

**OREGON DEPARTMENT OF TRANSPORTATION
IN COOPERATION WITH THE
ASSOCIATION OF OREGON COUNTIES AND THE LEAGUE OF OREGON CITIES
AMENDMENT NO. 2
FEDERAL-AID PROJECT
GUIDELINES AND WORKING AGREEMENT**

This Agreement is made and entered into by and between the State of Oregon, acting by and through its Department of Transportation, hereinafter referred to as "STATE," the Association of Oregon Counties, hereinafter referred to as "AOC," and the League of Oregon Cities, hereinafter referred to as "LOC," collectively referred to as the "Parties." Both LOC and AOC are governmental agencies.

State, AOC and LOC entered into an Agreement on February 10, 2006 and Amendment No. 1 on August 26, 2009. Said Agreement covers guidelines and working procedures for administering the federal aid program.

It has now been determined by State, AOC and LOC that this Amendment shall supersede and replace Agreement No. 23007 and Amendment No. 1 to 23007 to include updated language.

RECITALS

- A. By the authority granted in Oregon Revised Statutes (ORS) 190.110, 366.572, and 366.576, the STATE may enter into cooperative agreements with the counties and cities and other municipalities for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
- B. AOC is a consolidated department of all counties within the State of Oregon, established through an ORS 190.010 intergovernmental agreement. Article XIII of the AOC Constitution and Bylaws says the Constitution and Bylaws are intended to constitute an agreement for intergovernmental cooperation under ORS Chapter 190.
- C. LOC was founded in 1925 and is an intergovernmental entity established through ORS 190.010(5) intergovernmental agreements with incorporated Oregon cities. Per ORS 190.030 and subject to the provisions of the intergovernmental agreements, LOC is vested with all the powers, rights and duties of its member cities and in that capacity, LOC serves as the functional equivalent of a public body.
- D. This Agreement applies to projects sponsored by local government agencies and funded through the federal Surface Transportation Program (STP). Projects in the Transportation Enhancement (TE) Program and the Highway Bridge Program (HBP) are also covered by this Agreement.
- E. This Agreement applies to intergovernmental agreements (IGAs) entered into on the date of this Agreement and subsequent to the effective date of this Agreement. IGAs entered into prior to the effective date of this Agreement are unaffected by the terms of this Agreement.

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ACRONYMS

- AOC – Association of Oregon Counties
- ATS – Active Transportation Section
- BMS – Bridge Management System
- CFR – Code of Federal Regulations
- CMAQ – Congestion Mitigation and Air Quality Improvement Program
- CRP – County Road Program
- FAPG – Federal Aid Policy Guide
- FHWA – Federal Highway Administration
- HBP – Highway Bridge Program
- IGA – Intergovernmental Agreement
- LABSC – Local Agency Bridge Selection Committee
- LOC – League of Oregon Cities
- LOCAL AGENCY (AGENCIES) – Cities and Counties
- MPO – Metropolitan Planning Organization
- NBI – National Bridge Inventory
- NBIS – National Bridge Inspection Standards
- ODOT – Oregon Department of Transportation
- OTC – Oregon Transportation Commission
- OTP – Oregon Transportation Plan
- PS&E – Plans, Specifications and Estimates
- SAFETEA-LU – Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users
- STIP - State Transportation Improvement Program
- STP – Surface Transportation Program
- TE – Transportation Enhancement Program
- USC – United States Code

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

I. TERMS OF AGREEMENT

A. There are three (3) purposes for this Agreement:

1. The first purpose of this Agreement is to establish the process for allocating and administering the STP. All counties participate in the STP fund distribution and are covered by this Agreement for STP funds. Cities covered by this Agreement and participating in the STP fund distribution are the following:

a. those with populations over 5,000 (except for those cities in a Metropolitan Planning Organization (MPO) with populations over 200,000, which receive their own direct allocation of federal STP funds)

and

b. certain smaller cities that are part of a MPO.

2. The second purpose of this Agreement is to outline provisions for specified federal-aid programs.

3. The third purpose of this Agreement is to outline provisions for the Local Agency Certification Program.

B. This Agreement shall become effective upon signature by the required Parties and shall remain in effect until the Federal Authorization Bill that replaces Safe, Accountable, Flexible, and Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU) is law and a new agreement covering the new law is executed or September 30, 2012, whichever date or event occurs earlier.

C. Agreement number 23007 was entered into by and between AOC, LOC and ODOT on February 10, 2006 and amended by Amendment number 1 on August 26, 2009. This Amendment 2, shall upon execution, replace the original language of Agreement No. 23007 as amended, in its entirety.

II. POLICY

A. In view of SAFETEA-LU and the Oregon Transportation Plan (OTP), as well as a matter of good public policy, the Parties recognize the importance of a balanced, integrated, intermodal transportation system for the State of Oregon. The parties wish to ensure maximum flexibility in the use of federal funds to address the needs of all transportation modes.

B. It is the policy of STATE, AOC, and LOC to cooperate in the adoption of procedures, standards, and guidelines for selecting, developing, financing, and constructing federal-aid projects as defined in Section I. TERMS OF AGREEMENT above.

C. The Parties recognize that roads, highways, and bridges play an essential role in the STATE's balanced transportation system and that preservation and maintenance of the current transportation

infrastructure will protect the investments of the past and allow for economic development of the STATE's resources in the future.

- D. It is the policy of STATE that the STP Program, the TE Program, and the HBP Program be administered in keeping with Federal Highway Administration (FHWA) rules and regulations. The financial participation provisions of Section VII FINANCIAL PARTICIPATION of the Federal-Aid Project Guidelines and Working Agreement shall be used for federal-aid projects in addition to the STP, TE, and HBP Programs whenever a federal program requires the use of a STATE-administered contract.
- E. STATE is responsible for the oversight of local government projects financed with federal funds made available under the SAFETEA-LU. This responsibility includes ensuring that projects are completed in conformance with approved plans and specifications and with the regulations of FHWA in Title 23 of the Code of Federal Regulations (CFR).
- F. STATE shall provide staffing resources dedicated to local project oversight with the understanding that financial support for these positions will come from the local federal-aid programs. The local government recipients of federal-aid will share financial support for the Local Program Support positions which totals \$600,000. \$300,000 per year of the financing will be provided from STP money distributed to MPOs in population areas over 200,000. The remaining \$300,000 will be as follows:
1. The amount of financial support for the Local Program will be determined as follows:
 - a. For federal fiscal year 2010, \$200,000 of STP and \$100,000 of HBP
 - b. For federal fiscal year 2011, \$200,000 of STP and \$100,000 of HBP
 - c. For federal fiscal year 2012, \$200,000 of STP and \$100,000 of HBP
 - d. For federal fiscal year 2013, \$200,000 of STP and \$100,000 of HBP
- G. Cities and counties certified to administer federal-aid projects that are not on the National Highway System shall follow the guidelines set forth in the individual IGAs written for certification. All non-certified cities and counties are required to follow the guidelines set forth in this working Agreement. Non-certified cities and counties must contract with the STATE or another certified agency to secure services to perform consultant selection, plans, specifications and estimates (PS&E), construction contract advertisement, bid, award, contractor payments and contract administration.

SECTION III. THROUGH SECTION VI. OF THE AGREEMENT ONLY APPLY TO THE STP DISTRIBUTION TO CITIES AND COUNTIES

III. STP ORGANIZATION AND PROJECT CRITERIA

- A. STATE's Active Transportation Section (ATS) and Region Managers are responsible for administering the STP funding on behalf of STATE and for assisting the counties and cities in implementing the STP funding.
- B. STP funds may be used for all phases of the project including, but not limited to, planning, preliminary engineering, right of way, utility relocation, and construction.
- C. STATE shall, if requested in writing and included in the IGA, provide standard specifications for road projects at no expense to the county pursuant to ORS 366.155(1)(h). All counties are eligible for these road specifications without expense.

IV. STP FUND ALLOCATION

- A. STP funds are apportioned to STATE each federal fiscal year (FFY). The amount of those funds allocated to the cities and counties shall be based on the total federal formula funds apportioned to STATE reduced by the annual formula obligation limitation imposed by Congress. The STP funds that cities and counties received in FFY 2005, based on calculations of FFY 2004 federal formula apportionment and formula obligation limitation (\$308,186,402), shall serve as the baseline for calculating future STP allocations. The STP funds ODOT shares with cities and counties are exclusive of the Urban STP funds that are for areas with populations of 200,000 and greater. Cities received \$7,370,785 of STP funds in FFY 2005 while counties received \$10,957,428 of STP funds. The percent increase (or decrease) in formula obligation limitation from one FFY to the next will be applied to the previous year's STP fund allocation in determining the following year's STP fund allocation.
- B. In the event that unfunded and/or partially funded Congressional earmarks are received in Oregon, funds for these earmarks are the sole responsibility of the agency or entity that proposed the earmark. Local agency funds will not be used to fund unfunded STATE earmark projects unless the local agency desires to use its funds in that manner. STATE funds will not be used to fund unfunded local agency earmark projects unless STATE desires to do so. Unless otherwise agreed upon, the funding for unfunded agency sponsored earmarks will be the responsibility of the sponsoring agency.
- C. Unfunded Congressional earmarks received by entities or jurisdictions other than STATE or Local Agencies will be funded by the entity or jurisdiction that sponsored the earmark.
- D. STP funds allocated to the cities.
 - 1. The following deductions will be made prior to the allocation of STP funds to the cities:
 - a. 1.5 percent of that year's allocation will be deducted to finance a Senior Staff Associate position with LOC to work on transportation issues.

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- b. The cities' share of the financing necessary for State's Local Program as determined in Section II Policy, Paragraph F of this Agreement (\$80,431.)
 - c. The amount of LOC's contribution to the Oregon Technology Transfer Center (T2 Center). (The LOC Board will communicate to STATE, in writing, by January 1 of each year, the amount needed for this item. STATE will transfer that amount to the T2 Center.)
2. The amount remaining after the above reductions shall be apportioned to each city in the following manner. An initial division between the MPOs and the rest of the eligible cities (those with populations greater than 5,000 and less than 50,000) will be based on their relative population from the most recent federal census data. The apportionment for the cities with populations greater than 5,000 and less than 50,000 will be divided based on their relative population from the most recent publication from the Center for Population Research and Census, College of Urban and Public Affairs, Portland State University.

E. STP funds allocated to the counties.

1. The following deductions will be made prior to the allocation of STP funds to the counties:
 - a. The counties' share of the financing necessary for the Local Program as determined in Section II Policy Paragraph F of this Agreement (\$119,569.)
 - b. The amount needed to finance the County Road Program (CRP) at AOC, including the amount AOC has budgeted to contribute to the T2 Center out of the CRP fund. (The AOC Board will communicate to STATE, in writing, by January 1 of each year, the amount needed for this item. These funds will be exchanged for state funds and paid to AOC in January of the federal fiscal year of the allocation unless delayed by lack of an appropriation bill.)
2. The amount remaining after the allocation to the AOC shall be apportioned to each county as follows:
 - a. Twenty-five (25) percent in equal amounts to each county;
 - b. Sixty (60) percent in proportion to rural population (latest available federal census, excluding urban and urbanized areas as defined by FHWA regulations); and
 - c. Fifteen (15) percent in proportion to mileage of rural county roads.

F. There is no assurance that unobligated balances will carry forward.

G. Nothing in this Agreement is intended to prevent local government agencies from pooling their STP funds with other local governments or transportation jurisdictions in order to accomplish one or more transportation projects.

H. The Parties shall work on a collaborative basis to develop criteria regarding financial and system needs and city/county/state preservation and maintenance partnership concepts, for the allocation of STP funds among the cities and counties.

V. FUND EXCHANGE

- A. STATE will make funds available to individual cities, MPOs and counties for the exchange of federal STP funds as provided by STATE in Section IV STP FUND ALLOCATION. The amount of funds available for exchange will be determined annually by STATE. The exchange rate will be ninety-four (94) cents in state funds for one (1) dollar local STP.
- B. State funds may be used for all phases of the project, including but not limited to preliminary engineering, right of way, utility relocation, and construction. Said use shall be consistent with the Oregon Constitution (Section 3a. of Article IX Oregon Constitution) and ORS. Local government agencies shall be subject to audit for expenditure of state funds.
- C. Fund exchanges provide funding for specific roadway projects, including pavement preservation programs, match for federal-aid projects, and repayment of bonds and loans on eligible projects. (In order to use fund exchanges for repayment of bonds and loans local government agencies must contact STATE prior to taking out the loan or bond and obtain approval from STATE to use fund exchange for that purpose.) Fund exchanges can be used on any highway project that is state Highway Fund eligible. Fund exchange may be used for the following maintenance purposes:
1. Purchase or Production of Aggregate. The purchase or production of aggregate must clearly be highway related and used exclusively for highway work.
 2. Purchase of Equipment. The local government agency must clearly demonstrate that the equipment will only be used for highway purposes. The local government agency would need to be able to verify, in an auditable manner, how the equipment would only be used on highways.
- D. STATE and local government agencies shall enter into local agency IGAs for fund exchange projects. IGAs shall describe the projects and assign specific responsibilities in matters of project financing. Each IGA shall be for two (2) years, beginning on the date the STATE's representative executes the IGA, and terminating two (2) calendar years later, on the same month and day, unless otherwise extended or renewed by formal IGA of the Parties.
- E. Fund exchange dollars will be paid on a reimbursement basis up to the maximum amount specified in the signed IGA.

VI. STP PROJECT SELECTION

Projects shall be selected by the appropriate city or county governing body in cooperation with STATE. STP highway projects shall be located on a highway classified other than a local road or rural minor collector, unless the road was on the federal-aid system on January 1, 1991, and bridges on public roads, of all functional classes, in keeping with 23 USC 133.

SECTIONS VII. THROUGH XV. APPLY TO ALL PROGRAMS COVERED BY THIS AGREEMENT.

VII. FINANCIAL PARTICIPATION (NON-CERTIFIED)

- A. Federal funds shall be applied toward project costs at the current federal-aid matching ratio, unless otherwise agreed and allowable by law. The project sponsor shall be responsible for the entire match amount, unless otherwise agreed to and specified in the IGA.
- B. Project sponsors estimated share and advance deposit.
1. The project sponsor shall, prior to commencement of the preliminary engineering and/or right of way acquisition phases, deposit with STATE its estimated share of each phase. Exception may be made in the case of projects where the project sponsor has written approval from STATE to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement.
 2. The project sponsor's construction phase deposit shall be 110 percent of the project sponsor's share of the Engineer's Estimate and shall be received prior to award of the bid. Any additional balance of the deposit, based on the actual bid must be received within forty-five (45) days of receipt of written notification by STATE of the final amount due, unless the contract is canceled. Any unnecessary balance of a cash deposit, based on the actual bid, will be refunded within forty-five (45) days of receipt by STATE of the project sponsor's written request. For certified projects, local agencies remain responsible for payment of matching funds as required, but local agencies do not need to deposit such match funds.
 3. Pursuant to ORS 366.425, the advance deposit may be in the form of 1) money deposited in the State Treasury (an option where a deposit is made in the Local Government Investment Pool, and an Irrevocable Limited Power of Attorney is sent to the ATS); 2) an Irrevocable Letter of Credit issued by a local bank in the name of STATE; 3) cash; or 4) in-kind contributions when the project sponsor has written approval from STATE to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement.
- C. If the estimated cost exceeds the total matched federal funds available, the project sponsor shall deposit its share of the required matching funds, plus 100 percent of all costs in excess of the total matched federal funds. The project sponsor shall also pay 100 percent of the cost of any item in which FHWA will not participate. If the project sponsor has not repaid any non-participating cost, future allocations of federal funds, or allocations of State Highway Trust Funds to the project sponsor may be withheld to pay the non-participating costs. If STATE approves processes, procedures, or contract administration outside the Local Agency Guidelines that result in items being declared non-participating, those items will not result in the withholding of the project sponsor's future allocations of federal funds or the future allocations of State Highway Trust Funds.
- D. Costs incurred by STATE and the project sponsor for services performed in connection with any phase of the project shall be charged to the project, unless otherwise mutually agreed upon.

- E. If the project sponsor makes a written request for the cancellation of a federal-aid project, the project sponsor shall bear 100 percent of all costs as of the date of cancellation. If STATE was the sole cause of the cancellation, STATE shall bear 100 percent of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of STATE or the project sponsor, the project sponsor shall bear all development costs, whether incurred by STATE or the project sponsor, either directly or through contract services, and STATE shall bear any STATE administrative costs incurred. After settlement of payments, STATE shall deliver surveys, maps, field notes, and all other project data to the project sponsor.
- F. The requirements stated in the Single Audit Act must be followed by those local governments receiving \$500,000 or more in federal funds. The Single Audit Act of 1984, PL 98 502 as amended by PL 104 156, described in "Office of Management and Budget Circular A 133" requires local governments to obtain an audit that includes internal controls and compliance with federal laws and regulations of all federally funded programs in which the local agency participates. The cost of this audit can be partially prorated to the federal program.

VIII. PROJECT PROSPECTUS AND APPROVALS

- A. Each project sponsor having an approved federal-aid project must submit the following documentation before federal funds will be authorized for reimbursement of any phase of work.
1. Project prospectus, parts 1 through 3, shall be submitted directly to the STATE's Region Local Agency Liaison or the STATE's Region Manager's designee by the project sponsor having jurisdiction of the facility or an IGA with the agency that has jurisdiction of the facility.
 2. STATE's Local Agency Liaison or the Region Manager's designee shall review; may modify, after consultation with the project sponsor; and approve the prospectus.
 3. STATE and the project sponsor shall enter into an IGA for each federal-aid project. The IGA shall describe the project, and assign specific responsibilities in matters of project financing, environmental documents, right of way, utilities, civil rights, engineering, maintenance, title to salvageable material, and any items that are unique to a particular project.
 4. All permits, clearances and approvals in the Part 3 of the project prospectus must be obtained by the local agencies, except for National Environmental Policy Act (NEPA) clearances and approvals specifically required by FHWA to be obtained by STATE. The permits and clearances, and environmental approvals, should be obtained prior to release of construction funds. Local agencies should contact STATE's Region Environmental Coordinators to address project-specific responsibilities for environmental processes and required permits, clearances, and approvals.
 5. A letter shall be sent by the project sponsor to the STATE's Region Local Agency Liaison or the STATE's Region Manager's designee requesting authorization of the desired work. The letter shall include a budget and state that all of the above items have been submitted or obtained and request the work to be authorized.

- B. Once the letter specified in Paragraph A.5 of this Section, shown above, has been received, STATE shall submit to FHWA the necessary documentation to secure authorization of the requested phase of work from FHWA. FHWA authorization must be received prior to any work commencing on any phase of the project for which federal reimbursement is requested. Any work done prior to written notice to proceed from STATE shall be non-participating. Facsimile and email constitute written notice for the purpose of this Agreement.

IX. PRELIMINARY ENGINEERING

- A. Design Standards: The geometric design standards shall meet the most currently adopted edition of A Policy on Geometric Design of Highways and Streets by American Association of State Highway and Transportation Officials (AASHTO), or as modified with concurrence of AOC or LOC respectively, and STATE for projects exempt from FHWA review, and AOC, LOC, STATE, and FHWA for projects not exempt from FHWA review. Bridge design standards shall be consistent with the current edition of AASHTO Load Resistance Factor Design (LRFD) Bridge Design Specifications. Non-highway projects must conform to the accepted standards for the type of work being done, such as architectural standards and/or International Building Code (IBC). Bicycle and pedestrian facilities funded with federal funding must conform to design standards in the Oregon Bicycle and Pedestrian Plan. Projects within a State Highway right of way must meet STATE design and construction standards and policies. The installation of traffic control devices shall meet the warrants prescribed in the Manual on Uniform Traffic Control Devices and the Oregon Supplement.
- B. The specific design and dimensions shall be determined from said standards using traffic volumes, terrain, and benefit/cost analysis as warrants. Design exceptions shall be cooperatively reviewed and approved by STATE, the project sponsor, and FHWA, for projects not exempt from FHWA review.
- C. Project Plan Development: preliminary engineering may be performed by the project sponsor, consultant, or STATE, as agreed by the project sponsor and STATE. Preliminary engineering may be programmed for federal participation, including surveys, environmental documents, hearings, and permits.
- D. Any project sponsor certified by STATE's Local Government Section to perform preliminary engineering may do so either at their own expense, or as part of the approved project. Selection of consultants will be carried out under Title 49 of the CFR, 23 CFR 172, ORS 279A, ORS 279C, and Department of Justice Model Rules 137-048.
- E. Environmental Factors: The environmental documents may be prepared by the project sponsor, consultant, or STATE, as agreed by the project sponsor and STATE.
- F. STATE, through its Environmental Section, shall coordinate with project sponsor and may provide technical assistance in the preparation of environmental documents, where required. As staff resources are available, STATE may also provide technical assistance for the preparation of environmental documents during the preliminary engineering phase of project development.

- G. Public Hearings: The project sponsor, in conformance with established state and/or federal procedures, shall provide the opportunity for, and hold when required, public hearings for each federal-aid project. STATE shall, if requested and agreed to in the IGA, assist the project sponsor in publicizing and conducting hearings.

X. RIGHT OF WAY

The acquisition of real property for any federal-aid project shall comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, , ORS 35.510, ORS Chapter 35, STATE's Right Of Way Manual, 49 CFR 24, and the Federal Aid Policy Guide (FAPG). Right of way for a project may be acquired by the project sponsor, or on behalf of the project sponsor by STATE or the consultant, as selected by the project sponsor and approved by STATE's Region Right Of Way Office. Regardless of who acquires or performs any of the right of way activities, a right of way services IGA shall be executed setting forth the responsibilities and activities to be accomplished by each party. Any project that has the potential of needing additional right of way, to assure compliance in the event that additional right of way is unexpectedly needed, a right of way services IGA will be required. A copy of said IGA will be sent to STATE's Region Right Of Way Office. Programming of right of way with federal funds will be routed through Region Right Of Way Offices on all projects. Authorization to proceed must be received from STATE's Right of Way Section prior to beginning right of way activities. All projects must have right of way certification coordinated through STATE's Region Right Of Way Offices to declare compliance and project readiness for construction.

XI. UTILITIES AND RAILROADS

- A. Project Sponsor shall follow State established statutes, policies and procedures when impacts occur to privately or publicly-owned utilities. Policy, procedures and forms are available through the State Utility Liaison or the State's Regional Local Agency Liaison. Agency shall provide copies of all signed utility notifications, agreements and Utility Certification to the State Utility Liaison. Only those utility relocations, which are eligible for reimbursement under the FAPG, Title 23 CFR Part 645, Subpart A and B, shall be included in the total project costs; all other utility relocations shall be at the sole expense of Agency, or others. Agency may send a written request to State, at project expense, to arrange for utility relocations/adjustments lying within Agency jurisdiction. This request must be submitted no later than twenty-one (21) weeks prior to bid let date. However, State is under no obligation to agree to perform said duties. (Agency shall not perform any utility work on state highway right of way without first receiving written authorization from State.)
- B. The project sponsor shall comply with 23 CFR 646 - Railroads when advancing projects involving railroad facilities.

XII. PLANS, SPECIFICATIONS, AND ESTIMATES

- A. STATE shall, at project expense, approve plans, specifications, and estimates, advertise for and open bids, award all contracts, administer contracts, and make contractor payments for all federal-aid projects as a function of preliminary engineering.

- B. The current Standard Specifications for Highway Construction, as published by STATE, shall be used. Supplemental special provisions, as required, shall be approved by STATE.
- C. The special provisions may provide that ownership of salvageable materials, such as, but not limited to, bridge components, culverts, and traffic signal components, remain with the project sponsor if the requirements of the FAPG are satisfied. The project sponsor will be charged salvage value as determined by STATE policy.
- D. Any project sponsor certified by STATE to advertise for and open bids, award contracts, administer contracts, and make contractor payments may do so either at their own expense, or as part of the approved project.
- E. Certified agencies may use their own standard specifications upon receiving approval from STATE.

XIII. CONSTRUCTION ENGINEERING

- A. State, certified agency or consultant may perform preliminary and construction engineering. State will monitor the work for conformance with FHWA rules and regulations. In the event that Agency elects to engage the services of a personal services consultant to perform any work covered by Supplemental Project Agreements, Agency may request State's two-tiered consultant selection process, OAR 137-048-0260, or work with a certified local agency to solicit consultants to perform architectural, engineering, land surveying and related services (A&E Services) as needed for federal-aid transportation projects. Use of this process is required to ensure federal reimbursement. If Agency obtains consultant services from a certified agency, that certified agency will follow the processes approved by State for obtaining consultant services. State or certified Agency will award and execute the contracts. State's personal services contracting process and resulting contract document will follow Title 23 CFR 172, Title 49 CFR 18, ORS 279A.055, 279C.110, 279C.125, Oregon Administrative Rule 137-048-0130, OAR 137-048-0220(4) and State Personal Services Contracting Procedures as approved by FHWA. Such personal services contract(s) shall contain a description of the work to be performed, a project schedule, and the method of payment. No reimbursement shall be made using federal-aid funds for any costs incurred by Agency or contractors, including any consultant, prior to receiving written authorization from State to proceed. Any amendments to such contract(s) also require State's approval.
- B. STATE shall provide to the project sponsor a budget for any construction engineering costs STATE shall incur. This shall be approved by the project sponsor prior to advertisement of the project. Any increase to these budgeted items will receive prior approval from the project sponsor. All non-participating costs in the approved construction engineering budget shall be paid for by the project sponsor, unless otherwise agreed to by STATE and project sponsor.

XIV. MAINTENANCE RESPONSIBILITIES

The project sponsor, or the agency having jurisdiction as identified in the IGA shall, upon completion of construction, thereafter maintain and operate the project at its own cost and expense, and in a manner satisfactory to STATE and FHWA, unless otherwise agreed to by STATE and project sponsor.

The project sponsor may, through proper legal processes, transfer jurisdiction to another public agency with the authority and financial ability to maintain and operate the project.

XV. WORKERS' COMPENSATION COVERAGE

All employers, including cities and counties, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability Insurance with coverage limits of not less than \$500,000 must be included. Cities and counties shall ensure that each of its subcontractors complies with these requirements.

SECTIONS XVI. THROUGH XXI. OF THE AGREEMENT ONLY APPLY TO THE TRANSPORTATION ENHANCEMENT PROGRAM.

XVI. TE PROGRAM OVERVIEW

- A. The TE Program provides federal highway funds for projects that strengthen the cultural, aesthetic, or environmental value of our transportation system. The funds are available for the twelve (12) "transportation enhancement activities" specifically identified in 23 USC 101 (a) (35). STATE's TE Program has two suballocations: 1) Statewide and 2) Director's Discretionary.
- B. Operation and administration of the TE Program is guided by STATE's Transportation Enhancement Program Policy and Procedures (adopted in April 2010). This document includes an appendix that contains Project Selection Procedures for the current STIP cycle. A summary of these policies is given in the Sections related to Transportation Enhancement below. However, in the case of contradictions, the full text in the most recent update of the Transportation Enhancement Program Policy and Procedures takes precedence over the summary provided in this Agreement.

XVII. TE PROGRAM ORGANIZATION AND PROJECT CRITERIA

- A. STATE's TE Program Manager, in cooperation with the ATS and Local Agency Liaisons in each Region, is responsible for administering the TE Program on behalf of STATE. The TE Advisory Committee appointed by the STATE's Director provides input on matters of policy, priorities, and program implementation. The guidelines for the operation of the TE Program in Oregon are collaboratively developed by STATE and the TE Advisory Committee with input from local jurisdictions and other stakeholders. FHWA reviews the proposed projects for eligibility and authorizes work to begin. STATE acts as an agent of FHWA—assisting project sponsors and applicants; reviewing plans, specifications, and estimates; monitoring the project development process; awarding contracts; ensuring conformance to standards; and disbursing payments.
- B. The minimum TE award is \$200,000 unless an exception is obtained at the time of application. The TE Advisory Committee may set a maximum award based on available funds in the current cycle. The application packet for each round of funding will list the acceptable grounds for requesting an exception to the minimum award.

- C. TE projects require matching funds paid by the project sponsor from that local agency's funds or from contributions the agency receives from others. The TE Program may allow matching funds to be in the form of cash or a credit for approved in-kind contributions (soft-match). Certified local agencies may perform work intended to serve as soft-match subject to approval by the STATE's ATS Program and Funding Services Manager. All proposals purporting to use soft match must be clearly disclosed in the TE application. If the project is selected for funding, the soft match must be approved in writing by STATE's ATS Program and Funding Services Manager before credit is allowed. Additional information about matching funds for TE projects is in the Transportation Enhancement Program Policy and Procedures.

XVIII. TE PROGRAM FUND ALLOCATION

Oregon Transportation Commission (OTC) sets TE Program funding levels before each STIP update. All eligible local agencies may submit projects to be considered for these funds. This is a Statewide Program. There are no suballocations to STATE Regions or MPOs.

XIX. TE PROGRAM: APPLYING FOR FUNDS

Applications are accepted from tax-funded public agencies that can enter into a contractual agreement with the STATE. This includes cities, counties, state and federal agencies, Indian tribes, ports and special districts. Private entities and non-profit organizations may apply in partnership with a public agency. In such cases the public agency is treated as the primary applicant and must be willing to assume legal and financial responsibility for the project. Applications will not be accepted from any local agency that has a previously awarded TE project in "late" or "inactive" status.

XX. TE PROGRAM PROJECT ELIGIBILITY

- A. Projects proposed for the TE Program must fit one or more of the twelve "transportation enhancement activities" identified in 23 USC 101 (a) (35) and additional conditions listed in the adopted "TE Program Policy and Procedures."
- B. Projects proposed for the TE Program must fit one or more of the twelve "transportation enhancement activities" identified in 23 USC 101 (a) (35) and additional conditions listed in the adopted "TE Program Policy and Procedures."

XXI. TE PROJECT SELECTION PROCESS

- A. Most TE projects are selected through a competitive application process. Additional projects are funded through the TE Discretionary Account. The procedures and criteria for competitive selection are shown in Appendix 1 of the TE Program Policy and Procedures for the current STIP Cycle. The policy and procedures for obtaining TE Discretionary funds are in Appendix 2 of that document.
- B. Selection Committee: The TE Advisory Committee serves as the selection committee statewide. The approved committee composition is:

4	Local government representatives – two (2) nominated by the League of Oregon Cities and two nominated by the Association of Oregon Counties
4	STATE staff selected by the STATE Director (including the TE Program Manager and STATE Economic Revitalization Team Liaison)
2	Public “at large” members not affiliated with specific interest groups

C. Selection Process: TE projects are selected from the applications received on time and in good order, which meet the TE eligibility requirements and pass a technical review by STATE staff.

1. The TE Program Manager reviews applications for compliance with application requirements. STATE staff performs a technical review to assess feasibility, readiness to proceed, and conformance to standards. Projects that consistently rate satisfactory or higher advance to the public review phase.
2. STATE solicits comments during the public involvement process for the Draft STIP or through a separate process. After assessing public and other government agencies’ comments and the technical review ratings, approximately thirty (30) projects advance to the selection committee.
3. The selection committee evaluates the applications using pre-established criteria. They recommend projects for funding—up to the maximum funds available—and assign several others to a ranked “Reserve List.”
4. The STATE Director reviews the project list and forwards it to OTC for approval. OTC approval may occur as a separate action or as part of adopting the STIP.

SECTIONS XXII. THROUGH XXVIII. OF THE AGREEMENT ONLY APPLY TO THE HBP PROGRAM.

XXII. BRIDGE PROGRAM ORGANIZATION

- A. The STATE Bridge Engineer, in cooperation with STATE’s ATS, the Region Managers, and the HBP Local Agency Bridge Selection Committee (LABSC), is responsible for administering the local HBP Program on behalf of STATE.
- B. The LABSC shall consist of the STATE Bridge Engineer and two other STATE representatives selected by STATE, three county representatives selected by AOC, and three city representatives selected by LOC. AOC and LOC may have an alternate member designated to serve in the absence of any one of their three representatives. The STATE Bridge Engineer shall serve as chair.

XXIII. LOCAL BRIDGE INSPECTION AND PROJECT ELIGIBILITY

- A. The Federal-Aid Highway Law, 23 USC 151, requires the inspection of all bridges subject to National Bridge Inspection Standards (NBIS) and the reporting of this information to FHWA through the National Bridge Inventory (NBI).
- B. STATE is authorized to and shall inspect local bridges that are subject to NBIS. In addition to routine inspections, special inspections such as scour evaluations, fracture critical evaluations, and load rating will be accomplished as needed. All bridge load ratings shall be approved by STATE. The funding for such inspections shall be per Section XIV.C. BRIDGE PROJECT FUNDING. The policies, procedures, and costs for all phases of the inspection and load rating programs shall be presented by STATE to the LABSC annually.
- C. STATE submits its NBI list annually and FHWA returns a list of eligible bridges, hereafter referred to as the "eligible bridge list." The eligible bridge list will be used for preparing the selection list of eligible bridges both on and off federal-aid highways. Highway bridges considered structurally deficient or functionally obsolete and with a sufficiency rating of 80.0 or less will be eligible for project selection. Those bridges on the eligible list with a sufficiency rating of less than 50.0 will be eligible for rehabilitation or replacement while those with a sufficiency rating of 80.0 or less will be eligible for rehabilitation. To be considered for the classification of deficient bridge, a structure must be of NBI bridge length, and had not been constructed or had major reconstruction within the past ten (10) years.
- D. Road approach work on HBP projects classified as On-System will be funded with federal funds other than HBP, or with local funds. Road approach work on HBP projects classified as Off-System will utilize HBP funds provided the bridge and road approaches are designed for minimum touch down.
- E. STATE shall, if requested in writing and included in the IGA, at no expense to an eligible county, provide plans and specifications for county bridges and culverts, pursuant to ORS 366.155(1)(h).
- F. Inventories and inspections of bridges will be provided by STATE. All data necessary to calculate the Federal Sufficiency Rating will be from the NBI. NBI data shall be updated in the following ways:
1. STATE or its Consultant will notify the local agency of the inspection schedule and invite the local agency to accompany inspections. At this time, the local agency will provide the consultant with updates to the NBI that can not be directly gathered during the inspection. (Examples include but are not limited to Bypass; Average Daily Traffic; and Average Daily Truck Traffic.) This is the primary method in which changes are made to the NBI.
 2. The secondary method of changing NBI data is to submit changes directly to STATE.

XXIV. BRIDGE PROJECT FUNDING

- A. The annual apportionment of HBP funds to STATE by FHWA is based on the ratio of the total replacement and rehabilitation cost of the deficient bridges in Oregon to the total replacement and

rehabilitation cost of deficient bridges nationally. The base amount for the HBP program is established using the funding levels from the current or most recent federal transportation bill.

- B. Federal law normally requires a minimum of 15 percent, not to exceed a maximum of 35 percent, of HBP funds made available to STATE, be used to fund bridges on roads classified as local or rural minor collectors (Off-System). In the past, FHWA has granted STATE a waiver from this requirement. In keeping with that waiver, the use of HBP Funds will be applied to bridges as they contributed to the federal HBP fund allocation. The waiver requires annual analysis by STATE to determine that Off-System needs are not adversely affected by the lower limit. The analysis will compare the relative needs of On-System and Off-System bridges from the eligible bridge list without regard to jurisdiction. The results of this analysis will be sent to AOC and LOC. AOC and LOC will notify STATE of their recommended percentage of waiver.
- C. HBP funding to STATE is based on estimated revenues. Once the level of HBP funding is determined (apportionment less obligation limitation), the funds are divided between the STATE and local agencies based on the percentages of eligible bridges. The costs for Local Bridge Program support and project scoping are then subtracted from the HBP funding allocated to local agencies. The scoping funds required will be determined by the LABSC once the project list is determined. The remaining local allocation will be divided between Large and Small bridges according to the relative needs calculation described in Section XXVIII ANNUAL BRIDGE NEEDS. After subtracting the bridge inspection and load rating costs of Large and Small bridges, the remaining available funding will be used for local bridge replacement and rehabilitation.
- D. Because the Local HBP funding is based on projected revenues, biennial adjustments based on actual annual apportionment levels and federally imposed ceilings will be calculated by ATS and applied against future local bridge program funding.

XXV. BRIDGE PROJECT SELECTION—CRITERIA

- A. HBP project selection will be done through the LABSC in accordance with an adopted Bridge Priority Selection Policy. The LABSC will use the following criteria when selecting projects and determining eligible expenses of HBP funds:
 - B. The "Large" bridges selection and eligibility will be determined based on criteria developed through the local agencies with "large" bridges. The development of this policy shall be independent of the policies for the "small" bridges.
 - C. "Small" bridge rehabilitation projects will be considered on an individual basis, comparing the benefits of the proposed rehabilitation to the priority of "small" bridges being proposed for replacement. A rehabilitation project must have a sufficiency rating of at least 80.0 at the completion of the project.
 - D. The "Small" bridge replacement selection should be based primarily on a technical ranking, developed and approved by local agencies. The criteria for the technical ranking shall be based on the federal sufficiency rating, but shall be enhanced by additional criteria critical to Oregon local agency bridges. These other criteria enhancements include but are not limited to: freight mobility,

sole access problems, and cost benefit. Exceptions to the technical ranking priority may be made to account for critical situations not covered adequately by the technical ranking system.

- E. The LABSC will review the most current needs analysis described in Section XXVII ANNUAL BRIDGE NEEDS and determine the relative allocation of the available funding (STIP target) to each of the remaining local project pools after meeting the Off-System funding requirement.
- F. The allocations adopted by the LABSC for small bridges are applied to the project lists described in Section XXVI BRIDGE PROJECT SELECTION—BIENNIAL PROCESS.

XXVI. BRIDGE PROJECT SELECTION—BIENNIAL PROCESS

- A. The application and selection process for HBP replacement and rehabilitation selection shall be reviewed by the LABSC and will be articulated in the Bridge Priority Selection Policy. The STATE shall send applications to each local agency with a letter detailing the application process for the local HBP and a list of all bridges maintained by that agency that are eligible for HBP funding. Final approval of the application criteria and process will be made by STATE prior to initiating the process.
- B. STATE shall receive applications and process them in accordance with the above process.
- C. Only those bridges with properly submitted applications from the local agency with jurisdiction for the bridge will be given consideration for selection.
- D. The Technical Ranking System (TRS) will be used for calculating the priority points for local agency bridges with a deck area of less than 30,000 square feet. The TRS is primarily based on data that is in the NBI. However, a portion of the TRS is based on other data.
- E. STATE shall prepare a ranking of local small bridge projects, separating On-System from Off-System, based on the TRS score each project receives.
- F. After the LABSC has approved the projects to be funded, the Bridge Section will provide the list of approved projects to the Regions for inclusion in the STIP.

XXVII. ANNUAL BRIDGE NEEDS ANALYSIS PROCESS

- A. The following pools of bridges shall be established for the purpose of analysis:
 - 1. A pool of all eligible bridges. (Used for waiver analysis.)
 - 2. A pool of all eligible Off-System bridges. (Used for waiver analysis.)
 - 3. A pool of all eligible local bridges. (Used for state-local relative needs analysis.)
 - 4. A pool of eligible bridges comprised of all local "Large" bridges of 30,000 square feet of deck area and above. (Used for local relative needs analysis.)

5. A pool of eligible bridges comprised of all eligible "Small" On-System local bridges of less than 30,000 square feet of deck area. (Used for local relative needs analysis.)
 6. A pool of bridges comprised of all eligible Off-System local bridges of less than 30,000 square feet of deck area. (Used for local relative needs analysis.)
- B. The method used to determine the allocation of funds in each pool is based on the formula FHWA uses to calculate the apportionment of HBP funds to each state. The deck area of each bridge on the HBP eligibility list is multiplied by a cost factor to calculate the relative cost units for that structure. The cost factors are the same as used by FHWA to determine the apportionment of HBP funds. The relative cost units for all structures within a pool are subtotaled and the percent of HBP funds is the ratio of that pool's total relative cost units to the total relative cost units for the comparison pool, which will vary depending on whether the purpose of the analysis (waiver, state-local split, or relative local split).

XXVIII. LOCAL BRIDGE EMERGENCY PROJECTS

- A. In the event a local bridge has been destroyed or substantially damaged, causing an emergency situation, and no other state or federal funds are available for its replacement or restoration, the bridge owner may apply to have the bridge replaced or restored with HBP funds.
- B. STATE's Bridge Engineer's Office will conduct an on-site inspection of the bridge and determine if all three (3) of the following conditions exist:
 1. No reasonable alternate detours are available
 2. The structure had a valid inspection in the last two (2) years
 3. The structure failed or received a ten (10)-ton or less load rating
- C. The failed or damaged structure will be given a new sufficiency rating to reflect its new condition. If the failed or damaged structure is less than 30,000 square feet of deck area a new technical ranking will be calculated, using the recalculated sufficiency rating. If the emergency structure has a lower ranking than currently scheduled projects, the emergency funding will be denied.
- D. If an emergency request is approved, another project may have to be delayed by adding this emergency project.
- E. If the failed or damaged structure is 30,000 square feet of deck area or greater, the bridge will be evaluated and a funding strategy recommended by the LABSC.

SECTIONS XXIX. THROUGH XXXIV OF THE AGREEMENT ONLY APPLY TO THE LOCAL AGENCY CERTIFICATION PROGRAM.

XXIX. LOCAL AGENCY CERTIFICATION PROGRAM OVERVIEW

- A. The Local Agency Certification Program (Certification Program) enables local agencies to deliver local government federal-aid projects using their own approved processes which meet both state

and federal laws. STATE, through the Certification Program approved by FHWA, can certify a local agency's procedures and delegate its authority to the local agency in the following areas: consultant selection; design including project development and plans, specifications, and estimates (PS&E); contract advertisement, bid, award, and construction contract administration including contractor payments.

- B. After STATE finds the local agency qualified to participate in the Certification Program, STATE and the local agency execute a Local Agency Certification Program Agreement (Master Certification Agreement) which outlines the roles, responsibilities and contractual obligations between the two agencies. The Master Certification Agreement may remain in effect for its full term or the STATE may rescind it due to lack of adequate staffing or performance.
- C. Upon execution of the Master Certification Agreement, the local agency may be considered as "conditionally certified" and ready to enter the test project phase of the Certification Program. STATE and the local agency must execute Supplemental Project Agreements in order for the local agency to commence test projects.
- D. The "conditionally" certified local agency may transition out of the test phase into "full" certification after obtaining written approval from STATE.

XXX. BECOMING CERTIFIED THROUGH STATE'S CERTIFICATION PROGRAM AND COMMENCING CERTIFIED TEST PROJECTS

- A. In collaboration with the Certification Program the local agency must complete interviews for the areas (consultant selection design, advertisement, bid & award, and construction contract administration) in which the local agency is pursuing certification. During this process, STATE may require the local agency to develop added procedures and program elements establishing compliance with federal and state legal requirements.
- B. The following items are required in order for STATE to accept the local agency's request to become certified and begin development of a Master Certification Agreement.
 - 1. Local Agency Guidelines – Projects must be administered in accordance with STATE's Local Agency Guidelines (LAG Manual).
 - 2. Professional Civil Engineer – Projects must be administered utilizing a Professional Civil Engineer registered in the State of Oregon.
 - 3. Sufficient Expertise and Capacity – The local agency shall have sufficient expertise and capacity to perform and supervise the project phases for which they are pursuing certification e.g. consultant selection, design, advertisement, bid and award, and construction contract administration.
 - 4. Appropriate Publications – The local agency shall have appropriate manuals, guidelines and standards on hand or available electronically which are related to the areas for which the local agency is certified. Such manuals and guidelines include but are not limited to the following documents.

- a. LAG Manual
 - b. American Association of State Highway and Transportation Officials (AASHTO) Design Guides
 - c. STATE's Construction Manual
 - d. Oregon Standard Specifications
 - e. Manual on Uniform Traffic Control Devices
 - f. STATE's Highway Design Manual
 - g. STATE's Utility Manual
 - h. STATE's Right of Way Manual
 - i. STATE's Hydraulics Manual
5. Official Approving Authority – The local agency must designate and maintain an official approving authority (e.g., agency executive or policy body), as identified in the Master Certification Agreement.
6. Quality Control and Quality Assurance Process – The local agency must have a process for documenting its Quality Control and Quality Assurance (QC/QA). This process must be capable to effectively monitor activities relative to those areas in which the local agency is pursuing certification such as consultant selection, design during project development, engineering services, PS&E, advertisement, bid & award and construction contract administration through project closure. The local agency's Reviewer must have equal or greater skills in their area of responsibility as indicated in the LAG Manual.
- D. After execution of the Master Certification Agreement, then the STATE and the local agency must enter into Supplemental Project Agreement(s) for each test project developed or delivered by the conditionally certified local agency through the Certification Program.
- E. A local agency must successfully perform at least two (2) to four (4) test projects in each of the areas in which the local agency is pursuing certification prior to transitioning out of the test phase.

XXXI. TRANSITIONING OUT OF THE TEST PHASE INTO FULL CERTIFICATION AND OVERSIGHT REVIEWS

- A. The conditionally certified local agency demonstrates its readiness to transition out of the test phase through successful development and delivery of test projects. Thorough state and/or federal oversight reviews will indicate whether the conditionally certified local agency should transition out of the test phase into "full" certification for the area(s) in which the conditionally certified local agency is pursuing full certification.

- B. The conditionally certified local agency must have written approval from STATE in order to transition out of the test phase into "full" certification.

XXXII. STATE RETAINED RESPONSIBILITIES IN THE CERTIFICATION PROGRAM

- A. The following are project area responsibilities that STATE will not delegate to a certified local agency. The local agency involved in the Certification Program must comply with STATE's process within these project areas.

1. Civil Rights – STATE will implement the Civil Rights activities including Disadvantaged Business Enterprises (DBE), Equal Employment Opportunity (EEO), On the Job Training (OJT)/Apprenticeship and Title VI (Civil Rights Act of 1964) Program.
2. Environmental Processes – STATE retains authorization over certain activities within the NEPA process.
3. Final Certification of Right of Way Transactions – STATE retains authorization for certain Right of Way activities, such as certification.
4. Public Interest Finding Determinations – Patented, proprietary, owner designed materials or sole source products must comply with STATE's PS&E Delivery Manual.
5. Agency Certification Acceptance Approval
6. Project Final Acceptance – STATE retains Project Final Acceptance authority.
7. Periodic Program and Project Oversight Reviews

XXXIII. FHWA RETAINED RESPONSIBILITIES IN THE CERTIFICATION PROGRAM

- A. The following are program administration responsibilities that FHWA has not delegated to STATE's or a certified local agency. The local agency involved in the Certification Program must operate within FHWA and STATE's regulations in these areas.

1. Authorization of FHWA funds
2. Approval of National Environmental Protection Act (NEPA) and Endangered Species Act (ESA) environmental documents
3. Approval of STATE's DBE, EEO, OJT/Apprenticeship and Title VI programs
4. "Buy America" waiver requests
5. Approval of STATE's LAG Manual
6. Certification Program Review

7. Periodic Audits

B. Further details regarding these activities are available in STATE's LAG Manual.

XXXIV. CONTINUED DEVELOPMENT OF THE CERTIFICATION PROGRAM

- A. STATE continues to develop the full Certification Program in cooperation with FHWA and local agencies. STATE's role for local agencies involved in the Certification Program will shift further into project and program oversight. STATE will provide ongoing guidance to local agencies through the LAG Manual, checklists and other related tools.
- B. The Master Certification Agreement between STATE and local agencies involved in the Certification Program will take precedence over this Agreement and define in detail the individual roles and responsibilities.
- C. Local agencies that have not obtained certification in one or more specific areas are not allowed to perform the work in that area. Non-certified local agencies are required to contract with STATE or another certified local agency to secure services to perform PS&E, contract advertisement, bid, aware, contractor payments and contract administration. Non-certified local agencies desiring to be certified should contact STATE's Certification Program Manager.

This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

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.

SIGNATURE PAGE TO FOLLOW

State/AOC/LOC
Agreement No. 23007-02

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.

STATE OF OREGON, by and through
its Department of Transportation

By [Signature]
Director

Date 9-27-11

Association of Oregon Counties

By _____
President

Date _____

APPROVED AS TO LEGAL
SUFFICIENCY

By [Signature]
Assistant Attorney General

Date 9/27/11

League of Oregon Cities

By [Signature]
Gary Williams, LOC President

Date 09/23/11

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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.

STATE OF OREGON, by and through
its Department of Transportation

Association of Oregon Counties

By _____
Director

By Janet Carlson
President

Date _____

Date 9/27/11

APPROVED AS TO LEGAL
SUFFICIENCY

League of Oregon Cities

By _____
Assistant Attorney General

By _____
President

Date _____

Date _____

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