

**AMENDED PROJECT AGREEMENT
GRADE CROSSING PROTECTIVE FUND**

Docket #: TR-060116

Commission Approval Date: June 28, 2006

Agreement Amendment Date: January 10, 2007

A. PARTIES OF THE AGREEMENT

This project grant agreement (agreement) is entered into between the Washington Utilities and Transportation Commission (WUTC), P.O. Box 47250, Olympia, Washington 98504-7250 and City of Auburn (grantee), 25 West Main Street, Auburn, Washington 98001, and shall be binding upon the agents and all persons acting by or through the parties.

B. PURPOSE OF AGREEMENT

This agreement sets out the terms and conditions by which a grant is made from the Grade Crossing Protective Fund. The grant is administered by the WUTC to the grantee for Docket No. TR-060116, identified above.

C. DESCRIPTION OF PROJECT

The project involves installing "Quick Kurb" along the centerline to create a median barrier where the BNSF rail line intersects West Main Street, 3rd Street NW, and 37th Street NW. The project is described in more detail in the grantee's application, which is attached to this agreement and incorporated by reference.

D. PERIOD OF PERFORMANCE

The project reimbursement period shall begin on June 28, 2006, and end on January 31, 2007. No expenditure made before or after this period is eligible for reimbursement unless incorporated by written amendment into this agreement. The original agreement stated the project would be completed by January 31, 2007. Due to delays in the bidding process, the city is not able to meet the completion date. This amendment revises the project completion date to March 31, 2007.

E. PROJECT FUNDING

The total grant award provided by the WUTC for this project shall not exceed \$20,000. The WUTC shall not pay any amount beyond that approved for funding of the project. The grantee shall be responsible for all total project costs that exceed this amount.

F. RIGHTS AND OBLIGATIONS

All rights and obligations of the parties to this agreement are subject to this agreement and its attachments, including the grantee's application, commission order, and the general provisions, all of which are attached and incorporated into this agreement.

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Except as provided, no alteration of any of the terms or conditions of this agreement will be effective unless provided in writing. All alterations must be signed by both parties.

The grantee has read, fully understands and agrees to be bound by all terms and conditions in these documents.

G. COMPLIANCE WITH APPLICABLE STATUTES, RULES, AND WUTC POLICIES

This agreement is governed by, and the grantee shall comply with, all applicable state and federal laws and regulations, including RCW 81.53.281, commission's rules in 480-62 (WAC), and the commission's order in this matter which are incorporated by this reference as if fully set forth

H. PROJECT GRANT AGREEMENT REPRESENTATIVE

All written communications sent to the grantee under this agreement will be addressed and delivered to:

City of Auburn
Tiffin Goodman
25 West Main Street
Auburn, Washington 98001

Utilities and Transportation Commission
Mark Halliday
1300 S. Evergreen Park Dr SW
P.O. Box 47250
Olympia, Washington 98504-7250

These addresses shall be effective until receipt by one party from the other of a written notice of any change.

I. ENTIRE AGREEMENT

This agreement, along with all attachments, constitutes the entire agreement of the parties. No other understandings, oral or otherwise, regarding this agreement shall exist or bind any of the parties.

J. EFFECTIVE DATE

This agreement for Docket No. TR-060116 shall be effective upon signing by all parties.

State of Washington
Utilities and Transportation Commission

By: Carole J. Shanley

Date: 01-17-07

[Executive Secretary]

City of Auburn

By: 

Title: Mayer

Approved as to form:

By: _____ /s/
Assistant Attorney General

Date: 1/23/07