

**SECOND AMENDMENT TO
THE FUNDING AGREEMENT
BETWEEN THE SAN MATEO COUNTY TRANSPORTATION AUTHORITY AND
THE CITY OF MENLO PARK
FOR THE
HAVEN AVENUE STREETScape PROJECT**

This SECOND AMENDMENT (Second Amendment) to the FUNDING AGREEMENT FOR SAN MATEO COUNTY NEW MEASURE A PEDESTRIAN AND BICYCLE PROGRAM FUNDS for the CITY OF MENLO PARK, HAVEN AVENUE STREETScape PROJECT (Funding Agreement) is made as of the ___ day of _____, 2021, by and between the San Mateo County Transportation Authority (TA) and the City of Menlo Park (Sponsor), referred to herein individually as “Party” and jointly as “Parties.”

WHEREAS, on April 3, 2014, the TA's Board of Directors programmed and allocated up to \$170,000 of the Measure A Pedestrian and Bicycle Program Category funds for the Preliminary Engineering/Environmental (PE/ENV) phase; the Plans, Specifications and Estimates (PS&E) phase; and the Construction phase (Scope of Work) of the Haven Avenue Streetscape Project (Project); and

WHEREAS, on February 9, 2014, the Parties entered into the Funding Agreement for the Project, which provided that the Scope of Work was to be completed no later than April 3, 2019; and

WHEREAS, on May 28, 2020, the Parties amended the Funding Agreement to allow for an additional eighteen (18) months through April 30, 2021, for the Sponsor to complete the Scope of Work (First Amendment); and

WHEREAS, final designs of the Project have been revised to incorporate standards set in 2018 by the California Department of Transportation (Caltrans) and additional requirements by other agencies during the permitting process; and

WHEREAS, the Sponsor submitted a request on April 27, 2021, to allow for an additional seventeen (17) months through September 30, 2022 to complete the Scope of Work, including the Construction phase; and

WHEREAS, the Parties desire to amend the Funding Agreement to allow the Sponsor an additional eighteen months to complete the Scope of Work, and the Sponsor will continue to contribute, or otherwise provide for the contribution of, any amount in excess of \$170,000 of Measure A Pedestrian and Bicycle Program funds needed to implement the Project.

NOW, THEREFORE, IT IS HEREBY AGREED by the Parties that the Funding Agreement is revised and amended as follows:

1. **PROJECT INFORMATION.** Exhibit A is replaced with Exhibit A-2, which is attached to this Second Amendment and incorporated herein by this reference.

2. **TERM.** Section 3.1, Term, is hereby deleted and replaced in its entirety with the following language: “The term of this Agreement will commence on the Execution Date and conclude upon the earliest of: (a) the TA's final reimbursement to Sponsor for work performed hereunder, (b) termination by Sponsor or the TA pursuant to this Section 3, or (c) on March 30, 2023.”
3. **TIME OF PERFORMANCE.** Section 3.5, Time of Performance, is hereby deleted and replaced in its entirety with the following language: “The Scope of Work must be completed no later than September 30, 2022.”
4. **EFFECT.** Except as and solely to the extent amended by this Second Amendment, the Funding Agreement, as previously amended, will continue in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the Parties hereto have caused this Second Amendment to be executed by the persons authorized to act in their respective names on the day and year first written above.

CITY OF MENLO PARK
E-SIGNED by Starla Jerome-Robinson
on 2021-07-29 20:26:25 GMT

By: _____
Name: Starla Jerome-Robinson
Its: City Manager

APPROVED AS TO FORM
E-SIGNED by Nira F. Doherty
on 2021-08-18 16:28:04 GMT

By: _____
Name: _____
Its: Legal Counsel

**SAN MATEO COUNTY TRANSPORTATION
AUTHORITY**

By: _____
Name: Carter Mau
Its: Acting Executive Director

APPROVED AS TO FORM

By: _____
Name: _____
Its: Legal Counsel

EXHIBIT A-2: SCOPE OF WORK INFORMATION

Haven Avenue Streetscape Project

Sponsoring Agency: City of Menlo Park

Lead/Implementing Agency: City of Menlo Park

Contact: Mike Sartor
Senior Project Manager
650.330.6788
jmsartor@menlopark.org
701 Laurel Street
Menlo Park CA 94025

Project Description and Scope of Work:

The Haven Avenue Streetscape Project will provide new bicycle and pedestrian facilities to Haven Avenue, connecting Menlo Park, San Mateo County and Redwood City residents and employees. The project area includes Haven Avenue, between Marsh Road and the San Mateo County border (where the existing bicycle lanes terminate). It provides a direct connection to the San Francisco Bay Trail, and will function as an interim gap closure of the Bay Trail between Bedwell-Bayfront Park and Seaport Avenue, better serving both commute and recreational needs.

The project includes the following elements:

- Adding Class II on-street bicycle lanes with horizontal buffers where roadway widths allow and green treatments in vehicle-bicycle interaction zones
- Closing sidewalk gaps
- Adding a new pedestrian and bicycle bridge over the Atherton Channel
- Providing enhanced pedestrian crossing improvements to the Marsh Road-Haven Avenue-Bayfront Expressway intersection including: widened sidewalks, replacement of curb ramps to comply with current ADA standards, realigning the existing crosswalk on the northwest (Haven Ave.) leg of the intersection, and improving the existing median to provide a crossing refuge island.

To install bicycle lanes on Haven Avenue, on-street parking modifications will be required on a portion of Haven Avenue, as there is not sufficient width to install bicycle lanes and provide on street parking on both sides of the street.

Additionally, Sam Trans service (Route 295) also runs on Haven Avenue. The sidewalk gap closures and enhanced crosswalks will provide pedestrian connections for transit riders accessing the area.

A portion of the Haven Avenue Streetscape Project will be designed by St. Anton, the residential developers for the multi-family apartments on Haven Avenue, as part of a required mitigation measure from the City's Housing Element. They are responsible for the following project phases: project engineering (PE) obtaining environmental clearance (ENV), preparation of plans, specifications, and estimates (PS&E) coordination of right-of-way and utilities. The city will be responsible for construction and procurement. The portion of the project that will be constructed under the mitigation measure includes the work on Haven Avenue between Marsh Road and approximately 3723 Haven Avenue (see Exhibit B: Excerpts from the Project's Measure A Pedestrian and Bicycle Program Funding Application for Fiscal Years 2014 and 2015). No Measure A funds will be used for this portion of the project.

The Measure A funded Scope of Work extends from 3723 Haven Avenue to the County of San Mateo border, where the existing bicycle lanes end. The Measure A funded section includes areas within the City of Menlo Park (approximately 2,600 centerline linear feet.) Funds have been allocated for the following improvements: on-street bicycle lanes, with horizontal buffers and green treatments in vehicle bicycle interaction zones, elimination of on-street parking on one side of Haven Avenue to create space for bike lanes and a buffer, and new stop-controlled crosswalks at the intersection of Haven Avenue/Haven Court and near the SamTrans route 270 bus stop at 3750 Haven Avenue.

Project Delays

The Project was initially delayed 18 months due to the replacement of a Project Manager, delays in obtaining the initial Caltrans encroachment permit, necessary amendments to a maintenance agreement in response to new requirements from Caltrans (approximately 4-6 months), and obtaining additional required funds from San Mateo City and County Association of Governments and Caltrans (approximately 4 months each) to complete the Project.

Additional delays have since been encountered in renewing/obtaining new Caltrans encroachment and Fish and Wildlife permits. The Project was originally approved by Caltrans and issued an encroachment permit, but the permit has expired since and Caltrans standards and specifications have been updated. As a result, the Project plans and specifications had to be revised to meet the new (2018) standards before a new encroachment permit could be issued to complete the Project.

Project Schedule:

	<u>Begin</u>	<u>End</u>
Pre-Project Planning	05/13	09/13
PE/Environmental	09/13	03/16
PS&E	03/15	10/20
Contract Award	01/16	8/21
Construction	11/21	08/22

Project Budget/ Source of Funding:

Phase	Measure A Funding Amount	Other Sources*		Total**
		List Fund Source	Amount	
Pre-Project Planning	\$0	N/A	\$0	\$0
PE/ENV	\$2,000	Private Developer Contribution	\$6,000	\$8,000
PS&E	\$5,000	Private Developer Contribution	\$55,000	\$60,000
ROW Acquisition and Utilities	\$0	N/A	\$0	\$0
Construction and Procurement	\$163,000	Private Developer Contribution	\$408,000	\$571,000
Construction and Procurement		C/CAG	\$374,000	\$374,000
Construction and Procurement		Caltrans	\$300,000	\$300,000
Construction and Procurement		City	\$374,000	\$374,000
Total:	\$170,000		\$1,517,000	\$1,687,000

* The other fund sources are provided for informational purposes.

**Total costs listed by each task/activity are best estimates and may be subject to change within the overall total amount for the awarded phase of the Project Scope of Work during the course of the Project.

Measure A Project Cash Flow Projection

The cash flow projection is provided for informational purposes only.

Phase/Activity (e.g. Planning, PSE, Construction)	FY21				Subtotal FY21	FY22				Subtotal FY22
	1st Quarter (Jul 1-Sept 30)	2nd Quarter (Oct 1-Dec 31)	3rd Quarter (Jan 1-Mar 31)	4th Quarter (Apr 1-Jun 30)		1st Quarter (Jul 1-Sept 30)	2nd Quarter (Oct 1-Dec 31)	3rd Quarter (Jan 1-Mar 31)	4th Quarter (Apr 1-Jun 30)	
PS&E (Measure A funding)			\$3,000	\$4,000	\$7,000					
Construction and Procurement (Measure A funding)					\$0	\$53,000	\$55,000	\$55,000		\$163,000
Total	\$0	\$0	\$3,000	\$4,000	\$7,000	\$53,000	\$55,000	\$55,000		\$163,000
Cumulative to Date	\$0	\$0	\$3,000	\$7,000		\$60,000	\$115,000	\$170,000		
Phase/Activity (e.g. Planning, PSE, Construction)	FY23				Subtotal FY23	FY21	FY22	FY23	Subtotal for FY21-23	Project Total
	1st Quarter (Jul 1-Sept 30)	2nd Quarter (Oct 1-Dec 31)	3rd Quarter (Jan 1-Mar 31)	4th Quarter (Apr 1-Jun 30)						
PS&E (Measure A funding)						\$7,000	\$0	\$0	\$7,000	\$7,000
Construction and Procurement (Measure A funding)							\$163,000	\$0	\$163,000	\$163,000
Total				\$0		\$7,000	\$163,000	\$0	\$170,000	\$170,000
Cumulative to Date	\$0	\$0	\$0	\$0		\$7,000	\$170,000	\$170,000		

Operating Responsibility: Caltrans

Maintenance Responsibility: Caltrans

Project Implementation Responsibility: City of Menlo Park

Project Oversight Responsibility: City of Menlo Park