

**AMENDMENT NUMBER 01  
LOCAL AGENCY AGREEMENT  
MULTIMODAL TRANSPORTATION ENHANCE PROGRAM (MTEP)  
(Match only)  
Project Name: US395: SIDEWALK IMPROVEMENTS (JOHN DAY)**

This is Amendment No. 01 to the Agreement between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as "State," and **City of John Day**, acting by and through its elected officials, hereinafter referred to as "Agency," entered into on August 10, 2016

It has now been determined by State and Agency that the Agreement referenced above shall be amended to increase funding and change Project Scope.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.

2. **Amendment to Agreement.**

**Exhibit A shall be deleted in its entirety and replaced with the attached Revised Exhibit A. All references to "Exhibit A" shall hereinafter be referred to as "Revised Exhibit A."**

a. **RECITALS, Paragraph 2, Page 1, Which reads:**

2. US395 (John Day Highway) is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC). SW 4<sup>th</sup> Avenue is a part of the Agency street system under the jurisdiction and control of the Agency.

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

2. US395 (John Day Highway) is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC). SW 6<sup>th</sup> Avenue is a part of the Agency street system under the jurisdiction and control of the Agency.

b. **Terms of Agreement, Paragraphs 1 and 2, Page 2, which read:**

1. Under such authority, Agency and State agree to State designing, obtaining right of way, and constructing sidewalks, bicycle and parking lanes along US Highway 395 from SW 4th Ave to Grant Union High School in John Day, on behalf of Agency, hereinafter referred to as "Project" and is further defined below. Additionally, as part of this Project State will be responsible for all work described in Special Provisions, paragraphs 1 and 2. The location of the Project is approximately as shown on the map attached hereto, marked "Exhibit A," and by this reference made a part hereof.

2. The Project Description and Deliverables are as follows:

This project will design, obtain necessary right of way and construct sidewalks, storm drain, and bicycle and parking lanes along US395 (West side only, Canyon Boulevard) from SW 6th Avenue to Grant Union High School (MP0.84). This project will also design, obtain necessary right of way and construct storm drain only from SW 4<sup>th</sup> to SW 6<sup>th</sup> on US395 (Canyon Boulevard), tying into the existing City Storm drain system on SW 4<sup>th</sup> Avenue, including re-construction of the City storm drain system on SW 4<sup>th</sup> Avenue (SouthSide only), if needed.

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

1. Under such authority, Agency and State agree to State designing, obtaining right of way, and constructing sidewalks, and bicycle lanes along US Highway 395 from SW 6th Ave to Grant Union High School in John Day, on behalf of Agency, hereinafter referred to as "Project" and is further defined below. Additionally, as part of this Project State will be responsible for all work described in Special Provisions, paragraphs 1 and 2. The location of the Project is approximately as shown on the map attached hereto, marked " Revised Exhibit A," and by this reference made a part hereof.

2. The Project Description and Deliverables are as follows:

As part of this Project ODOT shall design, obtain necessary right of way and construct sidewalks, and bicycle lanes along US Highway 395 (West side only, Canyon Boulevard) from SW 6th Avenue to Grant Union High School (MP 0.55 - MP 0.84).

**c. Terms of Agreement, Paragraphs 4 and 5 , Page 2, which read:**

4. The Project shall be conducted as a part of the Multinodal Transportation Enhance Program (MTEP) with funds provided under Title 23, United States Code and may include a combination of federal and state funds. The Total Project Cost is estimated at \$839,970.00, which is subject to change. MTEP funding for this Project shall be limited to \$753,705.00. Agency shall be responsible for all remaining costs, including the 10.27 percent match for all eligible costs, any non-participating costs, and all costs in excess of the available federal or state funds.
5. The Funding Ratio for this Project is 89.73% of MTEP funds to 10.27% Agency funds and applies to Project Unclassified. The Funding Ratio for this Project does not apply in the case of Project Overruns,

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

4. The Project shall be conducted as a part of the Multimodal Transportation Enhancement Program (MTEP) with funds provided under Title 23, United States Code and may include a combination of federal and state funds. The Total Project Cost is estimated at \$2,600,084.00, which is subject to change. The Project will include a combination of federal and state funding as follows: federal (MTEP) funding limited to \$753,705.38, Safe Routes to School and Sidewalk Improvement Program funding is limited to \$1,640,114.00. Agency shall be responsible for all remaining costs, including any required match, all eligible costs, any non-participating costs, and all costs in excess of the available federal and state funds.
5. The Funding Ratio for the MTEP funds is 89.73% of MTEP funds to 10.27% Agency funds and applies to Project Underruns. The Funding Ratio does not apply in the case of Project Overruns.

**d. Insert new Terms of Agreement , Paragraph 21, Page 5, to read as follows:**

**21. Americans with Disabilities Act Compliance:**

- a. **When the Project scope includes work on sidewalks, curb ramps, bike lanes, or pedestrian-activated signals or triggers an obligation to address curb ramps or pedestrian signals, the Parties shall:**
  - i. Utilize ODOT standards to assess and ensure Project compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended (together, "ADA"), including ensuring that all sidewalks, curb ramps, and pedestrian-activated signals meet current ODOT Highway Design Manual standards;
  - ii. Follow ODOT's processes for design, construction, or alteration of sidewalks, curb ramps, and pedestrian-activated signals, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, providing a temporary pedestrian accessible route plan and current ODOT Curb Ramp Inspection form;
  - iii. At Project completion, send a completed ODOT Curb Ramp Inspection Form 734-5020 to the address on the form as well as to State's Project Manager for each curb ramp constructed or altered as part of the Project. The completed form is the documentation required to show that each curb ramp meets ODOT standards and is ADA compliant. ODOT's fillable Curb Ramp Inspection Form and instructions are available at the following address:

**<https://www.oregon.gov/ODOT/Engineering/Pages/Accessibility.aspx>; and**

- b. Agency shall ensure that any portions of the Project under Agency's maintenance jurisdiction are maintained in compliance with the ADA throughout the useful life of the Project. This includes, but is not limited to, Agency ensuring that:
  - i. Pedestrian access is maintained as required by the ADA,
  - ii. Any complaints received by Agency identifying sidewalk, curb ramp, bike lanes, or pedestrian-activated signal safety or access issues are promptly evaluated and addressed,
  - iii. Agency, or abutting property owner, pursuant to local code provisions, performs any repair or removal of obstructions needed to maintain the facility in compliance with the ADA requirements that were in effect at the time the facility was constructed or altered,
  - iv. Any future alteration work on Project or Project features during the useful life of the Project complies with the ADA requirements in effect at the time the future alteration work is performed, and
  - v. Applicable permitting and regulatory actions are consistent with ADA requirements.
- c. Maintenance obligations in this section shall survive termination of this Agreement.
- e. **Terms of Agreement Paragraphs 21 through 23, shall be hereinafter re-numbered as Paragraphs 21 through 24.**
  - 6. **Counterparts.** This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
  - 7. **Original Agreement.** Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Agency certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

**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 2018- 2021 Statewide Transportation Improvement Program, (Key #18918) that was adopted by the Oregon Transportation Commission on July 20, 2017 (or subsequently approved by amendment to the STIP).

**City of John Day**, by and through its  
elected officials

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

**APPROVED AS TO FORM (If required  
by Agency)**

By \_\_\_\_\_  
Agency Counsel

Date \_\_\_\_\_

Agency Contact:

Nick Green, City Manager  
City of John Day  
450 East Main Street  
John Day, Oregon 97846  
Phone: (541) 575-0028  
Email: [green@grantcounty-or.gov](mailto:green@grantcounty-or.gov)

State Contact:

Sean Maloney, Project Leader  
Oregon Department of Transportation  
1390 SE 1<sup>st</sup> Avenue  
Ontario, Oregon 97914  
Phone: (541) 823-4025  
Email: [Sean.Maloney@odot.state.or.us](mailto:Sean.Maloney@odot.state.or.us)

**STATE OF OREGON**, by and through  
its Department of Transportation

By \_\_\_\_\_  
Highway Division Administrator

Date \_\_\_\_\_

**APPROVAL RECOMMENDED**

By \_\_\_\_\_  
Region 5 Manager

Date \_\_\_\_\_

By \_\_\_\_\_  
State Traffic/Roadway Engineer

Date \_\_\_\_\_

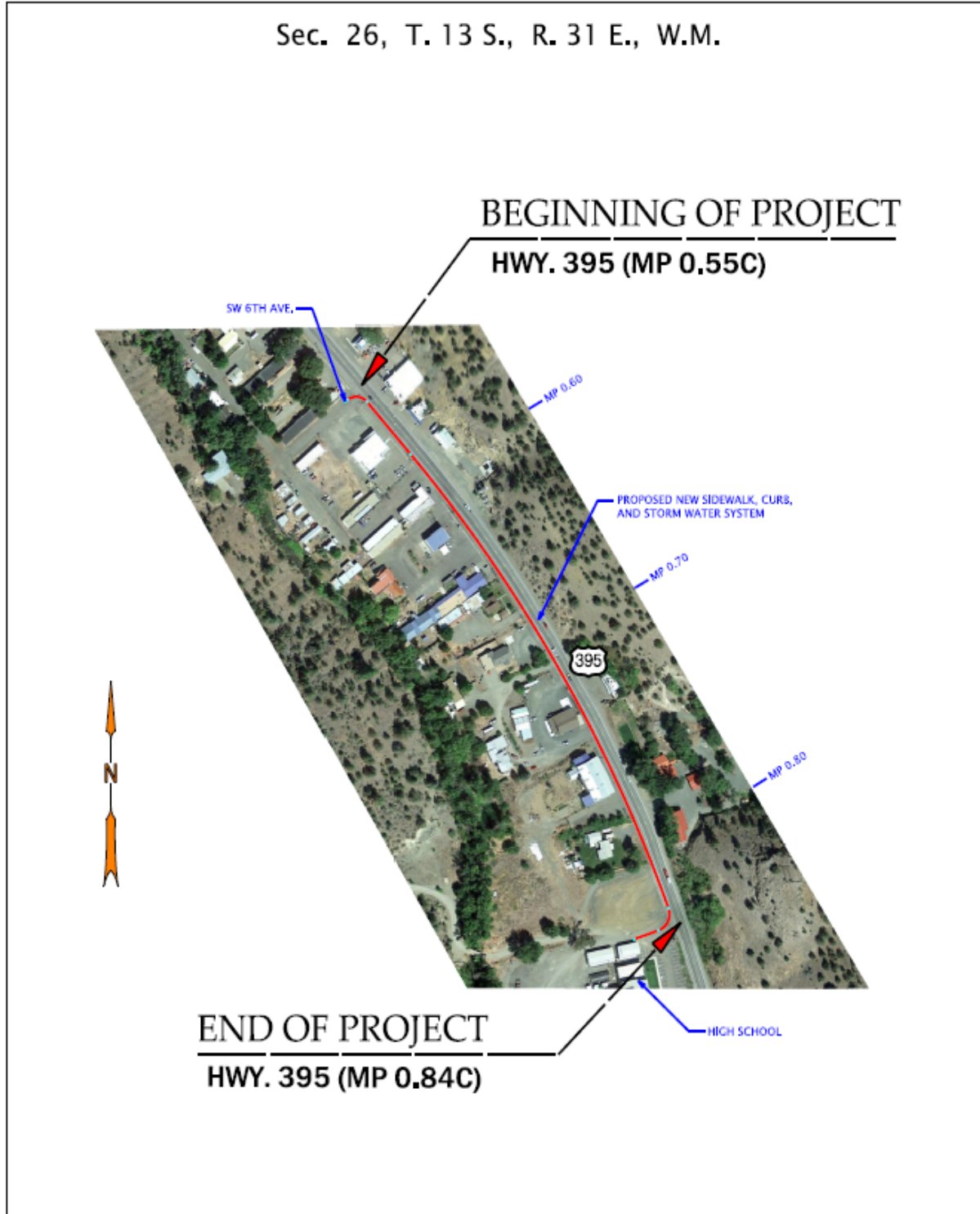
**APPROVED AS TO LEGAL  
SUFFICIENCY**


By \_\_\_\_\_  
Assistant Attorney General

Date: \_\_\_\_\_

Revised Exhibit A

Sec. 26, T. 13 S., R. 31 E., W.M.



 <p>OREGON DEPARTMENT OF TRANSPORTATION  <b>PROJECT EXHIBIT</b>  <b>MAP</b></p>	SECTION	<i>US395: Sidewalk Improvements (John Day)</i>		
	HIGHWAY	<i>John Day Hwy. No. 048</i>	SCALE	<i>1" = 300'</i>
	COUNTY	<i>Grant</i>	Key #	<i>K18918</i>
	DATE	<i>August, 2019</i>	<i>MP 0.55 To MP 0.84</i>	