

**AMENDMENT NO. 1 TO COOPERATIVE AGREEMENT
FOR LOCAL IMPROVEMENTS**

This Amendment No. 1 ("First Amendment") to Agreement 04-2611 ("Agreement"), entered into, and effective on, _____ 2017, is between the State of California, acting through its Department of Transportation, referred to as "CALTRANS", and:

CITY OF SAN JOSE, a municipal corporation of the State of California, referred to herein as "CITY."

RECITALS

1. CALTRANS and CITY, collectively referred to as "PARTNERS", entered into Agreement on May 17, 2016, to define the terms and conditions for the highway improvement project (PROJECT) to perform Project Initiation Document (PID) phase activities for US 101/Blossom Hill Road Interchange modification.
2. CITY has recently decided that National Environmental Policy Act (NEPA) clearance should be added to the PROJECT activities.
3. PARTNERS now wish to enter into First Amendment to include NEPA clearance to the PROJECT scope. There would be no change to the funding on this Agreement.

IT IS THEREFORE MUTUALLY AGREED:

4. Article 5 under **RECITALS** section of the Agreement is hereby replaced in its entirety to read as follows:
 5. *The estimated date for COMPLETION OF WORK is April 30, 2019.*
5. New Article 9a under **RESPONSIBILITIES** section of the Agreement is hereby added to read as follows:
 - 9a. *CALTRANS is the NEPA lead agency for PROJECT.*
6. New Article 23a under **SCOPE** section of the Agreement is hereby added to read as follows:
 - 23a. *CALTRANS will be the NEPA Lead Agency. CALTRANS will assess PROJECT impacts on the environment and CITY will prepare the appropriate level of environmental documentation and necessary associated supporting investigative studies and technical environmental reports in order to meet the requirements of NEPA. CITY will submit to CALTRANS all investigative studies and technical environmental reports for CALTRANS' review, comment, and approval as the NEPA Lead*

Agency. The environmental document and/or categorical exemption/exclusion determination, including the administrative draft, draft, administrative final, and final environmental documentation, as applicable, will require CALTRANS' review, comment, and approval as the NEPA Lead Agency, prior to public availability.

7. New Article 23b under **SCOPE** section of the Agreement is hereby added to read as follows:

23b. When required, CALTRANS, as NEPA Lead Agency, will conduct consultation and coordination and obtain, renew, or amend approvals pursuant to the Federal Endangered Species Act, and Essential Fish Habitat.

8. New Article 23c under **SCOPE** section of the Agreement is hereby added to read as follows:

23c. When required, CALTRANS, as NEPA Lead Agency, will conduct consultation and coordination approvals pursuant to Section 106 of the National Historic Preservation Act.

9. **SCOPE SUMMARY** of the Agreement is hereby replaced in its entirety by **SCOPE SUMMARY-A1**, attached hereto and made a part of First AMENDMENT.

10. Unless specifically defined herein, the capitalized terms used in this First Amendment shall have the meanings as defined in the Agreement.

11. Except as herein amended, all other provisions of the Agreement, including any exhibits and subsequent amendments thereto, shall remain in full force and effect.

12. If any provision of the Agreement, as amended by this First Amendment, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall continue in full force without being impaired or invalidated in any way.

SIGNATURES

PARTNERS declare that:

1. Each party is an authorized legal entity under California state law.
2. Each party has the authority to enter into this First Amendment.
3. The people signing this First Amendment have the authority to do so on behalf of their public agencies.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

CITY OF SAN JOSE

By: _____
Helena (Lenka) Culik-Caro
Deputy Director, Design

By: _____
Toni J. Taber, CMC
City Clerk

CERTIFIED AS TO FUNDS:

APPROVED AS TO FORM:

By: _____
Jeffrey Armstrong
District Budget Manager

By: _____
Jon Calegari
Deputy City Attorney

APPROVED AS TO FORM AND
PROCEDURE:

By: _____

CERTIFIED AS TO FINANCIAL TERMS
AND POLICIES

By: _____
Accounting Administrator

SCOPE SUMMARY-A1 (PSR-PR)
Effective Date: 6/28/2017

WBS Level					Description	CALTRANS	CITY	N/A
4	5	6	7	8				
1	150				DEVELOP PROJECT INITIATION DOCUMENT		X	
2	160				Perform Preliminary Engineering Studies and Draft Project Study Report-Project Report	X	X	
		05			Updated Project information	X	X	
			05		Approved Project Initiation Document Review			X
			10		Geotechnical Information Problem Definition		X	
			15		Materials Information		X	
			20		Traffic Data and Forecasts		X	
			25		Geometrics Development (CITY) - Geometrics Approved (CT)	X	X	
			30		Project Scope Review		X	
			35		Project Cost Estimate		X	
			99		Other Project Information Products		X	
		10			Engineering Studies		X	
			10		Traffic Forecasts/Modeling		X	
			15		Geometric Plans for Project Alternatives		X	
			20		Value Analysis		X	
			25		Hydraulics/Hydrology Studies		X	
			30		Highway Planting Design Concepts		X	
			35		Traffic Operational Analysis		X	
			40		Updated Right of Way Data Sheet		X	
			45		Utility Locations Determined for Preliminary Engineering		X	
			50		Railroad Study			X
			55		Multi-Modal Study		X	
			60		Park and Ride Study			X
			65		Right of Way Relinquishment and Vacation Study			X
			70		Traffic Studies/Traffic Capacity Analysis		X	
			75		Updated Materials Information		X	
			80		Updated Geotechnical Information		X	
			85		Structures Advance Planning Study (APS) and Preliminary Engineering		X	
			90		High Occupancy Vehicle Report			X
			95		Updated Preliminary Transportation Management Plan		X	
			99		Other Engineering Studies		X	
		15			Draft Project Study Report-Project Report		X	
			05		Cost Estimates for Alternatives		X	
			10		Fact Sheet for Exceptions to Design Standards & Exception to Encroachment Policy Request		X	

		15	Approved Fact sheet for Exception to Design Standards and Exceptions to Encroachment Policy	X		
		20	Draft Project Study Report-Project Report		X	
		25	Draft Project Study Report-Project Report Circulation, Review, and Approval	X		
		99	Other Draft Project Study Report-Project Report Products		X	
	20		Engineering and Land Net Surveys		X	
		25	Existing Records		X	
		30	Land Net Surveys		X	
		35	Land Net Map		X	
		40	Right of Way Engineering Products		X	
		50	Control Surveys		X	
		55	Photogrammetric Maps and Products		X	
		60	Engineering Surveys		X	
		65	As-Built Centerline Surveys		X	
		70	Pavement Surveys		X	
	30		Environmental Study Request (ESR)		X	
		05	Maps for ESR		X	
		10	Surveys and Mapping for Environmental Studies		X	
		15	Property Access Rights for Environmental/Engineering Studies		X	
	40		NEPA Assignment			X
	45		Base Maps and Plan Sheets for Project Study Report-Project Report and Environmental Studies		X	
2	165		Perform Environmental Studies		X	
	05		Environmental Scoping of Alternatives Identified for Studies in Project Initiation Document		X	
	10		General Environmental Studies		X	
		15	Community Impact Analysis, Land Use, and Growth Studies		X	
		20	Visual Impact Assessment and Scenic Resource Evaluation		X	
		25	Noise Study			X
		30	Air Quality Study		X	
		35	Water Quality Studies		X	
		40	Energy Studies			X
		45	Geotechnical Report		X	
		55	Draft Right of Way Relocation Impact Document			X
		60	Location Hydraulic and Floodplain Study Report		X	
		65	Paleontology Study		X	
		70	Wild and Scenic Rivers Coordination			X
		75	Environmental Commitments Record	X		
		80	Hazardous Waste Initial Site Assessments/Investigations		X	
		85	Hazardous Waste Preliminary Site Investigations		X	
		99	Other Environmental Studies		X	
	15		Biological Studies		X	
		05	Biological Assessment		X	
		10	Wetlands Study		X	
		15	Resource Agency Permit Related Coordination		X	
		20	Natural Environment Study Report		X	
		99	Other Biological Studies		X	

		20		Cultural Resource Studies		X	
		25		Draft Environmental Document or Categorical Exemption/Exclusion	X	X	
			10	Section 4(F) Evaluation			X
			20	Environmental Quality Control and Other Reviews		X	
			25	Approval to Circulate Resolution	X		
			30	Environmental Coordination	X	X	
			99	Other Draft Environmental Document Products		X	
		30		NEPA Assignment		X	
2	170			Permits, Agreements, and Route Adoptions during PA&ED component		X	
		05		Required permits		X	
		10		NOTE: all permits under 2.170.10 are addressed in the text of this Agreement			
			15	Railroad Agreements			X
			20	Freeway Agreements		X	
			25	Agreement for Material Sites			X
			30	Executed Maintenance Agreement		X	
			40	Route Adoptions			X
			45	MOU From Tribal Employment Rights Office (TERO)			X
			55	NEPA Assignment		X	
2	175			Circulate Draft Environmental Document and Select Preferred Project Alternative Identification			X
		05		DED Circulation		X	
			05	Master Distribution and Invitation Lists			X
			10	Notices Regarding Public Hearing and Availability of Draft Environmental Document			X
			15	DED Publication and Circulation			X
			20	Federal Consistency Determination (Coastal Zone)			X
			99	Other DED Circulation Products			X
			10	Public Hearing			X
			05	Need for Public Hearing Determination			X
			10	Public Hearing Logistics			X
			15	Displays for Public Hearing			X
			20	Second Notices of Public Hearing and Availability of DED			X
			25	Map Display and Public Hearing Plan			X
			30	Display Public Hearing Maps			X
			35	Public Hearing			X
			40	Record of Public Hearing			X
			99	Other Public Hearing Products			X
			15	Public Comment Responses and Correspondence			X
			20	Project Preferred Alternative			X
			25	NEPA Assignment		X	
2	180			Prepare and Approve Project Study Report-Project Report and Final Environmental Document	X	X	
		05		Final Project Study Report-Project Report	X	X	
			05	Updated Draft Project Study Report-Project Report		X	
			10	Approved Project Study Report-Project Report	X		
			15	Updated Storm Water Data Report		X	
			99	Other Project Study Report-Project Report Products		X	

	10		Final Environmental Addendum		X	
		05	Concur with Approved Final Environmental Addendum	X	X	
			05 Draft Final Environmental Addendum Review		X	
			10 Revised Draft Final Environmental Addendum		X	
			15 Section 4(F) Evaluation			X
			20 Findings			X
			25 Statement of Overriding Considerations			X
			30 CEQA Certification			X
			40 Section 106 Consultation and MOA			X
			45 Section 7 Consultation			X
			50 Final Section 4(F) Statement			X
			55 Floodplain Only Practicable Alternative Finding			X
			60 Wetlands Only Practicable Alternative Finding			X
			65 Section 404 Compliance			X
			70 Mitigation Measures			X
		10	Public Distribution of Final Environmental Addendum and Respond To Comments		X	
			15 Final Right of Way Relocation Impact Document			X
			99 Other Final Environmental Addendum Products		X	
	15		Completed Environmental Addendum		X	
		10	Notice of Determination (CEQA)		X	
			20		X	
			99 Other Completed Environmental Addendum Products		X	
		20	NEPA Assignment		X	