

AMENDMENT 1 of CONSTRUCTION AGREEMENT

THIS AMENDMENT is made as of this _____ day of _____, 2016, (the "Amendment 1") by and between CSX Transportation, Inc., a Virginia corporation with its principal place of business in Jacksonville, Florida ("CSXT") and Pinellas County, a body corporate and political subdivision of the State of Florida ("Agency").

WITNESSETH

WHEREAS, CSXT and Agency entered into the Construction Agreement dated January 26, 2015; known and identified by the parties as CSXT OP No. A43621, (the "Construction Agreement"), under which Agency proposed to construct or to cause to be constructed the Project as defined in the Construction Agreement; and

WHEREAS, the parties desire to revise the Project work scope as shown in Exhibit "A" attached hereto and by reference made part hereof; and

WHEREAS, section 2.3 of the Construction Agreement provides that the parties intend that work by CSXT or on CSXT property shall conclude no later than one calendar year from date of executed agreement, unless the parties mutually agree to extend such date; and

WHEREAS, the parties have previously agreed to extend such date to December 31, 2017; and

WHEREAS, pursuant to section 4.2 of the Construction Agreement CSXT provided an Estimate of total Reimbursable Expenses for the Project in the amount of \$455,031; and

WHEREAS, section 4.2 of the Construction Agreement provides in the event CSXT anticipates that actual Reimbursable Expenses for the Project may exceed such Estimate, it shall provide Agency with the revised Estimate of the total Reimbursable Expenses, together with a revised Payment Schedule, for Agency's approval and confirmation that sufficient funds have been appropriated to cover the total Reimbursable Expenses of such revised Estimate; and

WHEREAS, CSXT has provided Agency with a revised Estimate of \$649,382, as shown in Exhibit "B" attached hereto and by reference made part hereof; and

WHEREAS, the parties do not intend to change the Payment Schedule and intend that the additional deposit equal to the remaining Reimbursable Expenses shall be made by the Agency within 30 days following an invoice to Agency from CSXT as provided in Exhibit "E" of the Construction Agreement; and

WHEREAS, CSXT and Agency now desire to amend the Construction Agreement as set forth herein.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, CSXT and Agency agree as follows:

1. The recitals stated above are true and correct and are fully incorporated as if set forth herein.
2. Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Construction Agreement.
3. Pursuant to section 2.3 of the Construction Agreement, the parties mutually agree the date that all work by CSXT or on CSXT property shall be concluded is hereby extended to December 31, 2017.
4. Pursuant to section 4.2, Agency hereby approves and confirms that sufficient funds have been appropriated to cover the revised Estimate of \$649,382.
5. Exhibit B of the Construction Agreement is hereby amended by and through Exhibit A to this Amendment 1 to include additionally the additionally noted Plans, Specifications and Drawings.
6. Exhibit D of the Construction Agreement is hereby amended and replaced by the CSXT Force Account Estimate attached hereto as Exhibit B.
7. The Construction Agreement, as amended by this Amendment 1, continues in full force and effect.

**Crossing surface and warning signal
improvements at Hercules Avenue; Clearwater,
Pinellas County, FL DOT 626827C; MP SY-871.26
Jacksonville Division, Clearwater Sub-Division
CSXT OP No. A43621**

IN WITNESS WHEREOF, CSXT and Agency have caused this Amendment 1 to be executed in duplicate, each by its duly authorized officers, as of the date first above-written.

ATTEST:

By:

Deputy Clerk

APPROVED AS TO FORM:

By:

TITLE

PINELLAS COUNTY

By:

Name: Charlie Justice

Title: Chairman, Board of County
Commissioners

Date:

CSX TRANSPORTATION, INC.

By: _____

J. Tod Echler

Assistant Vice President - Engineering

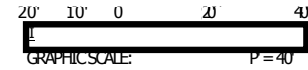
REVIEWED & APPROVED SUBJECT
TO PROPER EXECUTION


OFFICE OF COUNTY ATTORNEY

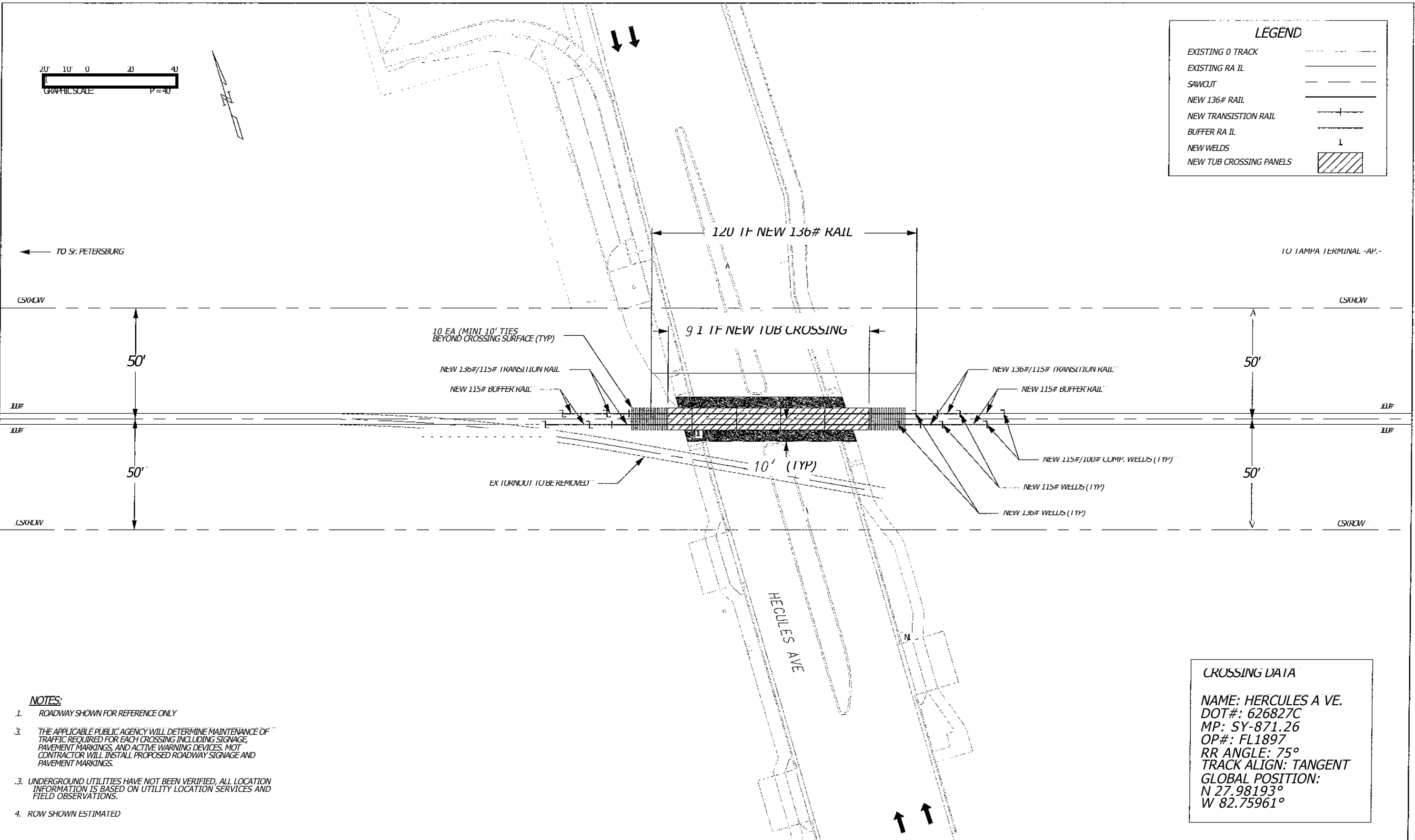
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EXHIBIT A

(See attached track plan and HO1)



LEGEND	
EXISTING 0 TRACK	--- ---
EXISTING RAIL	====
SAW CUT	--- ---
NEW 136# RAIL	====
NEW TRANSITION RAIL	---+---
BUFFER RAIL	--- ---
NEW WELDS	1
NEW TUB CROSSING PANELS	[Hatched Box]



NOTES:

1. ROADWAY SHOWN FOR REFERENCE ONLY
3. THE APPLICABLE PUBLIC AGENCY WILL DETERMINE MAINTENANCE OF TRAFFIC REQUIRED FOR EACH CROSSING INCLUDING SIGNAGE, PAVEMENT MARKINGS, AND ACTIVE WARNING DEVICES. NOT CONTRACTOR WILL INSTALL PROPOSED ROADWAY SIGNAGE AND PAVEMENT MARKINGS.
3. UNDERGROUND UTILITIES HAVE NOT BEEN VERIFIED. ALL LOCATION INFORMATION IS BASED ON UTILITY LOCATION SERVICES AND FIELD OBSERVATIONS.
4. ROW SHOWN ESTIMATED

CROSSING DATA	
NAME:	HERCULES A VE.
DOT#:	626827C
MP:	SY-871.26
OP#:	FL1897
RR ANGLE:	75°
TRACK ALIGN:	TANGENT
GLOBAL POSITION:	N 27.98193° W 82.75961°

I:\Projects\2515676\2515676-1007\40_Proj Management\408 -Estimates\2515676-1041 Hercules Ave\STV_Exhibit\DWG_Clearwater_FL_Hercules_Ave_Xing_Exhibit.dgn
 2:30:05 PM 9/28/2016

DESIGNED BY	JEO	ENGINEERING DEPARTMENT JACKSONVILLE, FLORIDA	VAL SEC V12 FLA L-1 7	HERCULES AVE TUB CROSSING CLEARWATER, PINELLAS COUNTY, FL	CONTRACT NO.
DRAWN BY	JEO				DRAWING NO. 626827C
CHECKED BY	RJR III				REVISION 0 SHEET NO. 1 OF 1
APPROVED BY					SCALE AS SHOWN
DATE	09/02/16		VU3753	DIVISION: JACKSONVILLE	SUBDIVISION: CLEARWATER
REV	DATE	DESCRIPTION	BY	APP	



CSX R.O.W.

CSX R.O.W.

HAND DIGGING WILL BE REQUIRED IN SE QUAD DUE TO CLOSE PROXIMITY OF U.G UTILITIES. VAC TRUCK REQUIRED

GATE AND CANTILEVER COMBO UNIT IN NW QUAD PLACED 13' FROM COT DUE TO 30" CONCRETE PIPE

ML (RUSTY RAIL) --V--

NON-SIGNALLED

CSX R.O.W.

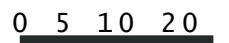
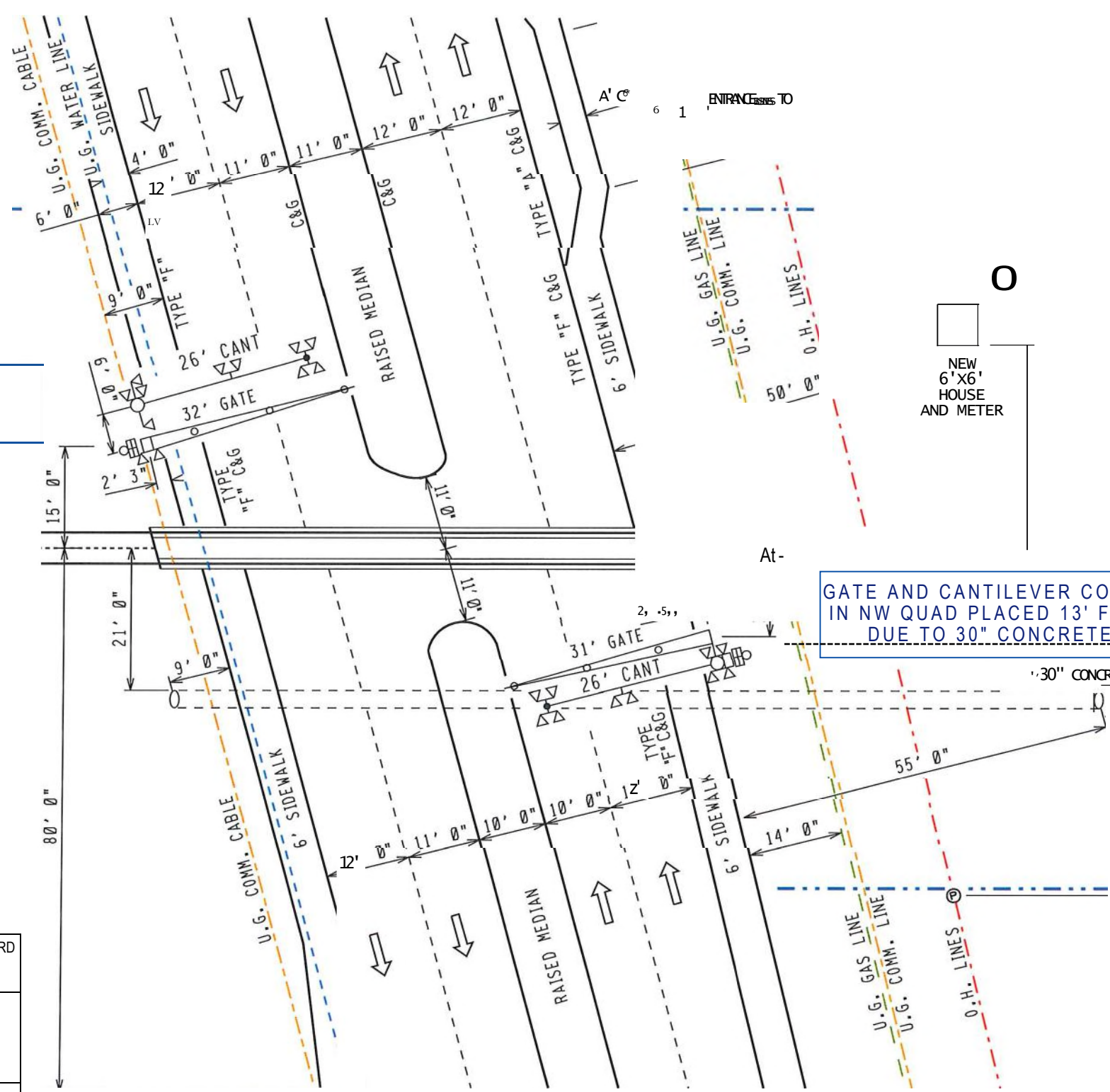
APPROACH	LENGTHS	TABLE	NORTHWARD ML MOT	SOUTHWARD ML MOT
DC, AFO, TYPE C, MOTION, CWT, OR OTHER				
STANDARD MINIMUM WARNING TIME IN SECONDS			25	25
ROADWAY GATE TIME IN SECONDS			5	5
CLEARANCE TIME IN SECONDS			1	1
DOT TRAFFIC LIGHT SIMULTANEOUS PREEMPT TIME IN SECONDS*			0	0
DESIGNED WARNING TIME FOR TRAINS AT TIME TABLE SPEED	31	SEC.	31	SEC.
DOT TRAFFIC LIGHT ADVANCE PREEMPT TIME IN SECONDS)K			0	0
CONTROL EQUIPMENT DECISION TIME IN SECONDS			5	5

PRODUCED FOR

TRANSPORTATION


RAIL TRANSPORT GROUP ENGINEERING
COMMUNICATIONS AND SIGNALS

DESIGNED DETECTION TIME FOR TRAINS AT TIME TABLE SPEED	36	SEC.	36	SEC.
TIME TABLE MAXIMUM TRAIN SPEED IN MILES PER HOUR	25		25	



BUFFER SPEED IN MILES PER HOUR	5	5
TOTAL WARNING SYSTEM DESIGN SPEED IN MILES PER HOUR	30	30
APPROACHDISTANCE TO ISLAND EDGE IN FEET	1541	1541
HALF WIDTH OF ISLAND IN FEET	87	87
APPROXIMATE MILE POSTS FOR APPROACH CIRCUIT	870.95	871.57

*AUTHORIZING AGENCY, NONE
 *DATE OF REQUIREMENT, NONE
 *AMOUNT OF TIME (SEC.), NONE

PRODUCED BY  <i>A Wabtec Company</i>	LEGEND	GUARD RAIL	METER SERVICE 0	GPS COORDINATES	REVISION DATES	FILE NAME:SY87126.H01	STREET NAME: HERCULES AVE.
	CSX ROW- • - -	O.H. POWER- - - -	POLE	27°58'93" N	06-30-2016	DATE DRAWN: 12-07-2015	CITY & STATE: CLEARWATER, FL M.P. SY
	R /R PO LE LINE	FENCE	FIREPLUG 0	82°45'28" W		DRAWN BY: XRL	DOT: 626827C
	GAS	WATER -----	SEWER CAP	ELEV. 990		CHECKED BY: XRL	PROJECT *: FL2014077A
	FIBER OPTIC	SEWER- - -	GAS VENT			XRL': CXS1540628	OP *: A43621

_____ _____
 _____ _____

CSX R.O.W.

Crossing surface and warning signal
improvements at Hercules Avenue; Clearwater,
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Jacksonville Division, Clearwater Sub-Division
CSXT OP No. A43621

EXHIBIT B

**CSX TRANSPORTATION, INC.
FORCE ACCOUNT ESTIMATE**

ACCT. CODE : 709 - A43621

ESTIMATE SUBJECT TO REVISION AFTER:	3/8/2017	DOT NO.: 626827C
CITY: Clearwater	COUNTY: Pinellas	STATE: FL
DESCRIPTION: Hercules Avenue - Full signal replacement including new signal house and installation of CFLS&G W/ sidelights in the SE quadrant, and rebuild grade crossing with new 91' platform (tub		
DIVISION: Jacksonville	SUB-DIV: Clearwater	MILE POST: SY-871.26
AGENCY PROJECT NUMBER: Pinellas County		
PRELIMINARY ENGINEERING:		
212 Contracted & Administrative Engineering Services		\$ -
Subtotal		\$ -
CONSTRUCTION ENGINEERING/INSPECTION:		
212 Contracted & Administrative Engineering Services		\$ 24,500
Subtotal		\$ 24,500
FLAGGING SERVICE: (Contract Labor)		
070 Labor (Conductor-Flagman)		\$ -
050 Labor (Foreman/Inspector)		\$ 8,232
070 Additive 113.98% (Transportation Department)		\$ -
050 Additive 118.39% (Engineering Department)		\$ 9,746
230 Per Diem (Engineering Department)		\$ 1,575
230 Expenses		\$ -
Subtotal		\$ 19,553
SIGNAL & COMMUNICATIONS WORK:		\$ 322,430
TRACK WORK:		\$ 223,864
PROJECT SUBTOTAL		\$ 590,347
900 CONTINGENCIES: 10.00%		\$ 59,035
GRAND TOTAL *****		\$ 649,382
CURRENT AUTHORIZATION *****		\$ 455,031
ADDITIONAL FUNDS REQUESTED *****		\$ 194,351

NOTE: Estimate is based on FULL CROSSING CLOSURE during work by Railroad Forces.
This estimate has been prepared based on site conditions, anticipated work duration periods, material prices, labor rates, manpower and resource availability, and other factors known as of the date prepared. The actual cost for CSXT work may differ based upon the agency's requirements, their contractor's work procedures, and/or other conditions that become apparent once construction commences or during the progress of the work.

Office of Assistant Chief Engineer Public Projects--Jacksonville, Florida
 Estimated prepared by: J. Hudgins Approved by: JAS CSXT Public Project Group
 DATE: 10/28/2015 REVISED: 9/9/2016 DATE: 09/09/16