

Amendment No. 1 to
Interlocal Agreement No. NM467-16-015

This Amendment is made and entered into on _____, between the State of Nevada, acting by and through its Department of Transportation, hereinafter referred to as the "DEPARTMENT", and Washoe County, hereinafter referred to as the "COUNTY."

WITNESSETH:

WHEREAS, on September 8, 2016, the parties entered into Interlocal Agreement No. NM467-16-015 to define the respective operations and maintenance responsibilities for the IMPROVEMENTS incorporated into the PROJECT, including the shared-use path now known as the Tahoe East Shore Trail and the associated parking facilities now known as the North Trailhead Parking – Ponderosa Ranch; and

WHEREAS, the Parties desire to amend the Agreement to incorporate additional projects into the PROJECT, which shall collectively be referred to as the "ADDITIONAL PROJECTS"; and

WHEREAS, the ADDITIONAL PROJECTS include Project TAP-0028-(340), EA 74467 (STIP Project ID: WA20220008; Agreement No. PR 462-22-063), which proposes the construction of approximately thirty-eight (38) public parking spaces, three (3) employee parking spaces, a connecting shared-use path at the northern end of the existing North Trailhead Parking – Ponderosa Ranch, and the formalization of an existing transit stop within the DEPARTMENT's right-of-way, and this Amendment extends the operations and maintenance roles and responsibilities previously established between the COUNTY and the DEPARTMENT under the Agreement to the improvements associated with these ADDITIONAL PROJECTS; and

WHEREAS, the ADDITIONAL PROJECTS further include Project STBG-0028-(341), EA 74468 (STIP Project ID: XS20170020; Agreement No. PR 463-22-063), which proposes the relocation of on-highway parking, parking lot extensions, approximately 0.9 miles of trail, a prefabricated bridge, a pedestrian signalized crossing, and pullouts between Chimney Beach and Secret Harbor for parking, transit, trail, and safety improvements, including the installation of a pedestrian crossing at the Chimney Beach parking lot; and

WHEREAS, the SR-28 Corridor Operations and Maintenance Interlocal Agreement, dated August 1, 2015, was executed by the partnering agencies to define the roles and responsibilities for the shared-use path and associated parking facilities along the SR-28 corridor as shown in **Attachment A.1**, and this Amendment continues and affirms the maintenance responsibilities between the COUNTY and the DEPARTMENT for the PROJECT, including the ADDITIONAL PROJECTS, as part of the broader SR-28 Corridor Operations and Maintenance Interlocal Agreement; and

WHEREAS, the DEPARTMENT entered into Agreement No. NM790-19-015 with the Tahoe Transportation District (TTD) to administer and be responsible for the parking management system, including administration, operations, system maintenance, fee collection, and enforcement of parking fees for the parking facilities associated with the PROJECT, including the ADDITIONAL PROJECTS; and

WHEREAS, the DEPARTMENT has sufficient right-of-way to extend a parking configuration similar to the existing Bonanza parking area north of the existing Bonanza parking area to a location south of Sweetwater Road, and such work includes the construction of approximately thirty-eight (38) parking spaces, a connecting path to the existing Tahoe East Shore Trail, visitor signage, and related facilities, which shall be considered ADDITIONAL IMPROVEMENTS under the Agreement; and

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WHEREAS, the purpose of this Amendment is to extend the operations and maintenance responsibilities established under the Agreement to apply to the ADDITIONAL IMPROVEMENTS incorporated into the PROJECT as part of the ADDITIONAL PROJECTS; and

WHEREAS, another purpose of this Amendment is to add approximately thirty-eight (38) public parking spaces, three (3) employee parking spaces, and a connecting shared-use path, as further described in **Attachment B.1**, with operations and maintenance responsibilities to continue in accordance with the terms and responsibilities set forth in the Agreement; and

WHEREAS, this Agreement shall be converted to a payable agreement, and the Agreement Number shall be updated to P467-16-015; and

WHEREAS, the parties hereto desire to make certain amendments to Agreement No. NM467-16-015.

NOW, THEREFORE, the parties agree as follows:

1. Agreement No. NM467-16-015 shall now be P467-16-015.
2. Article 1 – County Agrees, Paragraph 8, is amended by deleting it in its entirety and inserting in its place:
“To invoice the DEPARTMENT for one hundred percent (100%) of the replacement or repair costs associated with lighting and two (2) RRFB signs located at Lakeshore Boulevard and SR-28, as well as two (2) RRFB signs located at SR-28 within the Chimney Beach parking lot, for equipment repaired or replaced due to accidental damage, provided that such costs exceed One Thousand and No/100 Dollars (\$1,000.00) and are unrecoverable through insurance or other sources. In the event the anticipated repair or replacement costs exceed One Thousand and No/100 Dollars (\$1,000.00), the COUNTY shall notify the DEPARTMENT prior to initiating repairs in order to coordinate the required repair or replacement.”
3. Article I - County Agrees, is amended and supplemented by adding the following paragraphs:
 - a. “To operate and maintain the two (2) RRFB signs and all associated pedestrian crossing infrastructure, including advance warning signage, crosswalk pavement markings, other pavement markings, and lane line striping required for the pedestrian crossing system located at the Chimney Beach parking lot along SR-28, in Washoe County, Nevada. Repainting of crosswalk pavement markings and other pavement markings shall occur at least once annually, preferably during the spring of each year.”
 - b. “To be responsible for furnishing and installing all pavement striping for the pedestrian crosswalk located at the Chimney Beach parking lot, as depicted in **Attachment C.1**, as well as the pavement striping associated with the transit pullout located on the west side of SR-28, north of the pedestrian crossing near Lakeshore Boulevard, as depicted in **Attachment D.1**.”
4. Article II – Department Agrees, Paragraph 1 is amended by deleting it in its entirety and inserting in its place:
“To participate with the COUNTY in the costs of replacement necessary for major repairs resulting from accidental damage to the pedestrian crossing systems located at Lakeshore Boulevard and SR-28 and at SR-28 within the Chimney Beach parking lot, including associated lighting and two (2) RRFB signs, provided that such repair/replacement costs exceed One Thousand and No/100 Dollars

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(\$1,000.00) and are unrecoverable from third-party insurance or other sources. The DEPARTMENT's participation shall be one hundred percent (100%) of the cost of infrastructure repaired or replaced in excess of One Thousand and No/100 Dollars (\$1,000.00). In the event such costs exceed One Thousand and No/100 Dollars (\$1,000.00), the COUNTY shall notify the DEPARTMENT to coordinate the required repairs or replacement."

5. Article II – Department Agrees, is amended and supplemented by adding the following paragraph:
" To be responsible for the maintenance of the pavement for the transit pullout located on the west side of SR-28, north of the existing pedestrian crossing near Lakeshore Boulevard, as depicted in **Attachment D.1.**"
6. All of the other provisions of Agreement No. NM467-16-015 dated September 8, 2016, shall remain in full force and effect as if fully set forth herein.

IN WITNESS WHEREOF, the above-named parties have hereunto set their hands and executed this Amendment on the date first written above.

Washoe County

STATE OF NEVADA, acting by and through
its DEPARTMENT OF TRANSPORTATION

Clara Andriola

Director

Clara Andriola, Chair, Board of County Commissioners
Name and Title (Print)

Approved as to Legality and Form:

Deputy Attorney General