

**AMENDMENT NUMBER 04
LOCAL AGENCY AGREEMENT
HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROJECT
Willamette River (Sellwood) Bridge (Bridge #06879) and
Oregon Route (OR) 43 Interchange Improvements
Multnomah County**

The **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as "State," and **Multnomah County**, acting by and through its elected officials, hereinafter referred to as "Agency," entered into Local Agency Agreement No. 22,858 on March 10, 2006, Amendment No. 1 on January 18, 2008, Amendment No. 2 on December 2, 2010, and Amendment No. 3 on November 28, 2011. Said Agreement covers the preliminary engineering (PE) and right of way (R/W) activities for the Sellwood Bridge.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to decrease the total estimated cost of the Project and add an additional funding type. Except as expressly amended below, all other terms and conditions of the Agreement are still in full force and effect.

All references to "Highway Bridge Replacement and Rehabilitation (HBRR)" shall hereinafter be referred to as "Highway Bridge Program (HBP)".

RECITALS, Paragraph 9, Page 1, shall be added to read:

9. The Transportation Investment Generating Economic Recovery Discretionary Grant Program ("TIGER III") was included in the Recovery Act to spur a national competition for innovative, multi-modal and multi-jurisdictional transportation projects that promise significant economic and environmental benefits to an entire metropolitan area, a region or the nation. Projects funded with these Recovery Act funds include improvement to roads, bridges, rail, ports, transit and intermodal facilities.

TERMS OF AGREEMENT, Paragraph 3, Page 2, which reads:

3. The estimated cost of the Project is **\$330,000,000**, which is subject to change. The Project shall be funded with funds available to the County and from the following additional available moneys:
 - a. Highway Bridge Replacement and Rehabilitation Program (HBRR), large bridge category, under Title 23, United States Code, limited to **\$16,000,000** including match, for PE and R/W.
 - b. Metro Federal-Aid Surface Transportation Program (STP) under Title 23, United States Code, at the maximum allowable federal participating amount, limited to **\$2,228,909** including match, for PE only.

- c. State Region 1 Modernization funds limited to **\$1,500,000**, for PE and R/W only. These funds are to be used to match federal funds only.
- d. High Priority Projects Program and Transportation Improvements Program, under Title 23, United States Code, which incorporated SAFETEA-LU estimated at **\$6,997,571** including match, and can be used for both PE and R/W with Agency providing the match for the federal funds and any non-participating costs, including all costs in excess of the combined available federal funds. The federal pro-rata funding for the Project is 89.73 percent and the provided federal funds will be subject to annual obligation limitations and possible rescissions.

The Federal Project Number and Project Description are as shown in the table below:

Federal Project Number	SAFETEA-LU Program	Project Description
1495	High Priority Projects	Sellwood Bridge Replacement-Multnomah County
4720	High Priority Projects	Rehabilitate Sellwood Bridge, Multnomah County, Oregon
335	Transportation Improvements	Sellwood Bridge, Multnomah County, Oregon.

- e. Surface Transportation Priorities Projects, program code 56C0 funds, designated in Division A of the Consolidated Appropriations Act, 2010 (Demo ID OR197), at the maximum allowable federal participating amount limited to **\$1,265,984**. These funds are 100 percent federal share and are available until expended with no obligation limitations.
- f. The HB2001 JTA of 2009 Program funds are limited to **\$30,000,000**. These funds are to be used only on OR 43 and the interchange improvements portion of the Project.

Shall be deleted in its entirety and replaced with the following:

- 3. The estimated cost of the Project is **\$290,000,000**, which is subject to change. The Project shall be funded with funds available to the County and from the following additional available moneys:
 - a. Highway Bridge Program (HBP), large bridge category, under Title 23, United States Code, limited to **\$16,000,000** including match, for PE and R/W.

- b. Metro Federal-Aid Surface Transportation Program (STP) under Title 23, United States Code, at the maximum allowable federal participating amount, limited to **\$2,228,909** including match, for PE only.
- c. State Region 1 Modernization funds limited to **\$1,500,000**, for PE and R/W only. These funds are to be used to match federal funds only.
- d. High Priority Projects Program and Transportation Improvements Program, under Title 23, United States Code, which incorporated SAFETEA-LU estimated at **\$6,997,571** including match, and can be used for both PE and R/W with Agency providing the match for the federal funds and any non-participating costs, including all costs in excess of the combined available federal funds. The federal pro-rata funding for the Project is 89.73 percent and the provided federal funds will be subject to annual obligation limitations and possible rescissions.

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- e. Surface Transportation Priorities Projects, program code 56C0 funds, designated in Division A of the Consolidated Appropriations Act, 2010 (Demo ID OR197), at the maximum allowable federal participating amount limited to **\$1,265,984**. These funds are 100 percent federal share and are available until expended with no obligation limitations.
- f. The HB2001 JTA of 2009 Program funds are limited to **\$30,000,000**. These funds are to be used only on OR 43 and the interchange improvements portion of the Project.
- g. The National Infrastructure Investments (FY 2011 TIGER III Grant Program) funds, Department of Defense and Full-Year Continuing Appropriations Act, 2011, Public Law 112-10, are limited to **\$17,700,000**.
- h. SB 1543 allocated **\$5,000,000** of other funds from the Bridge program limitation for the biennium beginning July 1, 2011. The funds are to be used for the construction of OR 43 at the Sellwood Bridge Interchange.

Agency/State
Agreement No. 22858-04

This Amendment may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2010-2013 Statewide Transportation Improvement Program, (Key #13762/17067) that was approved by the Oregon Transportation Commission on December 16, 2010 (or subsequently approved by amendment to the STIP).

Signature page to follow

Agency/State
Agreement No. 22858-04

MULTNOMAH COUNTY, by and through its elected officials

By _____
Chair

Date _____

By _____
Recorder

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Agency Counsel

Date _____

Agency Contact:

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Multnomah County -Bridge
1403 SE Water Avenue
Portland, OR 97214-3333
(503) 988-3757 x223
ian.b.cannon@co.multnomah.or.us

State Contact:

Riad Alharithi, Local Agency Liaison
Oregon Dept. of Transportation
123 NW Flanders Street
Portland, OR 97209-4012
(503) 731-8276
riad.alharithi@odot.state.or.us

STATE OF OREGON, by and through its Department of Transportation

By _____
Highway Division Administrator

Date _____

APPROVAL RECOMMENDED

By _____
Technical Services Manager/
Chief Engineer

Date _____

By _____
Active Transportation Section Manager

Date _____

By _____
Region 1 Manager

Date _____

By _____
District 2B Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Assistant Attorney General

Date _____