



Matthew G. Bevin  
Governor

COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET

Frankfort, Kentucky 40622  
www.transportation.ky.gov/

Greg Thomas  
Secretary

October 5, 2018


The Honorable Gregory Fischer, Mayor  
Louisville-Jefferson County Metro Government  
527 West Jefferson Street  
Louisville KY 40202

Dear Mayor Fischer:

The Kentucky Transportation Cabinet has prepared the enclosed Supplemental Agreement No. 2 whereby the Cabinet will provide up to an additional \$293,880 in reimbursable federal funds to the Louisville-Jefferson County Metro Government (Metro). This funding will be used for the Right of Way Phase of ~~Section II~~ of the NE Louisville Loop Project, Item No. 05-00525.00. Please see the agreement for more details. Metro will be responsible for any ineligible costs, the 20% local match funds, and any costs in excess of the additional \$293,880 for the continuation of the Project.

We request that you sign both copies of this Agreement, a Resolution, and Person in Responsible Charge (Attachment C) as requested in Sections 43 and 44. Please return the signed copies of the Agreement and the Resolution to Erin S Clouse, Kentucky Transportation Cabinet, Division of Program Management, 200 Mero Street, Frankfort, KY 40622. Upon receipt, we will execute the Agreement and authorize funding for this Project. One fully executed copy will be returned to Metro for your use and retention.

Sincerely,



Greg Thomas  
Secretary

GT:esc

Enclosures: 2

c: Andy Barber, P.E., State Highway Engineer  
Matt Bullock, P.E., Chief District Engineer, D-5  
Travis Thompson, P.E., Planning, D-5



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**AGREEMENT BETWEEN  
THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET  
AND  
LOUISVILLE- JEFFERSON COUNTY METRO GOVERNMENT  
NORTHEAST LOUISVILLE LOOP PHASE II PROJECT/ ITEM NO. 05-00525.00  
FEDERAL PROJECT 3001-464 AND 3001-533  
SUPPLEMENTAL AGREEMENT NO. 2  
\$293,880 SLO FUNDS**

WHEREAS, the Federal Highway Administration (FHWA) through the Commonwealth of Kentucky, Transportation Cabinet (CABINET) and the Louisville-Jefferson County Metro Government (RECIPIENT) entered into an agreement on October 28, 2014 wherein the CABINET approved up to \$80,000 in federal funding to the RECIPIENT for the Design Phase of the Northeast Louisville Loop Phase II Project (PROJECT), known as Federal Project Numbers 3001-464 and 3001-533, and the applicable Catalog of Federal Domestic Assistance number is 20.205-Highway Planning and Construction,

WHEREAS, these same two parties entered into Supplemental Agreement No. 1 on January 10, 2017 wherein the RECIPIENT was authorized additional funds for the completion of the Final Design Phase of the PROJECT;

WHEREAS, these same two parties agreed to extend the Project End Date for the PROJECT to March 31, 2021 through FHWA programming documents and the CABINET Memo dated June 6, 2018;

WHEREAS, the RECIPIENT is now prepared to enter into the Right of Way Phase and has requested additional funds for the continuation of the PROJECT;

WHEREAS, the Federal-aid Highway Program is a State Administered Reimbursement Program and the RECIPIENT shall carry out this PROJECT in accordance with applicable Federal and State laws and regulations including all of Title 49 United States Code (USC), Title 23 United States Code (USC), 49 Code of Federal Regulations (CFR), 23 Code of Federal Regulations (CFR), and 2 CFR 200,

WHEREAS, the RECIPIENT must comply with applicable CABINET policies and procedures,

WHEREAS, Federal-aid projects are to serve a public purpose, the RECIPIENT is responsible for maintaining any real property or facilities improved pursuant to the PROJECT on a non-profit basis,

WHEREAS, the RECIPIENT shall refer to the *Federal-Aid Project Development Guide for Local Public Agencies*, hereinafter the "GUIDE", and any future revisions for assistance in complying with this AGREEMENT,

WHEREAS, the RECIPIENT shall outline, undertake, and complete the work as described in the Scope of Work and Budget Summary (Attachment A) in accordance with the terms and conditions of this AGREEMENT, and consistent with the FHWA Contract Administration Manual, the CABINET/FHWA Stewardship Agreement, FHWA Form 1273 and all applicable State and Federal laws and regulations,

WHEREAS, the RECIPIENT shall demonstrate and shall maintain adequate staff, provide delivery systems, and sufficient accounting control to complete the PROJECT in accordance with all Federal and State laws and regulations addressed herein, and

WHEREAS, the RECIPIENT has agreed to provide a minimum of 20% matching funds and to accept responsibility for all administration, staffing, maintenance and operation costs for the Project as identified under this AGREEMENT;

LOUISVILLE-JEFFERSON COUNTY METRO GOVERNMENT  
 NORTHEAST LOUISVILLE LOOP SECTION II  
 ITEM NOL 05-00525.00  
 SUPPLEMENTAL AGREEMENT NO. 2  
 \$293,800 SLO FUNDS/ RIGHT OF WAY PHASE

**ATTACHMENT A  
 SCOPE OF WORK AND BUDGET SUMMARY**

The PROJECT is expected to design and construct a shared-use path along US 60 (Shelbyville Road) from Eastwood Cut-off to Eastwood Recreation Center (16300 Eastwood Cut Off). The PROJECT is listed as KIPDA ID 2116 in the Transportation Improvement Program and the Six Year Highway Plan Number is 05-00525.00. This agreement approves \$293,880 in federal SLO funding (with the required match of \$73,470 in local funds) for the Right of Way Phase as well as \$29,388 in SLO funding for KYTC Oversight of the right of way phase. The RECIPIENT shall be responsible for all activities related to this PROJECT as lead agency and maintain all improvements upon completion.

**Scope of Work:**

- Right-of-Way Phase Acquisition of all necessary rights-of-way as determined in Phase I design for Construction, from Eastwood Cut-off to Eastwood Recreation Center (16300 Eastwood Cut-off).
- Performance of all necessary agency coordination, including but not limited to KYTC and FHWA.
- Federal End Date: The federal end date for the Design Phase was extended to March 31, 2021 through FHWA (June 4, 2018) and an internal CABINET Memo dated June 6, 2018. All right of way phase work shall be completed by December 30, 2022.

**Budget:**

		Federal Funds (SLO)	Local Funds	Toll Credits	Total
Original MOA (October 28, 2014)	Design Phase Funding: Metro Program# 8938401D	\$80,000.00	\$20,000.00	-	\$100,000.00
	Design Phase Funding: Cabinet Program# 8938402D	\$8,889.00	-	\$1,777.80	\$3,889.00
Supplemental Agreement No. 1 (January 10, 2017)	Design Phase Funding: Metro Program# 8938401D	+\$46,176.80	+\$11,544.20	-	+\$57,721
	Design Phase Funding: Cabinet Program# 8938402D	+\$3,728.68	-	+\$745.74	+\$3,728.68
<b>Memo Time Extension (June 6, 2018)</b>					
Supplemental Agreement No. 2 (Current)	Right of Way Phase Funding: Metro Program# 8938401R	+\$293,880.00	+\$73,470.00	-	+\$367,350.00
	Right of Way Phase Funding: Cabinet Program# 8938402R	+\$29,388.00	-	+\$5,877.60	+\$29,388.00
<b>Design Phase Total for Metro</b>		<b>\$126,176.80</b>	<b>\$31,554.20</b>	<b>-</b>	<b>\$157,721.00</b>
<b>Right of Way Phase Total for Metro</b>		<b>\$293,880.00</b>	<b>\$73,470.00</b>	<b>-</b>	<b>\$367,350.00</b>
<b>Design Phase Total for Cabinet</b>		<b>\$42,005.58</b>		<b>\$8,401.14</b>	<b>\$42,005.58</b>

All federally-funded projects are set up in phases (design, ROW, utilities, construction). No work can begin on any phase of a project until the CABINET provides a written notice to proceed for that phase. Funding for this project will be programmed with FHWA as each phase is approved. Effective December 26, 2014, FHWA requires a project end date for each federal project phase programmed. As each phase of the project is programmed with FHWA a supplemental agreement will be sent to the project sponsor to add the funding and adjust the project end date. Any expenditure incurred by the project sponsor after the end date will not be eligible for reimbursement. If the project sponsor requires an extension, they must notify the Administering Office thirty (30) days before the project end date.

**Estimated Future Phases:**

Future phases will be the responsibility of Louisville Metro. The anticipated future authorizations shown below include Federal portion of SLO funds, which is in the TIP, and will require 20% local matching funds.

Estimated	Federal Funds (SLO)		Fiscal Year
	Utilities- Metro	\$45,000.00	2020
Construction- Metro	\$450,000.00	2021	