT	Hour	0	\$ 175.42	100%	\$ -
	Equipment Operator DT	Hour	12	\$ 220.88	200%	\$ 5,301.12
	Mark IV Tamper	Hour	12	\$ 175.00	100%	\$ 2,100.00
	Ballast Regulator	Hour	12	\$ 99.00	100%	\$ 1,188.00
	Mob and Demob of Machinery (includes 15% markup - subject to change based on demob charges)	Each	1	\$ 10,000.00	100%	\$ 10,000.00
	Rental Equipment	Weekend	2	\$ 5,000	100%	\$ 5,000
	Materials (subject to change based on actual tax/freight charges at time of shipping)					
	No Materials - labor only	Each	0	\$ -	100%	\$ -
		Each	0	\$ -	100%	\$ -
		Each	0	\$ -	100%	\$ -
		Each	0	\$ -	100%	\$ -
	10% markup	Each	0	\$ -	100%	\$ -
	Subcontractors					
	Highball Signal	Each	0	\$ -	100%	\$ -
		Each	0	\$ -	100%	\$ -
		Each	0	\$ -	100%	\$ -
		Each	0	\$ -	100%	\$ -
	5% markup	Each	0	\$ -	100%	\$ -
	Material Subtotal					\$ -
	Subcontractors					\$ -
	Labor & Equipment Subtotal					\$ 267,403.54
					SUBTOTAL:	\$ 267,403.54



Dolores Yard Crossover Project Signal Cost

Crew Size 6 men crew and 1 Safety Manager

- 1 Signal/Comm supervisor
 - 2 Signal Test Maintainer
 - 3 Signal Maintainer
 - 1 Safety Manager
-
- 7

Duration

7 Weeks
 6 Weeks to finish construction
 1 Weeks to Test and Commissioning

	RE	OT	DT
Monday to Friday	40	10	
Saturday		10	
Total crew hours per week	40	20	
Total crew hours	280	140	0

	RE	OT	DT
Crew hours	280	140	0

A Labor Cost

Craft	QTY	RE	OT	DT	RE Rate	OT Rate	DT Rate	Cost
Signal / Comm Supervisor	1	280	140	0	144.38	216.56	288.75	70,744.80
Signal Test Maintainer	2	280	140	0	135.16	180.95	270.31	126,355.60
Signal Maintainer	3	280	140	0	127.41	169.8	254.81	178,340.40
Safety Manager	1	280		0	68.12	86.59	112.31	19,073.60
		0	0	0	0	0	0	-
		0	0	0	0	0	0	-
		0	0	0	0	0	0	-
	7							394,514.40

B Equipment & Vehicle

Description	Total Hours	Hrly rate	Cost
F250-Vehicle for Signal men	2,520	\$ 18.62	46,922.40
Bucket Truck	280	\$ 25.57	7,159.09
4-1000 lb Sky track Forklift	280	\$ 25.57	7,159.09
-Mini Excavator	280	\$ 30.50	8,540.00
GMC Terrain / Safety Manager	280	\$ 7.50	2,100.00
		\$ -	-
		\$ -	-
			71,880.58

C Material Cost

Description	QTY	Unit	Unit price	Total	10%		Total
					Tax	Shipping	
				-	-		-
				-	-		-
							-

D Subcontractor

Description	QTY	Unit	Unit price	Total	Misc	Total
				-		-
				-		-
						-

E Summary

Total Labor	394,514.40
Total Equipment	71,880.58
Total Material	-
Total Subcontractor	-
Total Cost	466,394.98

PACIFIC RAILWAY ENTERPRISES, INC.
 DOLORES YARD INSTALLATION FIELD SUPPORT
 FEE PROPOSAL
 5/30/2024

	Sr. Systems Engr	Sr. Railroad Sys. Tech IV	Sr. Railroad Sys. Tech III	Sr. Railroad Systems Tech I	Signal Designer II	TOTAL COST - LABOR
RATE	\$ 281.17	\$ 241.70	\$ 204.71	\$ 157.85	\$ 73.99	
FIELD SUPPORT		200	200			\$ 89,282.00
SUBTOTAL	\$ -	\$ 48,340.00	\$ 40,942.00	\$ -	\$ -	\$ 89,282.00
OTHER DIRECT COSTS	Mileage per IRS Rate					
					Total	\$ 89,282.00