

AMENDMENT No. 1
TO FREEWAY MAINTENANCE
AGREEMENT OF STATE HIGHWAYS IN
THE COUNTY OF CONTRA COSTA

This AMENDMENT Number 1 to the Freeway Maintenance Agreement, hereafter referred to as "AMENDMENT No. 1", is effective on _____, and is entered into by and between the State of California, acting by and through the Department of Transportation, hereinafter referred to as "STATE", and the County of Contra Costa, hereinafter referred to as "COUNTY". COUNTY and STATE together are hereafter referred to as "PARTIES".

WITNESSETH:

WHEREAS, a Freeway Maintenance Agreement of State Highway in the County of Contra Costa, herein after referred to as "AGREEMENT", was executed by COUNTY and STATE on January 26, 1965 ; and

WHEREAS, AGREEMENT by its terms provides that it may be modified or amended at any time upon mutual consent of the PARTIES; and

WHEREAS, the PARTIES mutually desire to identify the maintenance responsibilities of COUNTY for newly constructed and/or revised improvements within STATE's right of way by Encroachment Permit 04-22-NSI-4867; and

WHEREAS, the PARTIES hereto now desire to amend AGREEMENT for said purpose as provided herein.

NOW, THEREFORE, the PARTIES agree to amend AGREEMENT as follows:

1. EXHIBIT A to the AGREEMENT is hereby modified by replacing the existing Sheet 12 of 12 with the attached Exhibit A, numbered "Sheet 12-A," which is incorporated into and made a part of the AGREEMENT for all purposes.
2. New Article 9 is hereby added to and made a part of the AGREEMENT to read as follows:

"9. COUNTY is solely responsible for all permitted BICYCLE PATHS AND LANES constructed as permitted encroachments within STATE's right of way, including but not limited to the delineation, drainage facilities, slope, and structural adequacy of said improvements. COUNTY will maintain, at COUNTY expense, a safe facility for bicycle travel along the entire length of the path/lane by providing sweeping and debris removal when necessary; and all signing and striping, and pavement markings required for the direction and operation of that non-motorized facility."

3. The changes made by this AMENDMENT No. 1 are hereby deemed to be included and made a part of the AGREEMENT and shall remain in full force and effect unless or until they are further amended or terminated. Except for those changes made by this AMENDMENT No. 1, the AGREEMENT remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the PARTIES hereto have set their hands and seals the day and year first above written.

COUNTY OF CONTRA COSTA

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: _____

Chair, Board of Supervisors

By: _____

LEAH BUDU,
Deputy District Director
Maintenance Division, District 04

Attest: _

Clerk of the Board of Supervisors

Approved as to form:

Thomas L. Geiger
Chief Assistant County Counsel

By _____

Deputy County Counsel