

**SECOND AMENDMENT  
TO  
MEMORANDUM OF AGREEMENT  
BETWEEN  
ORANGE COUNTY TRANSPORTATION AUTHORITY  
AND  
THE U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT**

This Second Amendment to Memorandum of Agreement (“SECOND AMENDMENT”), made the 11<sup>th</sup> day of October, 2013, is entered into by and among the Orange County Transportation Authority (hereinafter the “OCTA”) and the Department of Army Corps of Engineers, Los Angeles District (hereinafter the “Corps”), collectively referred to as the “Parties.”

**RECITALS**

WHEREAS, the Parties entered into a Memorandum of Agreement (“MOA”), effective January 24, 2011, for expedited and priority review of OCTA-designated priority projects by the Corps; and

WHEREAS, the Parties entered into a First Amendment to the MOA, effective October 30, 2012, to extend the duration of the MOA; and

WHEREAS, section 214 of the Federal Water Resources Development Act of 2000, Public Law 106-541 (“WRDA 2000”) as amended by Public Law 111-315, authorizes the Secretary of the Army, after public notice, to accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army; and

WHEREAS, Public Law 111-315, signed into law on December 18, 2010, extended the sunset clause of section 214 of WRDA 2000 to December 31, 2016; and

WHEREAS, the MOA is set to expire October 31, 2013; and

WHEREAS, the Parties desire to further extend the duration of the MOA for an additional year; and

WHEREAS, the Corps has determined additional funding from OCTA is not necessary to continue to fund the section 214 of WRDA 2000 activities through October 31, 2014.

NOW, THEREFORE, the Parties agree as follows:

## SECOND AMENDMENT

1. Article XI- EFFECTIVE DATE AND DURATION. This Article is modified in its entirety to read:

“Article XI - EFFECTIVE DATE AND DURATION

This MOA and any amendments will become effective on the date of signature by the last Party. Unless amended or modified pursuant to Article IX.A., this MOA shall remain in force until whichever of these events occurs first: 1) October 31, 2014; or 2) the MOA is terminated pursuant to Article IX.B.”

2. Integration. This SECOND AMENDMENT represents the entire understanding of the OCTA and the Corps regarding the MOA and changes to the MOA. All other terms and conditions of the MOA and FIRST AMENDMENT remain in full force and effect.

[REMAINDER LEFT INTENTIONALLY BLANK]

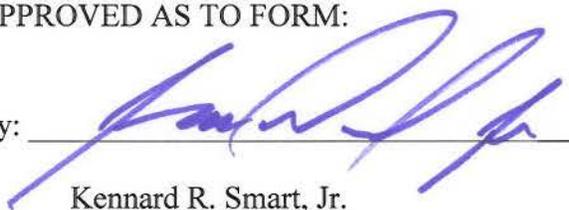
IN WITNESS WHEREOF, the SECOND AMENDMENT is executed by the Orange County Transportation Authority, acting by and through its authorized Board of Directors or designated management authority, and by the Los Angeles District U.S. Army Corps of Engineers, through its authorized officer.

ORANGE COUNTY TRANSPORTATION AUTHORITY

By:   
\_\_\_\_\_  
Darrell Johnson  
Chief Executive Officer

DATE: 10/11/13

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
Kennard R. Smart, Jr.  
General Counsel

DATE: 10/11/13

U.S. ARMY CORPS OF ENGINEERS

By:   
\_\_\_\_\_  
David J. Castanon  
Chief, Regulatory Division

DATE: 10-9-2013