

FIRST AMENDMENT TO AGREEMENT NO. 22-9850
BETWEEN THE CITY OF LOS ANGELES AND
UNION PACIFIC RAILROAD COMPANY

THIS FIRST AMENDMENT to Agreement No. 22-9850 is made and entered into by and between the CITY OF LOS ANGELES, a municipal corporation ("City"), acting by and through its Board of Harbor Commissioners ("Board"), and UNION PACIFIC RAILROAD COMPANY ("Subrecipient") as follows:

1. Section I(A) is amended to read:

"A. Subrecipient shall, to the satisfaction of the EPA and City, and in accordance with all local, state and federal rules and requirements, perform the Project as set forth in the Grant Award, including amendments, and all attachments and referenced documents therein. The Grant Award is attached hereto as Exhibit A and the Grant Award First Amendment is attached hereto as Exhibit A-1 and both are made a part of this Agreement. Subrecipient and City agree to follow the detailed Scope of Work, Reimbursement Amounts and Schedule attached hereto as Exhibit B and made a part of this Agreement."

2. Exhibit A-1, the First Amendment to EPA Cooperative Agreement Grant Number 98T27801, is attached hereto and made a part hereof.

3. Section III(B)(1) is amended to read:

"1. Five (5) years have lapsed from the effective date of this Agreement"

Except as amended herein, all remaining terms and conditions of Agreement No. 22-9850 shall remain in full force and effect.

Subject to the provisions of Charter Section 373, the effective date of this Amendment shall be the date of its execution by the Executive Director upon authorization of the Board. Consultant is aware that pursuant to Charter Section 373 and Administrative Code Section 10.5, this Amendment requires approval by City Council prior to becoming effective.

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IN WITNESS THEREOF, the parties hereto have executed this First Amendment to Agreement No. 22-9850 on the date to the left of their signatures.

THE CITY OF LOS ANGELES, by its
Board of Harbor Commissioners

By signing below, I attest that I have no personal, financial, beneficial, or familial interest in this Agreement.

Dated: _____

By _____

EUGENE D. SEROKA
Executive Director

Attest _____

AMBER M. KLESGES
Board Secretary

UNION PACIFIC RAILROAD COMPANY

Dated: July 31, 2024

By: _____

Jeremy Givens, VP Mechanical

(Print/type name and title)

DocuSigned by:

Attest: William J Schmelder

3A2D00537A7C549F
William Schmelder, Senior Director Strategic Sourcing

(Print/type name and title)

APPROVED AS TO FORM AND LEGALITY

August 1, 2024
HYDEE FELDSTEIN SOTO, City Attorney
Steven Y. Otera, General Counsel

By Heather M. McCloskey
Heather M. McCloskey, Deputy

Rev. 01/05/24

FUNDS AVAILABLE STAMP

Union Pacific Railroad Company

Subrecipient to DERA 2021 Zero Emission Switcher Locomotive Project

AG 22-9850 Amendment #1


Account#	21980	W.O. #	78300
Ctr/Div#	7000	Job Fac.#	637-00
Proj/Prog#	000		
Budget FY:		Amount:	
24/25	\$	0	
25/26	\$	0	
26/27	\$	2,020,000	
TOTAL	\$	2,020,000	
<u>For Acct/Budget Div. Use Only</u>			
Verified by:	Erin O'Malley <small>Digitally signed by Erin O'Malley Date: 2024.07.24 08:48:08 -07'00'</small>		
Verified Funds Available:	 <small>Digitally signed by Frank Liu Date: 2024.07.24 09:15:14 -07'00'</small>		
Date Approved:	7/24/24		

EXHIBIT A-1

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	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		GRANT NUMBER (FAIN): 98T27801	DATE OF AWARD
			MODIFICATION NUMBER: 1	06/12/2024
			PROGRAM CODE: DE	MAILING DATE
			TYPE OF ACTION	06/12/2024
			No Cost Amendment	
			PAYMENT METHOD:	ACH#
			ASAP	90569
RECIPIENT TYPE:			Send Payment Request to:	
Municipal			Contact EPA RTPFC at: rtpfc-grants@epa.gov	
RECIPIENT:			PAYEE:	
Los Angeles, City of 425 S PALOS VERDES ST SAN PEDRO, CA 90731-3309 EIN: 95-6000735			Los Angeles, City of 425 S PALOS VERDES ST SAN PEDRO, CA 90731-3309	
PROJECT MANAGER		EPA PROJECT OFFICER	EPA GRANT SPECIALIST	
Brittney Ford 425 S. Palos Verdes San Pedro, CA 90731-3309 Email: bford@portla.org Phone: 310-732-3261		Asia Yeary 75 Hawthorne Street, AIR-1-1 San Francisco, CA 94105 Email: yeary.asia@epa.gov Phone: 808-541-2726	Eric Tovar Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105 Email: Tovar.Eric@epa.gov Phone: 415-972-3396	
PROJECT TITLE AND EXPLANATION OF CHANGES				
National Clean Diesel Program - Zero Emission Switcher Locomotive Project				
<p>The purpose of this project is to replace one Tier 0+ switch locomotive with a switch locomotive that uses battery electric technology. The switch locomotive works at switch yards located in the South Coast Air Basin. This replacement will reduce emissions of diesel particulate matter and other pollutants such as nitrogen oxides, carbon monoxide and hydrocarbons.</p> <p>This no cost amendment extends the project/budget period end date to 9/30/2026. EPA's grant system now syncs with SAM.gov and the Recipient's name has been updated to match SAM.gov in this amendment. Additionally, the Recipient's point of contact has also been updated.</p>				
BUDGET PERIOD	PROJECT PERIOD	TOTAL BUDGET PERIOD COST	TOTAL PROJECT PERIOD COST	
10/01/2021 - 09/30/2026	10/01/2021 - 09/30/2026	\$ 4,500,000.00	\$ 4,500,000.00	
NOTICE OF AWARD				
<p>Based on your Application dated 03/16/2021 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$ 0.00. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$ 2,025,000.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.</p>				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS	
U.S. EPA, Region 9, U.S. EPA, Region 9 Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105			U.S. EPA, Region 9, Air Division, AIR-1 R9 - Region 9 75 Hawthorne Street San Francisco, CA 94105	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official for Carolyn Truong - Grants Management Officer by Fareed Ali - Award Official Delegate				DATE 06/12/2024

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 2,025,000	\$ 0	\$ 2,025,000
EPA In-Kind Amount	\$ 0	\$ 0	\$ 0
Unexpended Prior Year Balance	\$ 0	\$ 0	\$ 0
Other Federal Funds	\$ 0	\$ 0	\$ 0
Recipient Contribution	\$ 0	\$ 0	\$ 0
State Contribution	\$ 0	\$ 0	\$ 0
Local Contribution	\$ 0	\$ 0	\$ 0
Other Contribution	\$ 2,475,000	\$ 0	\$ 2,475,000
Allowable Project Cost	\$ 4,500,000	\$ 0	\$ 4,500,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.039 - Diesel Emission Reduction Act (DERA) National Grants	Diesel Emission Reduction Act of 2010, codified at 42 U.S.C. 16132	2 CFR 200, 2 CFR 1500 and 40 CFR 33

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$ 5,000
2. Fringe Benefits	\$ 0
3. Travel	\$ 0
4. Equipment	\$ 0
5. Supplies	\$ 0
6. Contractual	\$ 0
7. Construction	\$ 0
8. Other	\$ 0
9. Total Direct Charges	\$ 5,000
10. Indirect Costs: 0.00 % Base :NA	\$ 0
11. Total (Share: Recipient 0.00 % Federal 100.00 %)	\$ 5,000
12. Total Approved Assistance Amount	\$ 5,000
13. Program Income	\$ 0
14. Total EPA Amount Awarded This Action	\$ 0
15. Total EPA Amount Awarded To Date	\$ 0

Administrative Conditions

Administrative Conditions remain the same. Please refer to the below paragraph for updated General Terms and Conditions.

General Terms and Conditions

The General Terms and Conditions of this agreement are updated in accordance with the link below. However, these updated conditions apply solely to the funds added with this amendment and any previously awarded funds not yet disbursed by the recipient as of the award date of this amendment. The General Terms and Conditions cited in the original award or prior funded amendments remain in effect for funds disbursed by the recipient prior to the award date of this amendment.

The recipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2023-or-later>.

These terms and conditions are binding for disbursements and are in addition to or modify the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <https://www.epa.gov/grants/grant-terms-and-conditions#general>.

Programmatic Conditions

Programmatic Conditions remain the same.

**** END OF ASSISTANCE AGREEMENT ****